

|   |   |                             |                  |   |  |  |   |
|---|---|-----------------------------|------------------|---|--|--|---|
| <b>SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS</b><br><i>OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, &amp; 30</i>   |   |                             |                  | 1. REQUISITION NUMBER<br>REQ-526-18-000006  |  | PAGE OF<br>1   27  |   |
| 2. CONTRACT NO.   |   | 3. AWARD/<br>EFFECTIVE DATE | 4. ORDER NUMBER  |   | 5. SOLICITATION NUMBER<br>72052618Q00001 |  | 6. SOLICITATION<br>ISSUE DATE<br>07/05/2018 |
| 7. <b>FOR SOLICITATION<br/>INFORMATION CALL:</b>  |   | a. NAME                     |                  | b. TELEPHONE NUMBER (No collect calls)  |  | 8. OFFER DUE DATE/LOCAL TIME<br>07/19/2018 1600 Q  |   |
| 9. ISSUED BY<br><br>USAID/Paraguay<br>00000   |   |                             | CODE 720526      | 10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED OR <input type="checkbox"/> SET ASIDE: % FOR:  |  |  |   |
|   |   |                             |                  | <input type="checkbox"/> SMALL BUSINESS<br><input type="checkbox"/> HUBZONE SMALL BUSINESS<br><input type="checkbox"/> SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS                                  |  | <input type="checkbox"/> WOMEN-OWNED SMALL BUSINESS (WOSB) ELIGIBLE UNDER THE WOMEN-OWNED SMALL BUSINESS PROGRAM<br><input type="checkbox"/> EDWOSB<br><input type="checkbox"/> 8(A) |   |
| 11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED<br><input type="checkbox"/> SEE SCHEDULE  |   | 12. DISCOUNT TERMS          |                  | 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)<br><input type="checkbox"/>   |  | 13b. RATING  |   |
| 15. DELIVER TO<br><br>USAID/Asuncion<br>Unit #<br>APO AE 34036  |   | CODE USAID/PARAGUAY         |                  | 16. ADMINISTERED BY   |  | CODE   |   |
| 17a. CONTRACTOR/<br>OFFEROR   |   | CODE                        | FACILITY<br>CODE | 18a. PAYMENT WILL BE MADE BY  |  | CODE   |   |
| TELEPHONE NO.   |   |                             |                  | <input type="checkbox"/> 17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER  |  |  |   |
|   |   |                             |                  | 18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 18a UNLESS BLOCK BELOW IS CHECKED <input type="checkbox"/> SEE ADDENDUM  |  |  |   |
| 19. ITEM NO.  | 20. SCHEDULE OF SUPPLIES/SERVICES   |                             |                  | 21. QUANTITY  | 22. UNIT                                 | 23. UNIT PRICE   | 24. AMOUNT                                  |
| 0001  | Evaluation of Inclusive Education and Sports Program<br><br>Performance evaluation of the Inclusive Education and Sports Program implemented by Fundación Saraki<br><br><i>(Use Reverse and/or Attach Additional Sheets as Necessary)</i> |                             |                  |   |  |  |   |
| 25. ACCOUNTING AND APPROPRIATION DATA   |   |                             |                  |   |  | 26. TOTAL AWARD AMOUNT (For Govt. Use Only)  |   |
| <input checked="" type="checkbox"/> 27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA   |   |                             |                  | <input type="checkbox"/> ARE <input checked="" type="checkbox"/> ARE NOT ATTACHED.  |  |  |   |
| <input type="checkbox"/> 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4, FAR 52.212-5 IS ATTACHED. ADDENDA   |   |                             |                  | <input type="checkbox"/> ARE <input type="checkbox"/> ARE NOT ATTACHED.   |  |  |   |
| <input checked="" type="checkbox"/> 28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN <u>1</u> COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED. |   |                             |                  | <input type="checkbox"/> 29. AWARD OF CONTRACT: _____ OFFER DATED _____ YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS: |  |  |   |
| 30a. SIGNATURE OF OFFEROR/CONTRACTOR  |   |                             |                  | 31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)<br>  |  |  |   |
| 30b. NAME AND TITLE OF SIGNER (Type or print)   |   | 30c. DATE SIGNED            |                  | 31b. NAME OF CONTRACTING OFFICER (Type or print)<br>Andrea Capellan   |  | 31c. DATE SIGNED<br>7/5/2018   |   |

| 19.<br>ITEM NO. | 20.<br>SCHEDULE OF SUPPLIES/SERVICES | 21.<br>QUANTITY | 22.<br>UNIT | 23.<br>UNIT PRICE | 24.<br>AMOUNT |
|-----------------|--------------------------------------|-----------------|-------------|-------------------|---------------|
|                 |                                      |                 |             |                   |               |

32a. QUANTITY IN COLUMN 21 HAS BEEN

RECEIVED     INSPECTED     ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED: \_\_\_\_\_

|  |           |   |
|--|-----------|---|
| 32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE | 32c. DATE | 32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE |
|--|-----------|---|

|  |   |
|--|---|
| 32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE | 32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE |
|  | 32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE           |

|                 |                    |                                 |  |                  |
|-----------------|--------------------|---------------------------------|--|------------------|
| 33. SHIP NUMBER | 34. VOUCHER NUMBER | 35. AMOUNT VERIFIED CORRECT FOR | 36. PAYMENT<br><input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL | 37. CHECK NUMBER |
|-----------------|--------------------|---------------------------------|--|------------------|

|                        |                        |             |
|------------------------|------------------------|-------------|
| 38. S/R ACCOUNT NUMBER | 39. S/R VOUCHER NUMBER | 40. PAID BY |
|------------------------|------------------------|-------------|

|   |                                      |
|---|--------------------------------------|
| 41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT | 42a. RECEIVED BY ( <i>Print</i> )    |
| 41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER                | 41c. DATE                            |
|   | 42b. RECEIVED AT ( <i>Location</i> ) |
|   | 42c. DATE REC'D ( <i>YY/MM/DD</i> )  |
|   | 42d. TOTAL CONTAINERS                |

Issuance Date: July 5, 2018  
Closing Date: July 19, 2018  
Closing Time: 16:00 Hs, Asuncion Local Time

To: Prospective Offerors

REF: Request for Quotation No. 72052618Q00001

**SUBJECT: Performance Evaluation for USAID/Paraguay Inclusive Education and Sports Project**

The Government of the United States, through its Agency for International Development (USAID/Paraguay), is seeking a quotation from a qualified local individual and/or consulting firm interested in providing the services described in Section C - the Statement of Work.

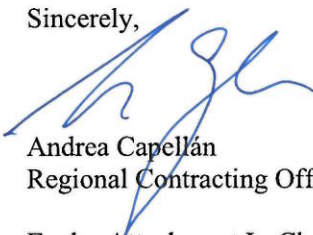
USAID/Paraguay intends to award one Purchase Order using a Firm Fixed Price (FFP) Type Order as a result of this Request for Quotations (RFQ). The period of performance will be approximately eighty (80) days, however, delivery must be made in accordance with Section C.8.

Due to the short timeline of when this work needs to be completed, please note that your quotation will need to be submitted by the designated date and time indicated above. Should you have any questions concerning this opportunity, please submit your questions in writing by e-mail. Written questions relating to this RFQ will be accepted through July 12, 2018. Any communications in reference to this RFQ should cite the solicitation number 72052618Q00001 in the subject line of the email and be directed to Ms. Andrea Capellán at [acapellan@usaid.gov](mailto:acapellan@usaid.gov) and Mr. Manuel Sborovsky at [msborovsky@usaid.gov](mailto:msborovsky@usaid.gov). Submissions shall be submitted by e-mail referencing the RFQ number as per instructions provided in Section IV below and providing the name and address of the Offeror.

Please acknowledge receipt of this RFQ. If you are unable to, or choose not to submit a quotation you are requested to so advise this office, via e-mail, as soon as possible and to indicate whether you desire to be included in futures USAID solicitations.

Please send your quotation and technical approach via e-mail to the attention of Ms. Andrea Capellán, Regional Contracting Officer, at [acapellan@usaid.gov](mailto:acapellan@usaid.gov), and to Mr. Manuel Sborovsky at [msborovsky@usaid.gov](mailto:msborovsky@usaid.gov) not later than **Thursday, July 19, 2018 at 16:00 hours**.

Sincerely,



Andrea Capellán  
Regional Contracting Officer

Encl.: Attachment I - Clauses

## **SECTION B – TERMS AND CONDITIONS**

### **B.1 PURPOSE**

USAID/Paraguay seeks to contract a short-term, local individual and/or consulting firm to conduct a Performance Evaluation of its Inclusive Education and Sports Project implemented by Fundacion Saraki.

### **B.2 CONTRACT TYPE**

USAID/Paraguay intends to award one Purchase Order, using a Firm Fixed Price (FFP) Type Order, inclusive of all costs.

### **B.3 PAYMENT SCHEDULE**

Payments terms will be specified in the individual Purchase Order and will be based on the accomplishments, deliverables, terms of the Purchase Order and subject to Contracting Officer's Representative (COR) approval and acceptance.

### **B.4 PLACE OF PERFORMANCE**

The primary place of performance for this contract is Paraguay.

### **B.5 ADMINISTRATIVE CONTRACTING OFFICE**

The Administrative Contracting Office is:

USAID/Peru  
Regional Office of Acquisition and Assistance  
La Encalada s/n Monterrico, Surco  
Lima, Peru

### **B.6 MANAGEMENT AND OVERSIGHT**

a. The Contracting Officer's Representative (COR) for this Purchase Order will be designated through a separate letter and will be housed in the USAID/Paraguay. The USAID Contracting Officer will furnish a copy of the designation letter to the Contractor, upon award.

b. The COR is authorized to act within the limitations specified herein and written restrictions specifically imposed under the terms of the order and by the Contracting Officer. This authority shall extend to the following: inspection, acceptance, or rejection of work.

c. This designation does not include authority to direct changes in scope, price, terms or conditions of the contract or order. The authority herein also does not include authority to execute modifications to the contract or order, which require the signature of the Contracting Officer, or to bind the Government by contract in terms of a proposed contract change.

## **B.7 PAYING OFFICE**

USAID/Peru: [youparaguaylima@usaid.gov](mailto:youparaguaylima@usaid.gov)  
cc: gorrego@usaid.gov and scazenave@usaid.gov

Mailing address for vouchers: USAID/Paraguay  
Juan de Salazar 364 c/Artigas  
Asunción-Paraguay

## **B.8 ACCOUNTING AND APPROPRIATION DATA**

To be provided in the purchase order.

## **B.9 AUTHORIZED GEOGRAPHIC CODE**

The authorized geographic code for procurement of goods and services under this Purchase Order is 937<sup>1</sup> (the United States, Paraguay, and developing countries other than advanced developing countries, but excluding any country that is a prohibited source).

## **B.10 ENVIRONMENTAL CONSIDERATIONS**

The selected Contractor shall ensure that all activities and services provided under the Contract are consistent with the environmental requirements and procedures for the Activity. This will include compliance with applicable Paraguayan and U.S. environmental policies.

A Categorical Exclusion will be the likely determination.

**[END OF SECTION B]**

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<sup>1</sup> For more information regarding Authorized Geographic Code please refer to <https://www.usaid.gov/sites/default/files/documents/1876/310.pdf>.

## SECTION C – STATEMENT OF WORK

### PERFORMANCE EVALUATION OF THE INCLUSIVE EDUCATION AND SPORTS PROJECT, IMPLEMENTED BY FUNDACION SARAKI.

#### 1. PURPOSE OF THE EVALUATION

In support of achieving the project’s objectives and sustainability of its interventions, the purpose of this evaluation is to gauge the performance of the Inclusive Education and Sports Project implemented by Fundación Saraki. Because the Agency is testing a new approach for inclusive education as part of the Inclusive Education and Sports project, findings from the evaluation will not only inform adaptive management decisions to the technical assistance provided in the last months of implementation, but also be used to inform future efforts in this area of development. Furthermore, the findings will also contribute to inform the work of the Government of Paraguay (e.g., Ministry of Education, SENADIS and CONADIS, National Sports Secretariat), civil society organizations and universities that are advancing inclusive sports and education as part of implementing the National Disability Plan and Inclusive Education Law. Specifically, the evaluation will identify and analyze enablers and inhibitors to achieving the project’s intended and unintended objectives and results of the inclusive education model, as experienced by beneficiaries and other stakeholders.

#### 2. SUMMARY INFORMATION

|  |   |
|--|---|
| <i>Activity Name</i>   | <i>Inclusive Education and Sports</i>   |
| <i>Implementer</i>   | <i>Fundación Saraki</i>   |
| <i>Cooperative Agreement #</i>                                 | <i>AID-526-A-13-00001</i>   |
| <i>Total Estimated Ceiling of the Evaluated Activity (TEC)</i> | <i>\$900,000</i>  |
| <i>Life of Activity</i>  | <i>October 1, 2016 – December 31, 2018</i>  |
| <i>Active Geographic Regions</i>                               | <i>Asuncion, Paraguay</i>   |
| <i>Development Objective(s) (DOs)</i>                          | <i>Internal Management and Governance Systems Strengthened in Selected Public Institutions.</i> |
| <i>USAID Office</i>  | <i>USAID/Paraguay</i>   |
| <i>Required evaluation?</i>                                    | <i>Yes</i>  |
| <i>External or internal</i>                                    | <i>External</i>   |

#### 3. BACKGROUND

##### A. Description of the Problem, Development Hypothesis, and Theory of Change

People with Disabilities (PwDs) have historically been marginalized from traditional development activities due to discrimination and inadvertent barriers that limit their access to public services and civil society integration. As in every developing country, PwDs face great challenges in Paraguay. Access to basic services, including health and education is very limited. While all Paraguayans suffer from

inadequate service delivery, PwDs are far more vulnerable to poor education, health and other services, than other citizens. Access to education is limited by two important factors: first, the lack of an inclusive education environment, including accessibility hurdles; and second, attitudinal barriers within the school community and even within the families of PwDs, who do not see a benefit in education, as the labor market provides very limited employment opportunities for PwDs.

Access to recreational activities is also very limited for PwDs. People with physical, visual and intellectual disabilities have especially limited access to sports in Paraguay. Although there are some groups practicing adapted sports like wheelchair rugby or goalball, these are mostly undertaken by adults with disabilities in a segregated environment. Inclusive sports, also referred to as “unified sports,” provide an alternative for inclusion and are expected to have a particularly good impact on children and in the school environment.

In this context, USAID’s development hypothesis is that **if children with disabilities receive inclusive education and sports opportunities, they will be able to pursue not only vocational training, but also professional careers and become active participants of the country’s economic and social development.**

In line with this, Saraki implements a pilot model for inclusive education and sports in select public and private schools, and raises awareness and public support to advance inclusive education policies.

### ***B. Summary of the Project to be evaluated***

The specific objectives of the Inclusive Education and Sports project are the following:

1. To raise awareness and public support for inclusive education;
2. To develop and implement a pilot model for inclusive education in select public and private schools;
3. To support civil society engagement in advancing inclusive education policies;
4. To strengthen the capacity of the National Sports Secretariat to develop and promote sports opportunities for People with Disabilities;
5. To work with the Ministry of Education to develop and implement the curricula for unified sports disciplines in public and private schools; and
6. To implement pilot projects in public and private schools with inclusive sports disciplines.

The main intended results include:

- Five schools in the greater-Asuncion area (two public and three private schools) implementing pilot inclusive education and sports projects.
- At least 100 preschool and elementary school students with disabilities benefiting from the program.
- At least 200 services providers, including 100 teachers trained by the program and approximately 1,000 students directly participating in the inclusive programs.
- At least 20 organizations and/or service delivery systems who serve vulnerable populations strengthened by the project.
- A civil society observatory established to monitor compliance with the education law.
- A regulatory framework with clear rules and guidelines for inclusion in sports developed for at least five disciplines.
- A revised Physical Education curriculum approved by the Ministry of Education to ensure the equal participation of People with Disabilities in school sports courses and activities.

- Approximately 100 athletes with disabilities, including at least 50 students with disabilities benefiting from the project.
- At least 100 teachers and 300 people engaging in inclusive sports.

### ***C. Summary of the Project/Activity Monitoring, Evaluation, and Learning (MEL) Plan***

Saraki has an approved Monitoring, Evaluation and Learning (MEL) Plan in place with indicators at the output and outcome levels that help monitor the progress of project implementation. Saraki will make this document available, along with actual results and all data collected for monitoring purposes. Because of the sensitive nature of working with children, some information and data may not be available for public sharing and must be treated as Personally Identifiable Information (PII).<sup>2</sup> The contractor shall follow the same rules of confidentiality exercised by USAID and Saraki.

In addition, USAID and Saraki will also provide the following documents:

- Program Description
- Annual work plans
- Quarterly and annual reports
- Inclusive Education Law 5136/2013
- Inclusive Education Framework
- Reports on research undertaken by Saraki and/or the Observatory
- Contact list in public institutions related to the program, such as the Ministry of Education (MEC), National Sports Secretariat (SND), National Secretariat for the Rights of People with Disabilities (SENADIS) and National Council for the Rights of People with Disabilities (CONADIS).
- Draft versions of documents elaborated by the implementing partner and approved by the Government of Paraguay, such as: school work plans, Physical Education curriculum, etc.

## **4. EVALUATION QUESTIONS**

The evaluation must seek to answer the following questions regarding performance and opportunities for improvement. Answers to such questions should be obtained through the use of social science methods and tools (qualitative and quantitative) rather than relying only on the evaluators' judgements.

1. What are the enablers and inhibitors for **each of the workstreams**<sup>3</sup> of the Inclusive Education and Sports project to contribute to the stated objectives, as experienced by project staff (USAID and Saraki) and beneficiary stakeholders (schools, Ministry of Education, SENADIS, Sports Secretariat, civil society organizations, teachers, parents, and students)?
2. Considering that at the time of project initiation participant schools already had children with disabilities enrolled in their classrooms, what new intended and unintended, positive and negative outcomes does the school community (teachers, male and female students with and without disabilities, and their families, Ministry of Education, SENADIS,) experience from **the inclusive education model** implemented in the school setting?
3. One of the project's main objectives is to support minor adaptations of popular sports like football or basketball to allow for the participation of people with and without disabilities as equals. Among the

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<sup>2</sup> For more information on USAID's PII policy, see <https://www.usaid.gov/sites/default/files/documents/1868/508.pdf>.

<sup>3</sup> The two workstreams are Inclusive Education and Inclusive Sports.



schools implementing **inclusive sports** within their physical education curricula, how has the modified curriculum addressed accessibility hurdles and attitudinal barriers for male and female students with and without disabilities in order to promote broad-based inclusion?

4. What mechanisms do key organizations (schools, ministries, civil society organizations) have in place to ensure inclusive education and unified sports practices will continue regularly after project completion?
5. The Inclusive Education and Sports project has established a Civil Society Observatory to monitor compliance with the education law. Based on concrete examples of the Observatory’s contribution to an inclusive education system, what are the Observatory’s capacity assets and gaps to continue functioning toward its stated goals after project completion?

Based on the responses to the evaluation questions, the contractor will provide findings and conclusions, and convene USAID and Saraki to discuss them in order to develop feasible and actionable recommendations.

## 5. EVALUATION DESIGN AND METHODOLOGY

In line with the USAID Evaluation Policy endorsement of mixed-method approaches, the contractor may use multiple designs to draw on both quantitative and qualitative data. This is expected to increase confidence in the validity and reliability of the evaluation results, and provide a deeper understanding of why change is or is not occurring as planned.

Data collection techniques may include surveys, structured observations, key informant interviews, focus groups discussions, document review, and/or secondary data analysis. All data collection methods should use sex-disaggregated data and incorporate attention to gender relations in all relevant areas. Additionally, types of disability and age are of particular interest for the analysis. The analysis of data should take into account all desegregations set forth in the Performance Indicator Reference Sheets included in the project’s MEL Plan.

The contractor is expected to visit at least eight target schools and interview at least 30 students with disabilities (proportionately divided according to the number of students with disabilities enrolled in these schools and the targets for each type of disability, as stated in the project). The contractor is also expected to survey at least 300 students without disabilities that study under an inclusive education model. Interviews or focus group discussions with parents, teachers and classmates of such students are also required. Interviews with Paraguayan authorities in related areas and other donors working with Saraki (AECID, UNICEF, JICA, etc.) are to be included as well. USAID staff must also be consulted regarding program execution and monitoring. In the matrix below, there are more suggested methods linked to each evaluation question.

The evaluation team should account for ethical considerations, including potential conflict of interest, protocols for ensuring respondents are not harmed, and collection and safety of private data.

| <b>Evaluation Design Matrix</b> |                                 |                               |  |                              |
|---------------------------------|---------------------------------|-------------------------------|--|------------------------------|
| <b>Questions</b>                | <b>Purpose and expected use</b> | <b>Suggested Data Sources</b> | <b>Suggested Data Collection Methods</b> | <b>Data Analysis Methods</b> |
|                                 |                                 |                               |  |                              |

| <b>Evaluation Design Matrix</b>  |   |   |  |  |
|--|---|---|--|--|
| <b>Questions</b>   | <b>Purpose and expected use</b>   | <b>Suggested Data Sources</b>   | <b>Suggested Data Collection Methods</b>   | <b>Data Analysis Methods</b>                 |
| <p>1. What are the enablers and inhibitors for <b>each of the workstreams</b> of the Inclusive Education and Sports project to contribute to the stated objectives, as experienced by project staff (USAID and Saraki) and beneficiary stakeholders (schools, Ministry of Education, SENADIS, Sports Secretariat, civil society organizations, teachers, parents, and students)?</p> | <p><b>Purpose:</b><br/>Identify causal relationships in the achievement of objectives or obstacles that impede them.</p> <p><b>Expected use:</b><br/>Define corrective measures to solve bottlenecks or potentiate results.</p> | <p>Saraki, USAID, school authorities and teachers, Ministry of Education, National Sports Secretariat, SENADIS, beneficiaries and their families.</p> | <ul style="list-style-type: none"> <li>• Document review (Program documents: program description, annual work plan, quarterly and annual reports, MEL Plan)</li> <li>• Interviews</li> </ul> | <p>[To be determined by evaluation team]</p> |
| <p>2. Considering that at the time of project initiation participant schools already had children with disabilities enrolled in their classrooms, what new intended and unintended, positive and negative outcomes does the school community (teachers, male and female students with and without</p>  | <p><b>Purpose:</b><br/>Assess the school community's perception of the inclusive education model versus traditional special education, and the added value brought by the project's</p>   | <p>Saraki, school authorities, beneficiaries and their families, classmates, Ministry of Education, SENADIS.</p>                                      | <ul style="list-style-type: none"> <li>• Beneficiaries and stakeholder interviews</li> <li>• Focus groups discussions</li> </ul>   | <p>[To be determined by evaluation team]</p> |

| <b>Evaluation Design Matrix</b>  |   |  |   |   |
|--|---|--|---|---|
| <b>Questions</b>   | <b>Purpose and expected use</b>   | <b>Suggested Data Sources</b>  | <b>Suggested Data Collection Methods</b>  | <b>Data Analysis Methods</b>  |
| <p>disabilities, and their families, Ministry of Education, SENADIS,) experience <b>from the inclusive education model</b> implemented in the school setting?</p>  | <p>technical assistance.</p> <p><b>Expected use:</b></p> <p>Support theoretical evidence of the benefits of inclusive education. Identify the project's attribution and contribution to observed outcomes.</p>              |  |   |   |
| <p>3. One of the project's main objectives is to support minor adaptations of popular sports like football or basketball to allow for the participation of people with and without disabilities as equals. Among the schools implementing <b>inclusive sports</b> within their physical education curricula, how has the modified curriculum addressed accessibility hurdles and attitudinal barriers for male and</p> | <p><b>Purpose:</b></p> <p>Assess if the practice of inclusive sports promotes effective integration rather than segregation.</p> <p><b>Expected use:</b></p> <p>Implement corrective measures to ensure maximum impact.</p> | <p>Saraki, school authorities, beneficiaries and their families.</p> | <ul style="list-style-type: none"> <li>• Beneficiaries and stakeholder interviews</li> <li>• Direct observations</li> <li>• Document review (physical education curricula, physical education class attendance list, etc.)</li> </ul> | <p>[To be determined by evaluation team]</p> <p>Requested level of disaggregation: gender, type of disability and age</p> |

| <b>Evaluation Design Matrix</b>   |   |  |  |                                       |
|---|---|--|--|---------------------------------------|
| <b>Questions</b>  | <b>Purpose and expected use</b>   | <b>Suggested Data Sources</b>                            | <b>Suggested Data Collection Methods</b>   | <b>Data Analysis Methods</b>          |
| female students with and without disabilities in order to promote broad-based inclusion?  |   |  |  |                                       |
| 4. What mechanisms do key organizations (schools, ministries, civil society organizations) have in place to ensure inclusive education and sports practices will continue regularly after project completion?                   | <p><b>Purpose:</b><br/>Assess the uptake and sustainability of the inclusive education model.</p> <p><b>Expected use:</b><br/>Implement corrective measures for higher uptake and sustainability.</p> | Saraki, schools, Ministry of Education, SENADIS, CONADIS | <ul style="list-style-type: none"> <li>• Stakeholder interviews</li> <li>• Focus groups discussions</li> </ul> | [To be determined by evaluation team] |
| 5. Based on concrete examples of the Observatory's contribution to an inclusive education system, what are the Observatory's capacity assets and gaps to continue functioning toward its stated goals after project completion? | <p><b>Purpose:</b><br/>Assess sustainability of the Observatory.</p> <p><b>Expected use:</b><br/>Identify corrective measures to</p>  | Members of the Observatory, Saraki, families, CONADIS    | <ul style="list-style-type: none"> <li>• Interviews</li> <li>• Focus groups discussions</li> </ul>             | [To be determined by evaluation team] |

| <b>Evaluation Design Matrix</b> |                                 |                               |  |                              |
|---------------------------------|---------------------------------|-------------------------------|--|------------------------------|
| <b>Questions</b>                | <b>Purpose and expected use</b> | <b>Suggested Data Sources</b> | <b>Suggested Data Collection Methods</b> | <b>Data Analysis Methods</b> |
|                                 | strive for sustainability.      |                               |  |                              |

## **6. DELIVERABLES AND REPORTING REQUIREMENTS**

The primary audiences for the evaluation report are both internal and external. USAID is committed to disclosing USG-funded survey data, and believes that the research conducted during the course of the evaluation is of great interest to the broader donor community, the Government of Paraguay and the academic community.

- 1. Evaluation Work plan and Evaluation Design:** Within ten business days of the award of the contract, a draft work plan for the evaluation shall be completed by the lead evaluator and presented to USAID/Paraguay. The work plan will include: (1) the anticipated schedule and logistical arrangements; and (2) a list of the members of the evaluation team, delineated by roles and responsibilities. It will also include a proposed schedule for data collection, data analysis, mid-term briefing and interim meetings, draft evaluation report, findings and conclusion workshop with USAID and Saraki, and a final evaluation report and presentation. The evaluation design will include: (1) a detailed evaluation design matrix that links the Evaluation Questions in the SOW to data sources, methods, and the data analysis plan; (2) draft questionnaires and other data collection instruments or their main features; (3) the list of potential interviewees and sites to be visited and proposed selection criteria and/or sampling plan (must include calculations and a justification of sample size, plans as to how the sampling frame will be developed, and the sampling methodology); and (4) known limitations to the evaluation design. USAID offices and relevant stakeholders are asked to take up to three business days to review and consolidate comments through the Program Office. Once the evaluation team receives USAID’s feedback, the contractor is expected to return with a revised evaluation design and work plan within three business days.

2. **Mid-term Briefing and Interim Meetings:** The evaluation team is expected to hold a mid-term briefing with USAID on the status of the evaluation, including potential challenges and emerging opportunities. The team will also provide USAID's Program Office with periodic briefings and feedback on the team's findings, as agreed upon during the in-briefing. Before drafting the final evaluation report, the contractor will convene a workshop with USAID and Saraki to discuss findings and conclusions.
3. **Draft Evaluation Report:** The draft evaluation report should be consistent with the guidance provided in Section IX: **Final Report Format**. The report will address each of the questions identified in the SOW and any other issues the team considers to have a bearing on the objectives of the evaluation. Any such issues can be included in the report only after consultation with USAID. The submission date for the draft evaluation report will be determined in the evaluation work plan. Once the draft evaluation report is submitted, USAID will review and submit comments to the evaluation team within four business days.
4. **Final Evaluation Report:** The evaluation team will be asked to take no more than three business days to respond/incorporate final comments from USAID. The evaluation team leader will then submit the final report to the USAID Program Officer. The final report should be written in Spanish and English and should not exceed 40 pages (excluding annexes). All project data and records will be submitted in full and should be in electronic form in easily readable format, organized and documented for use by those not fully familiar with the intervention or evaluation, and owned by USAID.
5. **Final Presentation:** The evaluation team is expected to present the final results of the evaluation to USAID. Additionally, the contractor will conduct up to three presentations to key stakeholders as part of the dissemination plan to be decided by USAID.

## 7. EVALUATION TEAM COMPOSITION

The evaluation team should be comprised of no more than five members, in addition to the USAID/Paraguay Monitoring and Evaluation Specialist.

The team leader should hold a university degree and possess at least three years of professional experience in program and project evaluation (designing and conducting or leading evaluations using both qualitative and quantitative evaluation methods). Previous experience in the areas of disabilities and/or education is desired. He/she should demonstrate proficiency in Spanish and English.

Other members should hold a relevant university degree and possess experience in qualitative data collection and analysis. Prior experience working with children or people with disabilities is desirable.

All team members will be required to provide a signed statement attesting to a lack of conflict of interest or describing any existing conflict of interest.

The evaluation team shall demonstrate familiarity with USAID's evaluation policies and guidance included in the USAID Automated Directives System (ADS) in Chapter 201 and its associated references.

USAID/Paraguay’s Monitoring and Evaluation (M&E) Specialist will participate as part of the evaluation team, under the direction of the team leader and with no additional cost for the contractor. Specific functions for the USAID/M&E Specialist will be agreed upon by USAID and the contractor. This participation seeks to bring subject matter expertise and familiarity with the Agency’s procedures, norms and operating context, and allows for the internalization of findings into USAID’s decision-making processes.

USAID’S M&E Specialist shall not participate in interviews with the implementing partner to avoid biased responses, and will defer to the evaluation team leader on matters related to conducting the evaluation and results reporting.

## 8. EVALUATION SCHEDULE

The following is an estimated timeframe (in calendar days) for the evaluation to be conducted. The schedule will be revised based on the evaluation team’s proposed plan.

| <b>Timing (Anticipated Days or Duration)</b> | <b>Proposed Activities</b>   |
|--|--|
| <b>14 days</b>                               | <b>Preparation and presentation of the work plan and evaluation design.</b>  |
| <b>3 days</b>                                | <b>USAID review of the work plan and evaluation design</b>                   |
| <b>3 days</b>                                | <b>Presentation of final version of work plan and evaluation design.</b>     |
| <b>28 days</b>                               | <b>Data Collection</b>   |
| <b>14 days</b>                               | <b>Data Analysis</b>   |
| <b>5 days</b>                                | <b>Mid-term Briefing and Interim Meetings</b>                                |
| <b>5 days</b>                                | <b>Report writing</b>  |
| <b>4 days</b>                                | <b>USAID review of Draft Report</b>  |
| <b>5 days</b>                                | <b>Incorporate USAID comments and prepare Final Report and Presentations</b> |

## 9. FINAL REPORT FORMAT

The evaluation final report should include an abstract; executive summary; background of the local context and the project being evaluated; the evaluation purpose and main evaluation questions; the methodology or methodologies; the limitations to the evaluation; findings and conclusions. For more detail, see “How-To Note: Preparing Evaluation Reports” and **ADS 201mah, USAID Evaluation Report Requirements.**<sup>4</sup>

The executive summary should be two to five pages in length and summarize the purpose, background of the project being evaluated, main evaluation questions, methods, findings, and conclusions.

The evaluation methodology will be explained in the report in detail. Limitations to the evaluation must be disclosed in the report, with particular attention to the limitations associated with the evaluation methodology (e.g., selection bias, recall bias, unobservable differences between comparator groups).

The annexes to the report shall include:

- The Evaluation SOW;

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<sup>4</sup> <https://www.usaid.gov/ads/policy/200/201mah>.

- All data collection and analysis tools used in conducting the evaluation, such as questionnaires, checklists, and discussion guides;
- All sources of information, properly identified and listed;
- Signed disclosure of conflict of interest forms for all evaluation team members, either attesting to a lack of conflicts of interest or describing existing conflicts of;
- Any “statements of difference” regarding significant unresolved differences of opinion by funders, implementers, and/or members of the evaluation team; and
- Summary information about evaluation team members, including qualifications, experience, and role on the team.

In accordance with ADS 201, the contractor will make the final evaluation reports publicly available through the Development Experience Clearinghouse (<http://dec.usaid.gov>) within three months of the evaluation’s conclusion.

## **10. CRITERIA TO ENSURE THE QUALITY OF THE EVALUATION REPORT**

Per ADS 201maa,<sup>5</sup> Criteria to Ensure the Quality of the Evaluation Report, draft and final evaluation reports will be evaluated against the following criteria to ensure the quality of the evaluation report.

- Evaluation reports should represent a thoughtful, well-researched, and well-organized effort to objectively evaluate the strategy, project, or activity.
- Evaluation reports should be readily understood and should identify key points clearly, distinctly, and succinctly.
- The Executive Summary of an evaluation report should present a concise and accurate statement of the most critical elements of the report.
- Evaluation reports should adequately address all evaluation questions included in the SOW, or the evaluation questions subsequently revised and documented in consultation and agreement with USAID.
- Evaluation methodology should be explained in detail and sources of information properly identified.
- Limitations to the evaluation should be adequately disclosed in the report, with particular attention to the limitations associated with the evaluation methodology (selection bias, recall bias, unobservable differences between comparator groups, etc.).
- Evaluation findings should be presented as analyzed facts, evidence, and data and not based on anecdotes, hearsay, or simply the compilation of people’s opinions.
- Findings and conclusions should be specific, concise, and supported by strong quantitative or qualitative evidence.
- If evaluation findings assess person-level outcomes or impact, they should also be separately assessed for both males and females.
- If recommendations are included, they should be supported by a specific set of findings and should be action-oriented, practical, and specific.

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<sup>5</sup> <https://www.usaid.gov/ads/policy/200/201mah>.



## **11. OTHER REQUIREMENTS**

All quantitative data collected by the evaluation team must be provided in machine-readable, non-proprietary formats as required by USAID's Open Data policy (see ADS 579<sup>6</sup>). The data should be organized and fully documented for use by those not fully familiar with the project or the evaluation. USAID will retain ownership of the survey and all datasets developed.

All modifications to the required elements of the SOW of the contract/agreement, whether in technical requirements, evaluation questions, evaluation team composition, methodology, or timeline, need to be agreed upon in writing by the Program Officer. Any revisions should be updated in the SOW that is included as an annex to the Evaluation Report.

## **12. LIST OF ANNEXES**

- Program Description
- Inclusive Education Law 5136/2013 and Regulatory Decree
- USAID Evaluation Policy

## **13. TERMS OF PAYMENT**

This will be a firm fixed price purchase order for services between USAID/Paraguay and the selected individual or consulting organization. As such, payment will be in U.S. dollars and will be made directly by USAID/Paraguay to the vendor.

Payment will be made upon acceptance of the deliverables as follows:

- 1) 40% upon acceptance of the proposed evaluation workplan and evaluation design;
- 2) 40% upon approval of the draft evaluation report;
- 3) 20% upon approval of the final evaluation report.

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<sup>6</sup> <https://www.usaid.gov/ads/policy/500/579>.

## **SECTION D – INSTRUCTIONS AND EVALUATION FACTORS**

The quotation should address how the Offeror intends to carry out the Work. It should also contain a clear understanding of the work to be undertaken and the contractor's responsibilities. The quotation should be organized by the Evaluation Factors for Award provided below. Within the outline suggested below, quotations should address the factors cited in the SOW above as appropriate.

### **I. GENERAL INSTRUCTIONS**

#### **A. Separateness**

Technical quotations must not make reference to costs or pricing data. All submissions must clearly identify the offeror, the Request for Quotation number, and whether technical or cost material is contained therein.

#### **B. Copies**

A separate technical quotation and cost quotation must be submitted. An electronic version of both quotations must be delivered in all cases as an attachment to electronic mail.

#### **C. Quotation due date**

Quotations must be received no later than 16:00 hs, Asuncion time, on Thursday, July 19 2018.

#### **D. Delivery**

Quotations shall be delivered to the following e-mail addresses:

Ms. Andrea Capellán

E-mail Address: [acapellan@usaid.gov](mailto:acapellan@usaid.gov)

Mr. Manuel Sborovsky

E-mail Address: [msborovsky@usaid.gov](mailto:msborovsky@usaid.gov)

### **II. DETAILED PRICE QUOTE FOR THE SERVICES**

Any cost assumptions should be explained in a narrative. The quote and cost assumptions should be written in response to the requirements in Section C.3. - Scope of Work. The price quote and narrative should not exceed three pages.

Prices must be expressed in US Dollars, showing separately the Value Added Tax (VAT). As a matter of US Law, United States Government foreign assistance is not subject to taxation. However, when the activity is subject to taxation (i.e. VAT), the total cost is considered to be inclusive of VAT. VAT recovered will not be added to this Purchase Order, nor will it increase its total estimated cost.

### III. EVALUATION CRITERIA

Proposals will be evaluated using the best value acquisition procedure and Federal Acquisition Regulation (FAR) 13.106-2. “Best value” means the expected outcome of an acquisition that, in the Government’s estimation, provides the greatest overall benefit in response to the requirement. Using best value acquisition methodology, the evaluation will be adjectival and rated according to the following descriptions:

|              |   |
|--------------|---|
| Outstanding  | Proposal meets requirements and indicates an exceptional approach and understanding of the requirements. Strengths far outweigh any weaknesses. Risk of unsuccessful performance is very low.   |
| Good         | Proposal meets requirements and indicates a thorough approach and understanding of the requirements. Proposal contains strengths which outweigh any weaknesses. Risk of unsuccessful performance is low.  |
| Satisfactory | Proposal meets requirements and indicates an adequate approach and understanding of the requirements. Strengths and weaknesses are offsetting or will have little or no impact on contract performance. Risk of unsuccessful performance is no worse than moderate. |
| Marginal     | Proposal does not clearly meet requirements and has not demonstrated an adequate approach and understanding of the requirements. The proposal has one or more weaknesses which are not offset by the strengths. Risk of unsuccessful performance is high.           |
| Unacceptable | Proposal does not meet requirements and contains one or more deficiencies. Proposal is unawardable.   |

The following evaluation criteria will be rated. The criteria are presented in descending order of importance.

a. Professional Qualifications

The team leader should hold a university degree and possess at least three years of professional experience in program and project evaluation (designing and conducting or leading evaluations using both qualitative and quantitative evaluation methods). Previous experience in the areas of disabilities and/or education is desired. He/she should demonstrate proficiency in Spanish and English.

Other members should hold a relevant university degree and possess experience in qualitative data collection and analysis. Prior experience working with children or people with disabilities is desirable.

b. Technical Approach

Extent to which the proposed approach is clear, logical, well-conceived, and technically sound. The approach should reflect an understanding of the work to be performed.

c. Past Performance

The evaluation committee will review relevant and related work carried out by the Offeror and will assess the quality of this past work. Please submit your three most recent past performance information along with reference information for each one.

d. Price

Price will be evaluated but not rated. The cost is not estimated to exceed USD 30,000.

#### **IV. SUBMISSION REQUIREMENTS**

Interested candidates should submit the following by July 19, 2018:

- A proposed evaluation team, specifying roles and responsibilities for each member, including their resumes and past performance information.
- A short proposal mentioning the intended evaluation design, including illustrative data collection and data analysis methods<sup>7</sup> (no more than three pages – in Spanish)

#### **V. POINTS OF CONTACT**

Ms. Andrea Capellán  
Regional Contracting Officer  
Regional Office of Acquisition and Assistance  
USAID/Peru  
Internet Address: [acapellan@usaid.gov](mailto:acapellan@usaid.gov)

Mr. Manuel Sborovsky  
Acquisition Specialist  
Regional Office of Acquisition and Assistance  
USAID/Paraguay  
Internet Address: [msborovsky@usaid.gov](mailto:msborovsky@usaid.gov)

**[END OF SECTION D]**

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<sup>7</sup> See Section C.5 Evaluation Design Matrix for the Data Analysis Methods that must be supplied by the Offeror.

## ATTACHMENT I - CLAUSES

### **Executive Order on Terrorism Financing**

The Contractor is reminded that U.S. Executive Orders and U.S. law prohibits transactions with, and the provision of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of the contractor/recipient to ensure compliance with these Executive Orders and laws. This provision must be included in all subcontracts issued under this contract.

### **52.107-1 Solicitation Provisions Incorporated by Reference (FEB 1998)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address: <http://www.acquisition.gov/far/>.

### **52.202-1 Definitions (NOV 2013)**

### **52.204-6 Data Universal Numbering System (DUNS) (JUL 2013)**

### **52.204-12 Data Universal Numbering System Number Maintenance (DEC 2012)**

### **52.212-3 Offeror Representations and Certifications—Commercial Items (NOV 2015)**

### **52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (FEB 2016)**

### **52.213-4 Terms and Conditions Commercial Items (FEB 2016))**

### **52.222-50 Combating Trafficking in Persons (MAR 2015)**

(a) *Definitions.* As used in this clause—

“Agent” means any individual, including a director, an officer, an employee, or an independent contractor, authorized to act on behalf of the organization.

“Coercion” means—

- (1) Threats of serious harm to or physical restraint against any person;
- (2) Any scheme, plan, or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or
- (3) The abuse or threatened abuse of the legal process.

“Commercial sex act” means any sex act on account of which anything of value is given to or received by any person.

“Commercially available off-the-shelf (COTS) item” means--

- (1) Any item of supply (including construction material) that is—
  - (i) A commercial item (as defined in paragraph (1) of the definition at FAR 2.101);
  - (ii) Sold in substantial quantities in the commercial marketplace; and
  - (iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and
- (2) Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products.

“Debt bondage” means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

“Employee” means an employee of the Contractor directly engaged in the performance of work under the contract who has other than a minimal impact or involvement in contract performance.

“Forced labor” means knowingly providing or obtaining the labor or services of a person—

- (1) By threats of serious harm to, or physical restraint against, that person or another person;
- (2) By means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or
- (3) By means of the abuse or threatened abuse of law or the legal process.

“Involuntary servitude” includes a condition of servitude induced by means of—

- (1) Any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such conditions, that person or another person would suffer serious harm or physical restraint; or
- (2) The abuse or threatened abuse of the legal process.

“Severe forms of trafficking in persons” means—

- (1) Sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (2) The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

“Sex trafficking” means the recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sex act.

“Subcontract” means any contract entered into by a subcontractor to furnish supplies or services for performance of a prime contract or a subcontract.

“Subcontractor” means any supplier, distributor, vendor, or firm that furnishes supplies or services to or for a prime contractor or another subcontractor.

“United States” means the 50 States, the District of Columbia, and outlying areas.

(b) *Policy.* The United States Government has adopted a policy prohibiting trafficking in persons including the trafficking-related activities of this clause. Contractors, contractor employees, and their agents shall not—

- (1) Engage in severe forms of trafficking in persons during the period of performance of the contract;
- (2) Procure commercial sex acts during the period of performance of the contract;
- (3) Use forced labor in the performance of the contract;
- (4) Destroy, conceal, confiscate, or otherwise deny access by an employee to the employee's identity or immigration documents, such as passports or drivers' licenses, regardless of issuing authority;
- (5)
  - (i) Use misleading or fraudulent practices during the recruitment of employees or offering of employment, such as failing to disclose, in a format and language accessible to the worker, basic information or making material misrepresentations during the recruitment of employees regarding the key terms and conditions of employment, including wages and fringe benefits, the location of work, the living conditions, housing and associated costs (if employer or agent provided or arranged), any significant cost to be charged to the employee, and, if applicable, the hazardous nature of the work;
  - (ii) Use recruiters that do not comply with local labor laws of the country in which the recruiting takes place;
- (6) Charge employees recruitment fees;
- (7)
  - (i) Fail to provide return transportation or pay for the cost of return transportation upon the end of employment--
    - (A) For an employee who is not a national of the country in which the work is taking place and who was brought into that country for the purpose of working on a U.S. Government contract or subcontract (for portions of contracts performed outside the United States); or
    - (B) For an employee who is not a United States national and who was brought into the United States for the purpose of working on a U.S. Government contract or subcontract, if the payment of such costs is required under existing temporary worker programs or pursuant to a written agreement with the employee (for portions of contracts performed inside the United States); except that--
  - (ii) The requirements of paragraphs (b)(7)(i) of this clause shall not apply to an employee who is--
    - (A) Legally permitted to remain in the country of employment and who chooses to do so; or
    - (B) Exempted by an authorized official of the contracting agency from the requirement to provide return transportation or pay for the cost of return transportation;
  - (iii) The requirements of paragraph (b)(7)(i) of this clause are modified for a victim of trafficking in persons who is seeking victim services or legal redress in the country of employment, or for a witness in an enforcement action related to trafficking in persons. The contractor shall provide the return transportation or pay the cost of return transportation in a way that does not obstruct the victim services, legal redress, or witness activity. For example, the contractor shall not only offer return transportation to a witness at a time when the witness is still needed to testify. This paragraph does not apply when the exemptions at paragraph (b)(7)(ii) of this clause apply.
- (8) Provide or arrange housing that fails to meet the host country housing and safety standards;
- (9) If required by law or contract, fail to provide an employment contract, recruitment agreement, or other required work document in writing. Such written work document shall be in a language the employee understands. If the employee must relocate to perform the work, the work document shall be provided to the employee at least five days prior to the employee relocating. The

employee's work document shall include, but is not limited to, details about work description, wages, prohibition on charging recruitment fees, work location(s), living accommodations and associated costs, time off, roundtrip transportation arrangements, grievance process, and the content of applicable laws and regulations that prohibit trafficking in persons.

(c) *Contractor requirements.* The Contractor shall—

(1) Notify its employees of—

(i) The United States Government's policy prohibiting trafficking in persons, described in paragraph (b) of this clause; and

(ii) The actions that will be taken against employees or agents for violations of this policy. Such actions for employees may include, but are not limited to, removal from the contract, reduction in benefits, or termination of employment; and

(2) Take appropriate action, up to and including termination, against employees, agents, or subcontractors that violate the policy in paragraph (b) of this clause.

(d) *Notification.*

(1) The Contractor shall inform the Contracting Officer and the agency Inspector General immediately of—

(i) Any credible information it receives from any source (including host country law enforcement) that alleges a Contractor employee, subcontractor, subcontractor employee, or their agent has engaged in conduct that violates the policy in paragraph (b) of this clause (see also 18 U.S.C. 1351, Fraud in Foreign Labor Contracting, and 52.203-13(b)(3)(i)(A), if that clause is included in the solicitation or contract, which requires disclosure to the agency Office of the Inspector General when the Contractor has credible evidence of fraud); and

(ii) Any actions taken against a Contractor employee, subcontractor, subcontractor employee, or their agent pursuant to this clause.

(2) If the allegation may be associated with more than one contract, the Contractor shall inform the contracting officer for the contract with the highest dollar value.

(e) *Remedies.* In addition to other remedies available to the Government, the Contractor's failure to comply with the requirements of paragraphs (c), (d), (g), (h), or (i) of this clause may result in—

(1) Requiring the Contractor to remove a Contractor employee or employees from the performance of the contract;

(2) Requiring the Contractor to terminate a subcontract;

(3) Suspension of contract payments until the Contractor has taken appropriate remedial action;

(4) Loss of award fee, consistent with the award fee plan, for the performance period in which the Government determined Contractor non-compliance;

(5) Declining to exercise available options under the contract;

(6) Termination of the contract for default or cause, in accordance with the termination clause of this contract; or

(7) Suspension or debarment.

(f) *Mitigating and aggravating factors.* When determining remedies, the Contracting Officer may consider the following:

(1) *Mitigating factors.* The Contractor had a Trafficking in Persons compliance plan or an awareness program at the time of the violation, was in compliance with the plan, and has taken appropriate remedial actions for the violation, that may include reparation to victims for such violations.

(2) *Aggravating factors.* The Contractor failed to abate an alleged violation or enforce the requirements of a compliance plan, when directed by the Contracting Officer to do so.



(g) *Full cooperation.*

(1) The Contractor shall, at a minimum—

- (i) Disclose to the agency Inspector General information sufficient to identify the nature and extent of an offense and the individuals responsible for the conduct;
- (ii) Provide timely and complete responses to Government auditors' and investigators' requests for documents;
- (iii) Cooperate fully in providing reasonable access to its facilities and staff (both inside and outside the U.S.) to allow contracting agencies and other responsible Federal agencies to conduct audits, investigations, or other actions to ascertain compliance with the Trafficking Victims Protection Act of 2000 (22 U.S.C. chapter 78), E.O. 13627, or any other applicable law or regulation establishing restrictions on trafficking in persons, the procurement of commercial sex acts, or the use of forced labor; and
- (iv) Protect all employees suspected of being victims of or witnesses to prohibited activities, prior to returning to the country from which the employee was recruited, and shall not prevent or hinder the ability of these employees from cooperating fully with Government authorities.

(2) The requirement for full cooperation does not foreclose any Contractor rights arising in law, the FAR, or the terms of the contract. It does not—

- (i) Require the Contractor to waive its attorney-client privilege or the protections afforded by the attorney work product doctrine;
- (ii) Require any officer, director, owner, employee, or agent of the Contractor, including a sole proprietor, to waive his or her attorney client privilege or Fifth Amendment rights; or
- (iii) Restrict the Contractor from—
  - (A) Conducting an internal investigation; or
  - (B) Defending a proceeding or dispute arising under the contract or related to a potential or disclosed violation.

(h) *Compliance plan.*

(1) This paragraph (h) applies to any portion of the contract that—

- (i) Is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and
- (ii) Has an estimated value that exceeds \$500,000.

(2) The Contractor shall maintain a compliance plan during the performance of the contract that is appropriate—

- (i) To the size and complexity of the contract; and
- (ii) To the nature and scope of the activities to be performed for the Government, including the number of non-United States citizens expected to be employed and the risk that the contract or subcontract will involve services or supplies susceptible to trafficking in persons.

(3) *Minimum requirements.* The compliance plan must include, at a minimum, the following:

- (i) An awareness program to inform contractor employees about the Government's policy prohibiting trafficking-related activities described in paragraph (b) of this clause, the activities prohibited, and the actions that will be taken against the employee for violations. Additional information about Trafficking in Persons and examples of awareness programs can be found at the Web site for the Department of State's Office to Monitor and Combat Trafficking in Persons at <http://www.state.gov/j/tip/>.
- (ii) A process for employees to report, without fear of retaliation, activity inconsistent with the policy prohibiting trafficking in persons, including a means to make available to

all employees the hotline phone number of the Global Human Trafficking Hotline at 1-844-888-FREE and its email address at [help@befree.org](mailto:help@befree.org).

(iii) A recruitment and wage plan that only permits the use of recruitment companies with trained employees, prohibits charging recruitment fees to the employee, and ensures that wages meet applicable host-country legal requirements or explains any variance.

(iv) A housing plan, if the Contractor or subcontractor intends to provide or arrange housing that ensures that the housing meets host-country housing and safety standards.

(v) Procedures to prevent agents and subcontractors at any tier and at any dollar value from engaging in trafficking in persons (including activities in paragraph (b) of this clause) and to monitor, detect, and terminate any agents, subcontracts, or subcontractor employees that have engaged in such activities.

(4) *Posting.*

(i) The Contractor shall post the relevant contents of the compliance plan, no later than the initiation of contract performance, at the workplace (unless the work is to be performed in the field or not in a fixed location) and on the Contractor's Web site (if one is maintained). If posting at the workplace or on the Web site is impracticable, the Contractor shall provide the relevant contents of the compliance plan to each worker in writing.

(ii) The Contractor shall provide the compliance plan to the Contracting Officer upon request.

(5) *Certification.* Annually after receiving an award, the Contractor shall submit a certification to the Contracting Officer that—

(i) It has implemented a compliance plan to prevent any prohibited activities identified at paragraph (b) of this clause and to monitor, detect, and terminate any agent, subcontract or subcontractor employee engaging in prohibited activities; and

(ii) After having conducted due diligence, either—

(A) To the best of the Contractor's knowledge and belief, neither it nor any of its agents, subcontractors, or their agents is engaged in any such activities; or

(B) If abuses relating to any of the prohibited activities identified in paragraph (b) of this clause have been found, the Contractor or subcontractor has taken the appropriate remedial and referral actions.

(i) *Subcontracts.*

(1) The Contractor shall include the substance of this clause, including this paragraph (i), in all subcontracts and in all contracts with agents. The requirements in paragraph (h) of this clause apply only to any portion of the subcontract that—

(A) Is for supplies, other than commercially available off-the-shelf items, acquired outside the United States, or services to be performed outside the United States; and

(B) Has an estimated value that exceeds \$500,000.

(2) If any subcontractor is required by this clause to submit a certification, the Contractor shall require submission prior to the award of the subcontract and annually thereafter. The certification shall cover the items in paragraph (h)(5) of this clause.

**52.223-18 Encouraging Contractor Policies to Ban Text Messaging While Driving (AUG 2011)**

**52.225-13 Restrictions on Certain Foreign Purchases (JUN 2008)**

**52.225-25 Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications (OCT 2015)**

**52.233-1 Disputes (MAY 2014)**

**52.233-3 Protest After Award (AUG 1996)**

**52.233-4 Applicable Law for Breach of Contract Claim (OCT 2004)**

**52.243-1 Changes – Fixed Price (AUG 1987)**

**52.246-4 Inspection of Services – Fixed-Price (AUG 1996)**

**III. USAID ACQUISITION REGULATION (48 CFR CHAPTER 7) CLAUSES**

|            |  |          |
|------------|--|----------|
| 752.202-1  | DEFINITIONS                                  | JAN 1990 |
| 752.211-70 | LANGUAGE AND MEASUREMENT                     | JUN 1992 |
| 752.7006   | NOTICES                                      | APR 1984 |
| 752.7010   | CONVERSION OF U.S. DOLLARS TO LOCAL CURRENCY | APR 1984 |
| 752.7013   | CONTRACTORS-MISSION RELATIONSHIPS            | JUN 2018 |
| 752.7025   | APPROVALS                                    | APR 1984 |

**Automated Directives Service (ADS) 302.3.5.9 Nondiscrimination (JUN 2012)**

FAR Part 27 and the clauses prescribed in that part prohibit contractors performing in or recruiting from the U.S. from engaging in certain discriminatory practices. USAID is committed to achieving and maintaining a diverse and representative workforce and a workplace free of discrimination. Based on law, Executive Order, and Agency policy, USAID prohibits discrimination in its own workplace on the basis of race, color, religion, sex (including pregnancy and gender identity), national origin, disability, age, veteran's status, sexual orientation, genetic information, marital status, parental status, political affiliation, and any other conduct that does not adversely affect the performance of the employee. USAID does not tolerate any type of harassment, either sexual or nonsexual, of any employee or applicant for employment. Contractors are required to comply with the nondiscrimination requirements of the FAR. In addition, the Agency strongly encourages all its contractors (at all tiers) to develop and enforce comprehensive nondiscrimination policies for their workplaces that include protection on these expanded bases, subject to applicable law.

**[END OF ATTACHMENT I - CLAUSES]**

**[END OF SOL-72052618Q00001]**

# ANNEXES

# INCLUSIVE EDUCATION AND SPORTS

## PROGRAM DESCRIPTION

### I. BACKGROUND

People with Disabilities (PwDs) have historically been marginalized from traditional development activities due to discrimination and inadvertent barriers which have limited their access to public services and civil society integration. As in every developing country, PwDs face great challenges in Paraguay. Access to basic services, including health and education is very limited. While all Paraguayans suffer from inadequate service delivery, PwDs are far more vulnerable to poor education, health and other services, than other citizens. The project will tackle perhaps the most fundamental challenge faced by PwDs: access to inclusive education. The lack of education opportunities, or a segregated education system, limits the opportunities of PwDs in the labor market, and segregates them from all aspects of social inclusion and democratic participation.

Access to education is limited by two important factors: first, the lack of an inclusive education environment, including accessibility hurdles; and second, attitudinal factors within the school community and even within PwDs' own families, who do not see a benefit in education, as the labor market will not provide opportunities for PwDs. Despite these challenges, there is a robust commitment for reform. Stronger and empowered DPOs and mainstream disabilities organizations are effectively advocating for inclusive opportunities in different areas. SENADIS, the recently created Disabilities Secretariat (a Ministry-ranking office) and its advisory body, CONADIS, have recently approved the first-ever National Disabilities Plan, developed under USAID's program. The recent enactment of the Inclusive Education Law, drafted with USAID's support, also provides a window of opportunity for a sustainable reform, if implemented correctly. Furthermore, Paraguayan businesses and public sector institutions are willing and open to recruiting PwDs. However, there is often a lack sufficiently qualified applicants within the disabilities community to fill these job openings. USAID's Effective Inclusion project has partially addressed this gap by providing vocational training, but a fundamental breach remains. This project is meant to fill that gap, by providing children with disabilities with inclusive education opportunities that will allow them to pursue not only vocational training, but also professional careers.

Access to recreational activities is also very limited. As in every developing country, PwDs face great challenges in Paraguay. The Recipient will support model and replicable sports programs for People with Disabilities, and in addition, it will develop opportunities for inclusive sports activities, also referred to as "*unified sports*." Our approach is to use sports as a means for social inclusion, especially within the school system.

PwDs, especially people with physical, visual and intellectual disabilities have limited access to sports in Paraguay. Through sports this project will promote healthy practices and social inclusion. Through this project the Recipient will partner with government institutions, including the Ministry of Education and the National Sports Secretariat and support these initiatives.

## **II. DESCRIPTION OF ACTIVITIES**

### **A. Project Objectives:**

**Main Objective:** The overall goal of the project is to increase the public and private sectors' willingness and capacity to provide inclusive education opportunities and promote inclusion of People with Disabilities through sports in Paraguay.

#### **Specific Objectives:**

- 1) To raise awareness and public support for inclusive education;
- 2) To develop and implement a pilot model for inclusive education in select public and private schools;
- 3) To support civil society engagement in advancing inclusive education policies.
- 4) To strengthen the capacity of the National Sports Secretariat to develop and promote sports opportunities for People with Disabilities;
- 5) To work with the Ministry of Education to develop and implement the curricula for unified sports disciplines in public and private schools; and
- 6) To implement pilot projects in public and private schools with unified sports disciplines.

### **B. Components and Illustrative Activities:**

#### **Objective 1: To raise awareness and public support for inclusive education**

With USAID's support, Paraguay has made significant progress in advancing inclusive education by enacting an unprecedented law that mandates inclusion in public and private schools. However, full implementation of the law will require targeted technical assistance and the joint commitment of key stakeholders, including public officials, teachers, parents, students and the public at large. Parents must realize that their children with disabilities share the same fundamental right to education, and should be empowered to demand inclusive education for their children. In addition, society must overcome on-going misconceptions and prejudices that have marginalized PwDs, especially the stigma that inclusion will decrease school performance.

The following illustrative activities will seek to raise awareness, generate demand and mobilize the education community to advance inclusion:

- Promote civic education on the fundamental human rights of persons with disabilities;
- Develop communication campaigns targeting government authorities, the private sector, teachers, parents, and students; emphasizing the human rights nature of inclusive education and the benefits of a diverse classroom;
- Provide technical assistance to advocacy groups so they can more effectively campaign for inclusion in schools; and
- Facilitate fora and other events for sharing experiences and best practices.

Special attention will be given to raising awareness of the importance of equal opportunities for girls with disabilities. Targeted communications campaigns will be developed to such effect. Likewise, and because people with intellectual disabilities are perhaps the most vulnerable group within the disabilities community, special attention will be given to ensure that citizens embrace the inclusion of people with intellectual disabilities in public and private schools.

### **Objective 2: Develop and implement an inclusive education model**

The Recipient will address significant challenges in order to advance inclusion in the education system. Some of these challenges include: poorly trained teachers, the lack of inclusive education curricula, the lack of induction methodologies and clearly defined guidelines to facilitate inclusion and limit potential bullying or rejection, and financial limitations to implementing reasonable accommodations, among others. To address these challenges, the Recipient will support the Ministry of Education in developing, in a participatory manner, an Inclusive Education Strategy, as well as a scalable implementation model. The inclusive education pilot model will set forth principles and guidelines for each type of disability, and define the roles and responsibilities of different stakeholders, i.e. students, teachers, parents, Parent-Teacher Associations (PTAs) and the community at large.

To achieve this objective, the Recipient will carry out the following illustrative activities:

- Host workshops, debates and expert consultations to draft an Inclusive Education Strategy;
- Develop standardized protocols and curricula for diversity and inclusion, for implementation in public and private schools throughout the country;
- Develop standardized protocols for school accessibility (no funds will be devoted to refurbishment or construction).
- Provide targeted technical assistance to select public and private schools, for full implementation of the above mentioned protocols.

When developing the strategy and the standardized protocols, special attention will be placed on developing specific guidelines for the most vulnerable groups within the disabilities community: girls with disabilities and students with intellectual disabilities.

### **Objective 3: Support civil society engagement in advancing inclusive education policies**

The Recipient will support DPOs and mainstream disability organizations as they engage in an open and productive dialogue with the Ministries of Education and Finance, the Disabilities Secretariat, Congress and other relevant stakeholders, to advocate for public policy reforms. These reforms include passing of needed regulatory norms, and an increase in public funding to allow for reasonable accommodations, etc. The Recipient will support an advocacy group in charge of advocating for these reforms.

To achieve this objective the Recipient will carry out the following illustrative activities:

- Conduct workshops and roundtables to discuss policies and regulations;
- Carry out needs assessments to determine the financial and technical requirements of an inclusive education program;
- Provide technical assistance to the Ministry of Education and other government institutions, in drafting regulations and policies.

### **Objective 4: To strengthen the capacity of the National Sports Secretariat to develop and promote sports opportunities for People with Disabilities**

The National Sports Secretariat has already supported sports opportunities for people with physical disabilities, such as wheelchair rugby and tennis. Unfortunately, the lack of technical expertise as to the safety and health requirements has limited their ability to sustain their initiatives over time. The Recipient will help build the capacity of the National Sports Secretariat to promote sports opportunities for PwDs, with a special emphasis on health and safety features. The Recipient will provide training to their staff on best practices for different sports for PwDs. Furthermore, the Recipient will introduce them to unified sports, sports practiced by People with and without disabilities.

The following illustrative activities will seek to attain this objective:

- Develop a regulatory framework, with clear rules and guidelines for *sports for PwDs*, including safety and health issues for at least five sports disciplines;
- Provide technical assistance and training to the Secretariat's staff on best practices for sports for PwDs;
- Develop a regulatory framework with clear rules and guidelines for *unified sports*, for at least five disciplines;
- Promote the practice of unified sports as a government policy to foster greater social inclusion;
- Strengthen PwDs' sports associations and DPOs whose goal is to promote sports opportunities for PwDs, and foster participation in international tournaments;
- Provide technical assistance to existing sports associations, to engage in unified sports activities.

Special attention will be given to raising awareness of the importance of equal sports opportunities for girls with disabilities. Targeted communications campaigns will be developed to such effect. Likewise, and because people with intellectual disabilities are perhaps the most vulnerable group within the disabilities community, special attention will be given to ensure that citizens embrace the inclusion of people with intellectual disabilities in unified sports.



**Objective 5: To work with the Ministry of Education to develop and implement the curricula for unified sports disciplines in public and private schools**

The Recipient will work to promote an inclusive education environment, by also promoting inclusive sports opportunities, through *unified sports*. The Recipient will support the Ministry of Education in developing, in a participatory manner, updated curricula for physical education courses, to ensure the equal participation of PwDs in school sports.

To achieve this objective, the Recipient will carry out the following illustrative activities:

- Support the Ministry of Education in revising its Physical Education curricula to ensure the equal participation of People with Disabilities in school sports courses and activities;
- Provide technical assistance to the Superior Institute of Education (ISE), responsible for training school teachers throughout the country, to improve their curricula for Physical Education (PE) teachers, to ensure that they are knowledgeable, capable and willing to accommodate PwDs in regular sports activities.

When revising the curricula, the Recipient will pay special attention to developing specific guidelines for the most vulnerable groups within the disabilities community: girls with disabilities and people with intellectual disabilities.

**Objective 6: To implement pilot projects in public and private schools with unified sports disciplines.**

In order to promote inclusion through sports, the Recipient will support piloting unified sports opportunities in private and public schools.

To achieve this objective the Recipient will carry out the following illustrative activities:

- Provide targeted technical assistance to select public and private schools, for full implementation of unified sports disciplines;
- Training for PE teachers in pilot schools, on rules and guidelines for engaging PwDs in sports activities and unified sports;
- Develop and implement awareness campaigns on the importance of unified sports, and the social benefits of integrated sports activities;
- Provide technical assistance to Student Councils and Parent Teacher Associations for the inclusion of unified sports in regular school tournaments;
- Develop and implement unified sports tournaments in at least five disciplines, and promote international exchanges.

**C. Expected Results**

The following are expected results:

- Five schools in the greater-Asuncion area (two public and three private schools) will be targeted. At least 150 vulnerable people, including 100 preschool and elementary school students with disabilities will benefit from the program (at least 40% of which should be female, and at least 10% should have intellectual disabilities). The Recipient will set specific targets for each of the five types of disabilities (physical, visual, hearing, intellectual and psycho-social);

- At least 200 services providers, including 100 teachers will be trained by the program, and approximately 1,000 students will directly participate in the inclusive programs;
- At least 20 organizations and/or service delivery systems who serve vulnerable populations will be strengthened by the program;
- A model for inclusion education will be developed that will include the five types of disabilities;
- Inclusive programs of studies for at least one type of disability will be implemented in each of the targeted schools by the second year of the program;
- A civil society observatory to monitor compliance with the education law will be established;
- At least 100,000 people will be indirectly reached by media campaigns.
- A regulatory framework with clear rules and guidelines for inclusion in sports will be developed for at least five disciplines;
- A revised Physical Education curricula will be approved by the Ministry of Education to ensure the equal participation of People with Disabilities in school sports courses and activities;
- Approximately 100 athletes with disabilities, including at least 50 students with disabilities will benefit from the project (at least 40% female and at least 20% should have intellectual disabilities). The Recipient will set specific targets for each of the five types of disabilities (physical, visual, hearing, intellectual and psycho-social);
- 100 teachers and 300 people will directly engage in inclusive sports.



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**LEY N° 5.136**

**DE EDUCACIÓN INCLUSIVA.**

**EL CONGRESO DE LA NACIÓN PARAGUAYA SANCIONA CON FUERZA DE LEY**

**TÍTULO I**  
**DE LAS DISPOSICIONES GENERALES**

**CAPÍTULO I**  
**OBJETO, ÁMBITO DE APLICACIÓN Y DEFINICIONES**

**Artículo 1°.-** Esta ley tiene por objeto establecer las acciones correspondientes para la creación de un modelo educativo inclusivo dentro del sistema regular, que remueva las barreras que limiten el aprendizaje y la participación, facilitando la accesibilidad de los alumnos con necesidades específicas de apoyo educativo por medio de recursos humanos calificados, tecnologías adaptativas y un diseño universal.

**Artículo 2°.-** La presente ley es de aplicación obligatoria y general para las instituciones educativas públicas, privadas y privadas subvencionadas por el Estado de todos los niveles y modalidades del sistema educativo nacional.

**Artículo 3°.- A los efectos de la presente Ley, se entiende por:**

**a) Alumno con necesidades específicas de apoyo educativo:** Se considera a todo alumno que debido a: necesidades específicas de apoyo educativo: derivadas de discapacidad física, intelectual auditiva, visual y psicosocial, trastornos específicos de aprendizaje, altas capacidades intelectuales, incorporación tardía al sistema educativo, condiciones personales o de historia escolar, requiera de apoyos y/o ajustes para alcanzar el máximo desarrollo posible de sus capacidades personales.

**b) Discapacidad:** Es una condición o situación por la cual una persona, con alguna deficiencia y con un entorno inapropiado por los diversos obstáculos y falta de apoyos necesarios, no puede realizar ciertas actividades o no puede "funcionar" en algunas cosas como otras personas de su edad.

**c) Trastornos específicos de aprendizaje:** Constituyen un conjunto de problemas que interfieren significativamente en el rendimiento en la escuela, dificultando el adecuado progreso del niño y la consecución de las metas marcadas en los distintos planes educativos.

**d) Altas capacidades intelectuales:** Se considera que un alumno presenta necesidades específicas de apoyo educativo por alta capacidad intelectual cuando maneja y relaciona de manera simultánea y eficaz múltiples recursos cognitivos diferentes, de tipo lógico, numérico, espacial, de memoria, verbal y creativo, o bien destaca especialmente y de manera excepcional en el manejo de uno o varios de ellos.

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**e) Incorporación tardía al sistema educativo:** Se considera que un alumno o alumna presenta necesidades específicas de apoyo educativo por incorporación tardía al sistema educativo cuando, por proceder de otros países o por cualquier otro motivo, se escolariza de forma tardía y presenta problemas para acceder a la adquisición de los objetivos y competencias básicas respecto a sus coetáneos.

**f) Alumno con condiciones personales o de historia escolar:** aquel que por sus condiciones personales o historia escolar presenta un desajuste curricular.

**g) Ajustes razonables:** Modificaciones y adaptaciones necesarias y adecuadas que no impongan una carga desproporcionada o indebida, cuando se requieran en un caso particular, para garantizar a los alumnos con necesidades específicas de apoyo educativo el goce o ejercicio, en igualdad de condiciones con los demás de los derechos humanos y libertades fundamentales.

**h) Barreras para el aprendizaje y la participación:** Obstáculos de índole arquitectónico, comunicacional, metodológico, instrumental, programático, actitudinal y tecnológico que dificultan o inhiben las posibilidades de aprendizaje de los alumnos con necesidades específicas de apoyo educativo.

**i) Inclusión:** Identificación y minimización de las barreras para el aprendizaje y la participación, y maximización de los recursos para el apoyo de ambos procesos.

**j) Discriminación:** Exclusión, distinción, restricción u omisión de proveer ajustes y apoyos de los medios que tenga por objeto o resultado menoscabar o anular el reconocimiento, goce o ejercicio en igualdad de condiciones de los derechos y libertades inherentes a todo ser humano.

**k) Educación inclusiva:** Proceso sistémico de mejora e innovación educativa para promover la presencia, el rendimiento y la participación del alumnado en todas las instituciones del sistema educativo nacional donde son escolarizados, con particular atención a aquellos alumnos o alumnas más vulnerables a la exclusión, el fracaso escolar o la marginación, detectando y eliminando, para ello, las barreras que limitan dicho proceso.

**l) Equidad educativa:** Significa que las escuelas deben acoger a todas las niñas, niños y adolescentes jóvenes y adultos, independientemente de sus condiciones personales, culturales económicas o sociales.

#### CAPÍTULO II PRINCIPIOS Y GARANTÍAS

**Artículo 4°.-** El servicio educativo público, privado y el privado subvencionado, brindarán a los alumnos con necesidades específicas de apoyo, que experimenten barreras para el aprendizaje y la participación a los siguientes principios educativos básicos:

**a) No discriminación,** ni trato degradante, tanto dentro como fuera de la institución, por parte de ningún miembro de la comunidad educativa;

**b) Respeto a la diferencia y reconocimiento de la discapacidad como componente de la diversidad humana;**

**c) Igualdad de oportunidades;**

**d) Igualdad de derechos entre varones y mujeres;**




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- e) Participación activa y efectiva de todos los actores de la comunidad educativa;
- f) Acceso a todos los niveles y modalidades de educación, según demandas y necesidades;
- g) Protección contra todo tipo de violencia y abusos;
- h) Participación activa de la familia, encargado o tutor; y,
- i) La creación de los servicios de apoyo en todas las instituciones educativas públicas y privadas subvencionadas.

**Artículo 5°.-** El Ministerio de Educación y Cultura garantizará a los alumnos con necesidades específicas de apoyo educativo:

- a) La matriculación e inscripción sin discriminación alguna;
- b) La igualdad de oportunidades para la accesibilidad, permanencia participativa y conclusión oportuna de la educación en todos sus niveles y modalidades en todas las instituciones educativas públicas, privadas y privadas subvencionadas;
- c) La creación de mecanismos efectivos y eficientes de detección temprana de las necesidades específicas de apoyo educativo y remoción de las barreras para el aprendizaje;
- d) El apoyo preciso y necesario, desde el momento de su incorporación a la institución educativa o desde el momento de la detección de las barreras que le impidan aprender y participar;
- e) Los ajustes razonables oportunos para el ejercicio y goce del derecho a la educación en función a las necesidades individuales requeridas;
- f) Una educación individual de calidad que le brinde la oportunidad de desarrollar y fortalecer su formación, dentro de un período de escolarización o a lo largo de toda su vida, a fin de favorecer su inclusión profesional y social;
- g) Programas de educación compensatoria, de carácter temporal del servicio público de la educación, en casos de imposibilidad de asistencia regular a las instituciones educativas;
- h) La confidencialidad de informaciones psicopedagógicas u otras que así lo requieran;
- i) La atención, por parte de personal docente de la institución con el apoyo del equipo técnico conformado;
- j) La orientación, formación y/o capacitación adecuada y oportuna de los profesionales y demás integrantes de la comunidad educativa;
- k) La sensibilización y orientación de las familias, tutores o encargados, respecto al derecho a la educación inclusiva;
- l) Los recursos presupuestarios para el sector público, privado y privado subvencionado, que demande el cumplimiento de lo establecido;
- m) Información y comunicación accesible y oportuna;
- n) Supresión o remoción de barreras para el aprendizaje y la participación;



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ñ) Acceso a las ayudas técnicas y dimensiones de accesibilidad: arquitectónicas, comunicacionales, metodológicas, instrumentales, programáticas, actitudinales y tecnológicas;

o) Promoción de la capacidad de definir su proyecto de vida, basado en los valores de libertad, paz, solidaridad, igualdad, respeto a la diversidad, justicia, responsabilidad y bien común; y,

p) Promoción e implementación de normas en el ámbito educativo-social de estrategias de inclusión y de participación, a fin de asegurar el acceso, la permanencia y conclusión oportuna de su formación académica.

#### CAPÍTULO III ÓRGANO RESPONSABLE

**Artículo 6°.-** El Ministerio de Educación y Cultura, como órgano rector de la educación, deberá tomar las medidas para prevenir, combatir, erradicar y sancionar toda actitud discriminatoria contra el sujeto amparado por la presente ley, tanto en instituciones públicas, privadas y privadas subvencionadas que no cumplan con lo establecido en la presente ley.

El Ministerio de Educación y Cultura deberá proceder a la reglamentación de las faltas y sanciones por incumplimiento de la presente ley en el plazo de ciento veinte días a partir de su promulgación.

El Ministerio de Educación y Cultura, a través de sus órganos competentes, tendrá facultad para iniciar acciones judiciales en defensa de los derechos individuales o colectivos protegidos por la presente ley.

#### CAPÍTULO IV DEL EQUIPO TÉCNICO

**Artículo 7°.-** Facúltase al Ministerio de Educación y Cultura, la creación de equipos técnicos instalados en cada "Escuela Centro", asiento de las áreas educativas locales, para una atención profesional consistente en el apoyo técnico institucional que garantice la identificación y asistencia necesaria a los alumnos con necesidades específicas de apoyo educativo.

**Artículo 8°.-** Los equipos técnicos, referidos en el artículo 7° de la presente ley, estarán conformados por un psicólogo, un psicopedagogo, un fonoaudiólogo, un trabajador social, un terapeuta ocupacional y el especialista por discapacidad.

**Artículo 9°.-** Los docentes, en colaboración con los equipos técnicos, serán responsables de la elaboración y aplicación de los ajustes razonables individuales conforme a las orientaciones recibidas por la autoridad competente.

#### CAPÍTULO V DE LA EVALUACIÓN Y PROMOCIÓN

**Artículo 10.-** El proceso de evaluación de los alumnos con necesidades específicas de apoyo educativo será responsabilidad del equipo técnico institucional con la participación del docente y tendrá por finalidad determinar el nivel de competencia curricular, definir los ajustes razonables individuales y los requerimientos de apoyo.

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**Artículo 11.-** Para la implementación de ajustes razonables, se requerirá en cada caso particular una evaluación cualitativa, cuantitativa y diagnóstica. Asimismo, se deberán promover acciones para la remoción de barreras para el aprendizaje y la participación.

**Artículo 12.-** Los ajustes razonables aplicados individualmente quedarán registrados en el expediente de los alumnos. Este será la referencia principal para su evaluación y promoción.

**Artículo 13.-** En caso de que los ajustes razonables individuales se distancien significativamente de los aprendizajes establecidos en el currículum regular, se flexibilizará la oferta curricular y se darán los apoyos necesarios de modo a que se asegure la permanencia del alumno/a en la institución educativa así como su promoción.

**Artículo 14.-** Los criterios para la evaluación de los aprendizajes de los alumnos con necesidades específicas de apoyo educativo, que hayan requerido ajustes razonables, se definirán de acuerdo con los objetivos o contenidos propuestos para cada caso en particular.

**Artículo 15.-** Para establecer los resultados de la evaluación administrada a los alumnos con necesidades específicas de apoyo educativo, se deberá aplicar la misma escala de calificación dispuesta en la normativa de evaluación vigente. Asimismo, se les entregará el boletín de calificaciones en las mismas condiciones que los demás alumnos, con la aclaración que han sido evaluados conforme a las adecuaciones ajustadas a sus necesidades.

**Artículo 16.-** Los alumnos, con necesidades específicas de apoyo educativo serán promovidos de grado y deberán recibir las certificaciones correspondientes.

**Artículo 17.-** Los alumnos, con necesidades específicas de apoyo educativo que hayan logrado los objetivos establecidos obtendrán una certificación y deberá garantizarse su continuidad y permanencia en el servicio educativo. A aquellos que demuestren competencias curriculares superiores a las que correspondan a su grupo de edad, se les ofrecerán opciones curriculares adecuadas a su nivel de habilidades y conocimientos.

### CAPÍTULO VI DE LOS ALUMNOS

**Artículo 18.-** Son derechos de los alumnos:

- a) Los reconocidos en la Constitución Nacional y las Leyes;
- b) Recibir las ayudas y los apoyos precisos para la remoción de las barreras que impidan su aprendizaje y participación;
- c) La orientación y el estímulo permanente por los miembros de la comunidad educativa para que sus esfuerzos y dedicación sean valorados, a efectos de contribuir al pleno desarrollo de su personalidad;
- d) La protección contra todo tipo de discriminación, agresión física o moral, contra la violencia, los abusos o maltratos, infortunio familiar o accidente;
- e) La participación libre e igualitaria en los centros de estudiantes u otras organizaciones estudiantiles legalmente constituidas;

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- f) La gratuidad de los servicios educativos en las instituciones educativas públicas y privadas subvencionadas;
- g) La provisión en forma gratuita de los materiales educativos en las instituciones educativas públicas y privadas subvencionadas;
- h) Provisión de expediente en caso de movilidad;
- i) La información respecto a sus necesidades o discapacidades; y,
- j) Las Becas y/o subsidios educativos según lo establecido en las leyes vigentes.

**Artículo 19.-** Son deberes de los alumnos:

- a) Respetar la dignidad, la libertad de conciencia, las convicciones morales y religiosas, la diversidad cultural, integridad e intimidad de todos los miembros de la comunidad educativa;
- b) Respetar las normas de organización, convivencia y disciplina;
- c) Participar y colaborar con la mejora de la convivencia institucional;
- d) Respetar el derecho a la educación de sus compañeros y compañeras;
- e) Cooperar y apoyar al compañero o compañera;
- f) Seguir las normativas del personal directivo y profesorado respecto a su educación y aprendizaje; y,
- g) Conservar y hacer un buen uso de las instalaciones escolares y los materiales didácticos.

**Artículo 20.-** Los estatutos sociales de las organizaciones estudiantiles de instituciones educativas, a más de los requisitos establecidos en la ley para su constitución, deberán contemplar:

- a) El principio de la no discriminación en ninguna de sus formas;
- b) La participación plena de mujeres y varones en los órganos de dirección; y,
- c) La igualdad en la participación de los órganos que los representan.

### CAPÍTULO VII DE LOS EDUCADORES

**Artículo 21.-** El Ministerio de Educación y Cultura adoptará las medidas que correspondan para la modificación o ajustes de los planes y programas de formación continua de educadores en cuanto a la diversidad, a fin de que los mismos adquieran las multi-competencias necesarias para ejercer el derecho a:

- a) Formación continua en Educación Inclusiva;
- b) Acceso a herramientas técnico-pedagógicas y tecnológicas;
- c) Apoyo por parte de un equipo técnico;



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- d) Solicitar el apoyo de otro u otros pares profesionales en aula, en casos requeridos y establecidos por el equipo técnico;
- e) Acompañamiento y apoyo por parte de la familia, encargado o tutor; y,
- f) Contar con la información de profesionales externos.

Son deberes de los educadores:

- a) La identificación temprana de alumnos con necesidades específicas de apoyo educativo que requieran ajustes razonables;
- b) El apoyo preciso al alumno desde el momento de su escolarización o de la detección de sus necesidades específicas de apoyo educativo;
- c) La aplicación oportuna de ajustes razonables a los alumnos con necesidades específicas de apoyo educativo para que puedan alcanzar los objetivos generales;
- d) La aplicación de estrategias de enseñanza efectiva;
- e) El manejo de la diversidad de grupos en función a sus características; y,
- f) La incentivación constante para que entre todos los miembros de la comunidad educativa se cree una cultura inclusiva.

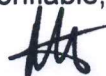
#### CAPÍTULO VIII DE LOS PADRES, MADRES Y TUTORES

**Artículo 22.-** Los padres, madres o tutores con relación a la educación de las personas que se encuentran bajo su responsabilidad tienen derecho a:

- a) Participar de los procesos de enseñanza-aprendizaje e inclusión socio-afectiva de sus hijos;
- b) Ser orientados, estimulados y capacitados sobre las barreras para el aprendizaje y la participación de sus hijos en cuanto a la importancia de su rol en los procesos educativos, así como de los derechos que los asisten;
- c) Ser oídos sobre las decisiones académicas y profesionales que afectan a sus hijos;
- d) Solicitar análisis cuali-cuantitativo, ayudas, apoyos, así como los ajustes razonables y un sistema de evaluación acorde a las barreras para el aprendizaje y la participación que experimentan sus hijos;
- e) Ser informados en forma periódica sobre la situación académica de sus hijos;
- f) Suscribir un acuerdo con la institución educativa;
- g) Elegir para la persona que se encuentra bajo su responsabilidad la institución educativa, cuya orientación responda a sus convicciones filosóficas éticas o religiosas.

**Artículo 23.-** Los padres, madres o tutores con relación a la educación de las personas que se encuentran bajo su responsabilidad, tienen la obligación de:

- a) Acompañar el proceso de enseñanza-aprendizaje;
- b) Brindar información veraz y confiable, a fin de utilizarla en beneficio al alumno;



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- c) Llevar a cabo las sugerencias de los profesionales ya sean estos de la institución educativa o de carácter externo a la misma; y,
- d) Incorporar a las personas bajo su responsabilidad al sistema educativo nacional.

#### CAPÍTULO IX DISPOSICIONES FINALES Y TRANSITORIAS

**Artículo 24.-** Para la implementación de una educación inclusiva, el Estado asignará anualmente a las instituciones educativas públicas y privadas subvencionadas una partida presupuestaria, específica en todos los niveles y modalidades dentro del presupuesto del Ministerio de Educación y Cultura.

**Artículo 25.-** El Ministerio de Educación y Cultura, conjuntamente con los organismos gubernamentales y no gubernamentales afines, deberá proceder a la reglamentación de la presente ley en un plazo de ciento veinte días a partir de su promulgación.

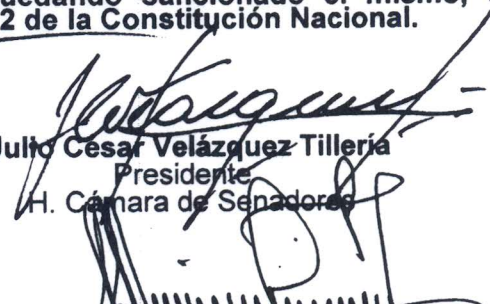
**Artículo 26.-** Posterior a la reglamentación de la presente ley, todas las instituciones educativas del sector público, privado y privado subvencionado deberán adaptar sus reglamentos internos a las disposiciones emanadas de la misma en un plazo no mayor a seis meses.

**Artículo 27.-** A los efectos presupuestarios, la presente ley tendrá vigencia al año lectivo inmediatamente posterior a la fecha de su promulgación.

**Artículo 28.-** Comuníquese al Poder Ejecutivo.

**Aprobado el Proyecto de Ley por la Honorable Cámara de Diputados, a los veintiocho días del mes de agosto del año dos mil trece, y por la Honorable Cámara de Senadores, a los cinco días del mes de diciembre del año dos mil trece, quedando sancionado el mismo, de conformidad con lo dispuesto en el artículo 207, numeral 2 de la Constitución Nacional.**

  
Juan Bartolomé Ramírez Brizuela  
Presidente  
H. Cámara de Diputados

  
Julio Cesar Velázquez Tilleria  
Presidente  
H. Cámara de Senadores

  
Hugo L. Rubin G.  
Secretario Parlamentario

  
Blanca Fonseca Lega  
Secretaría Parlamentaria

Asunción, 23 de diciembre de 2013.  
Téngase por Ley de la República, publíquese e insértese en el Registro Oficial.

El Presidente de la República

  
Nicolás Manuel Cartes Jara

  
Marta Inés Lora Fuente  
Ministra de Educación y Cultura



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Asunción, 22 de diciembre de 2014

**VISTO:** *La presentación realizada por el Ministerio de Educación y Cultura, en la cual eleva a consideración del Poder Ejecutivo la reglamentación de la Ley N° 5136/2013 “De Educación Inclusiva”; y*

**CONSIDERANDO:** *Que el Artículo 238 de la Constitución “De los Deberes y Atribuciones del Presidente de la República” establece: “Participar en la formación de las leyes de conformidad con esta Constitución, promulgarlas y hacerlas publicar, reglamentarlas y controlar su cumplimiento”.*

*Que la Constitución establece en su Artículo 46: “De la igualdad de las Personas. Todos los habitantes de la República son iguales en dignidad y derechos. No se admiten discriminaciones. El Estado removerá los obstáculos e impedirá los factores que las mantengan o las propicien. Las protecciones que se establezcan sobre desigualdades injustas no serán consideradas como factores discriminatorios sino igualitarios”.*

*Que el Artículo 54 de la Constitución “De la Protección al Niño”: En su párrafo tercero establece: “La Familia, la Sociedad y el Estado tienen la obligación de garantizar al niño su desarrollo armónico e integral, así como el ejercicio pleno de sus derechos protegiéndolo contra el abandono, la desnutrición, la violencia, el abuso, el tráfico y la explotación. Cualquier persona puede exigir a la autoridad competente, el cumplimiento de tales garantías y la sanción de los infractores. Los derechos del niño, en caso de conflicto tienen carácter prevaleciente”.*

*Que el Artículo 58 de la Constitución “De los Derechos de las Personas Excepcionales”, en su párrafo primero establece: “Se garantizará a las personas excepcionales la atención de su salud, de su educación, de su recreación y de su formación profesional para una plena integración social”,*

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*así mismo, en su último párrafo establece: “Se les reconocerá el disfrute de los derechos que esta Constitución otorga a todos los habitantes de la República, en igualdad de oportunidades, a fin de compensar sus desventajas”.*

*Que la Constitución, en su Artículo 73 establece que “Toda persona tiene derecho a la educación integral y permanente, que como sistema y proceso se realiza en el contexto de la cultura de la comunidad”, consignando entre sus fines “la afirmación del compromiso con la Patria, de la identidad cultural y la formación intelectual, moral y cívica, así como la eliminación de los contenidos educativos de carácter discriminatorio”.*

*Que la Ley N° 3540/2008 “Que aprueba la Convención sobre los Derechos de las Personas con Discapacidad y el Protocolo Facultativo de la Convención sobre los Derechos de las Personas con Discapacidad”, establece en cuanto a la Educación, en su Artículo 24, Numeral 1), “Los Estados Partes reconocen el derecho de las personas con discapacidad a la educación. Con miras a hacer efectivo este derecho sin discriminación y sobre la base de la igualdad de oportunidades, los Estados Partes asegurarán un sistema de educación inclusiva a todos los niveles, así como la enseñanza a lo largo de la vida”, Numeral 3), “Los Estados Partes brindarán a las personas con discapacidad la posibilidad de aprender habilidades para la vida y el desarrollo social, a fin de propiciar su participación plena y en igualdad de condiciones en la educación y como miembros de la comunidad”, Numeral 4), “A fin de contribuir a hacer efectivo este derecho, los Estados Partes adoptarán las medidas pertinentes para emplear a maestros, incluidos maestros con discapacidad, que estén cualificados en Lengua de Señas o Braille y para formar a profesionales y personal que trabajen en todos los niveles educativos. Esa formación*

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*incluirá la toma de conciencia sobre la discapacidad y el uso de modos, medios y formatos de comunicación aumentativos y alternativos apropiados, y de técnicas y materiales educativos para apoyar a las personas con discapacidad", Numeral 5), "Los Estados Partes asegurarán que las personas con discapacidad tengan acceso general a la Educación Superior, la formación profesional, la Educación para Adultos y el aprendizaje durante toda la vida, sin discriminación y en igualdad de condiciones con las demás. A tal fin, los Estados Partes asegurarán que se realicen ajustes razonables para las personas con discapacidad".*

*Que la Constitución y la Ley N° 1264/1998 "General de Educación", establecen que la organización del Sistema Educativo Nacional es responsabilidad del Estado que la ejerce por medio del Ministerio de Educación y Cultura.*

*Que la Ley N° 1925/2002 que dispone en su Artículo 1°: "Apruébase la Convención Interamericana para la Eliminación de todas las Formas de Discriminación contra las Personas con Discapacidad, aprobada y suscrita por la República del Paraguay, en la primera sesión plenaria de la Asamblea General de la Organización de los Estados Americanos, celebrada en la ciudad de Guatemala, el 7 de junio de 1999, en la cual, Los Estados Partes reafirman "que las personas con discapacidad tienen los mismos derechos humanos y libertades fundamentales que otras personas; y que estos derechos, incluidos el de no verse sometidos a discriminación fundamentada en la discapacidad, dimanar de la dignidad y la igualdad que son inherentes a todo ser humano", y se comprometen "a eliminar la discriminación, en todas sus formas y manifestaciones, contra las personas con discapacidad".*

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*Que la Ley N° 1680/2001 “Código de la Niñez y Adolescencia”, al referirse a las Necesidades Educativas Especiales, reza en su Artículo 22: “El niño y el adolescente con discapacidad física, sensorial, intelectual o emocional, tienen derecho a recibir cuidados y atención adecuados, inmediatos y continuos, que contemplen estimulación temprana y tratamiento educativo especializado, tendiente a su rehabilitación e integración social y laboral, que le permitan valerse por sí mismos y participar de la vida de su comunidad en condiciones de dignidad e igualdad. En ningún caso se permitirá la discriminación o el aislamiento social de los afectados”.*

*Que el marco legal de la Educación Inclusiva, Ley N° 5136/2013, promulgada el 23 de diciembre de 2013, que faculta al Ministerio de Educación y Cultura, como órgano rector de la educación, a tomar las medidas para prevenir, combatir, erradicar y sancionar toda actitud discriminatoria contra el sujeto amparado por Ley, tanto en instituciones públicas, privadas y privadas subvencionadas que no cumplan con lo establecido en la Ley de referencia, asimismo, es inexcusable establecer acciones y mecanismos tendientes a la creación e implementación de un modelo educativo inclusivo dentro del sistema regular, en todos los niveles educativos, de manera a garantizar la accesibilidad, permanencia, aprendizaje, participación, promoción y conclusión oportuna de los Alumnos con Necesidades Específicas de Apoyo Educativo ANEAE, conforme a los Artículos 5° y 6° de la mencionada Ley, la cual al referirse a la reglamentación de las faltas y sanciones, establece en el segundo párrafo de este último, cuanto sigue: “El Ministerio de Educación y Cultura deberá proceder a la reglamentación de las faltas y sanciones por incumplimiento de la presente Ley en el plazo de 120 días a partir de su promulgación”, así como se establece también en el último párrafo del mismo,*

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*"El Ministerio de Educación y Cultura, a través de sus órganos competentes tendrá facultad para iniciar acciones judiciales en defensa de los derechos individuales o colectivos protegidos por la presente Ley", y en su Artículo 25 dispone, "El Ministerio de Educación y Cultura, conjuntamente con los Organismos Gubernamentales y no Gubernamentales afines, deberá proceder a la reglamentación de la presente Ley en un plazo de 120 días a partir de su promulgación".*

*Que en referencia al Sistema Educativo Nacional, sobre los actores del mismo y del proceso educativo, la Ley N° 1725/2001 "Estatuto del Docente", establece en su Artículo 6°, "El educador profesional asume la responsabilidad inmediata sobre los procesos sistemáticos de enseñanza y las actividades complementarias inherentes a su función, prevista para los distintos niveles y modalidades educativos", de igual modo, y refiriéndose a la corresponsabilidad de la comunidad educativa, la Ley N° 1264/1998 "General de Educación" establece en su Artículo 13, "A los efectos del proceso educativo se integrarán los esfuerzos de la familia, la comunidad, el Estado, los docentes y los alumnos". Así mismo, en su Artículo 23 establece, "Las autoridades educativas mediante programas de compensación, atenderán de manera preferente a los grupos y regiones que enfrentan condiciones económicas, demográficas y sociales de desventaja. El Estado garantizará la integración de alumnos con condiciones educativas especiales. Estos programas permitirán la equiparación de oportunidades, ofreciendo diferentes alternativas y eliminando las barreras físicas y comunicacionales en los centros educativos públicos y privados, de la educación formal y no formal".*

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*POR TANTO, en ejercicio de sus atribuciones constitucionales,*

**EL PRESIDENTE DE LA REPÚBLICA DEL PARAGUAY**

**DECRETA:**

**Art. 1°.-** *Reglámentase la Ley N° 5136/2013 "De Educación Inclusiva", del 23 de diciembre de 2013, en adelante la Ley, según los siguientes enunciados:*

**TÍTULO I**

**ASPECTO GENERAL**

**CAPÍTULO I:**

**OBJETO, ÁMBITO DE APLICACIÓN Y DEFINICIONES**

**Art. 2°.-** *El fin del presente reglamento es establecer acciones y mecanismos tendientes a la creación e implementación de un modelo educativo inclusivo dentro del Sistema Regular, en los niveles de Educación Inicial, Escolar Básica, Media, Técnica, Permanente y Educación Superior, que garantice la accesibilidad, permanencia, aprendizaje, participación, promoción y conclusión oportuna de los alumnos con necesidades específicas de apoyo educativo. Se responsabiliza al Nivel Universitario, la adecuación de la Educación Inclusiva de acuerdo a su competencia.*

**Art. 3°.-** *El presente reglamento se establece en cumplimiento de lo dispuesto en el Artículo 25 de la Ley, y tiene por finalidad:*

- a) *Hacer efectivo los principios de integralidad, equidad e inclusión de todos los alumnos con necesidades específicas de apoyo educativo. Será de observancia general y obligatoria, en las instituciones educativas de gestión oficial, privadas y privadas subvencionadas por el Estado, de todos los niveles y modalidades del Sistema Educativo Nacional.*

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- b) *Establecer procedimientos para el cumplimiento de las normas legales de inclusión educativa.*
- c) *Establecer los procedimientos para la inclusión de los alumnos con necesidades específicas de apoyo educativo.*
- d) *Determinar las modalidades de participación de la comunidad educativa, y organizaciones de la sociedad civil, en la tarea de apoyo a los alumnos con necesidades específicas de apoyo educativo.*

**Art. 4°.-** *Para asegurar el acceso de los alumnos con necesidades específicas de apoyo educativo, todas las instituciones educativas de gestión oficial, privada y privada subvencionada del estado, en los diferentes niveles y modalidades, progresivamente incluirán en su Proyecto Educativo Institucional (PEI), las medidas técnicas de acuerdo con las especificaciones universales, nacionales y locales emitidas y reglamentadas por la instancia correspondiente.*

**Art. 5°.-** *Conforme lo dispuesto en el Artículo 2° de la Ley 5136/2013, los conceptos específicos utilizados en el presente reglamento tienen las siguientes connotaciones:*

**a) Alumno con necesidades específicas de apoyo educativo:** *Se considera a todo alumno que debido a: necesidades especiales de apoyo educativo derivadas de discapacidad física, intelectual, auditiva, visual y psicosocial, trastornos específicos de aprendizaje, altas capacidades intelectuales, incorporación tardía al sistema educativo, condiciones personales o de historia escolar requiera de apoyos o ajustes para alcanzar el máximo desarrollo posible de sus capacidades personales.*

**b) Discapacidad:** *Es una condición o situación por la cual una persona con alguna deficiencia y con un entorno inapropiado por los diversos obstáculos y falta de apoyos necesarios, no puede realizar ciertas*

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actividades o no puede “desenvolverse” en algunas cosas como otras personas de su edad.

**c) Trastornos específicos de aprendizaje:** Constituye un conjunto de problemas que interfieren significativamente en el rendimiento en la escuela, que dificulta el adecuado proceso del niño y la consecución de las metas marcadas en los distintos planes educativos.

**d) Altas capacidades intelectuales:** Se considera que un alumno presenta necesidades específicas de apoyo educativo por alta capacidad intelectual cuando maneja y relaciona de manera simultánea y eficaz múltiples recursos cognitivos diferentes, de tipo lógico, numérico, espacial, de memoria, verbal y creativo, o bien destaca especialmente y de manera excepcional en el manejo de uno o varios de ellos.

**e) Incorporación tardía al sistema educativo:** Se considera que un alumno o alumna presenta necesidades específicas de apoyo educativo por incorporación tardía al sistema educativo cuando, por proceder de otros países o por cualquier otro motivo, se escolariza de forma tardía y presenta problema para acceder a la adquisición de los objetivos y competencias básicas respecto a sus coetáneos.

**f) Alumnos con condiciones personales o de historia escolar:** aquel que por sus condiciones personales o historia escolar presenta un desajuste curricular.

**g) Ajustes razonables:** Modificaciones y adaptaciones necesarias y adecuadas, que no impongan una carga desproporcionada o indebida, cuando se requieran en un caso particular, para garantizar a las personas con desventajas educativas (discapacidad), el goce o ejercicio, en igualdad de condiciones con los demás, de los derechos humanos y libertades fundamentales.

**h) Barreras para el aprendizaje y la participación:** Obstáculos de índole arquitectónico, comunicacional, metodológico, instrumental, programático, actitudinal y tecnológico que dificultan o inhiben las posibilidades de aprendizaje de los alumnos con necesidades específica de apoyo educativo.

**i) Inclusión:** Identificación y minimización de las barreras para el aprendizaje y la participación, y maximización de los recursos para el apoyo de ambos procesos.

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**j) Discriminación:** Exclusión, distinción, restricción u omisión de proveer adecuación o adaptación de los medios que tenga por objeto o resultado, menoscabar o anular el reconocimiento, goce o ejercicio en igualdad de condiciones de los derechos y libertades inherentes a todo ser humano.

**k) Educación inclusiva:** Proceso sistémico de mejora e innovación educativa para promover la presencia, el rendimiento y la participación de todo el alumnado en la vida escolar de los centros donde son escolarizados, con particular atención a aquellos alumnos o alumnas más vulnerables a la exclusión, el fracaso escolar o la marginación, detectando y eliminando, para ello, las barreras que limitan dicho proceso.

**l) Equidad educativa:** Significa que las escuelas deben acoger a todas las niñas, niños y jóvenes, independientemente de sus condiciones personales, culturales económicas o sociales.

**m) Alumno:** Es toda persona inscripta en instituciones educativas en los niveles y modalidades del Sistema Educativo Nacional, con el objeto de participar en un proceso de aprendizaje sistemático bajo la orientación de un maestro o profesor; Ley N° 1264/1998 "General de Educación".

**n) Adecuaciones Curriculares:** Son estrategias y recursos educativos específicos de apoyo a la **inclusión** escolar que posibilitan el acceso y progreso en el diseño curricular de un alumno con Necesidades Específicas de Apoyo Educativo. De acuerdo a la **situación**, estos procedimientos pueden generar una programación individual. El currículo será construido desde la diversidad y no desde la homogeneidad.

**o) Educación Compensatoria:** El programa de Educación Compensatoria está destinado a impulsar medidas transitorias para garantizar el acceso, la permanencia y la promoción en el sistema educativo del alumnado en situación de desventaja social, procedente de minorías étnicas, de colectivos de inmigrantes, así como de familias con graves dificultades socioeconómicas. De igual forma, con este programa se atiende al alumnado que debe permanecer largos periodos de hospitalización u otras condiciones de salud. Según sus distintas

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*peculiaridades, estos alumnos presentan, desde un desfase escolar significativo, hasta dificultades de inserción educativa y necesidades de apoyo, derivadas de su incorporación tardía a la escuela, de una escolarización irregular o de un desconocimiento del idioma.*

**CAPÍTULO II**

**PRINCIPIOS Y GARANTÍAS**

**Art. 6°.-** *El Ministerio de Educación y Cultura garantizará la participación activa y efectiva de todos los actores en el Sistema Educativo Nacional.*

**Art. 7°.-** *El Ministerio de Educación y Cultura, como entidad rectora de la educación, articulará acciones con la Secretaría Nacional por los Derechos Humanos de Personas con Discapacidad SENADIS, Ministerio de Salud Pública, Secretaría de la Niñez y la Adolescencia, Ministerio de Trabajo y otras Instituciones Públicas, cuando sea necesario, así como las organizaciones de la sociedad civil, para alcanzar los fines propuestos.*

**Art. 8°.-** *El Ministerio de Educación y Cultura se compromete a:*

- a) Garantizar a los alumnos con necesidades específicas de apoyo educativo, el acceso a una educación inclusiva de calidad, y promover la matriculación e inscripción sin discriminación alguna en Instituciones Públicas de gestión oficial, Privadas, Privadas subvencionadas.*
- b) Garantizar que la flexibilidad curricular contemple la posibilidad de implementar ajustes razonables a la población con necesidades específicas de apoyo educativo.*
- c) Garantizar la provisión de recursos humanos, técnicos y didácticos que aseguren un servicio educativo, en los márgenes de calidad establecidos en el marco de la igualdad de oportunidades para la accesibilidad, permanencia participativa, aprendizaje, promoción y conclusión oportuna en la educación, en todos sus niveles y modalidades.*

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- d) Fortalecer, a través de las Direcciones de Niveles, las Coordinaciones Departamentales y Supervisiones Educativas, con capacitaciones y provisión de materiales curriculares, a fin de facilitar la tarea de promover, apoyar, monitorear, evaluar y supervisar la ejecución de los Proyectos Educativos Inclusivos.
- e) Implementar un plan de sensibilización y capacitación permanente y continua del docente en servicio, basado en enfoques teórico-prácticos de educación inclusiva que ofrezca programas acordes a las necesidades de formación de los actores involucrados en el Plan Educativo Nacional.
- f) Incorporar en los planes y programas de estudio, de todas las carreras de formación docente, contenidos relacionados con la atención en la diversidad y las necesidades específicas de apoyo educativo con el propósito de que los estudiantes de Formación Docente egresen con las actitudes, conocimientos y recursos metodológicos necesarios que les permitan responder a las diferencias individuales.
- g) Incorporar en los planes y programas de estudio de todas las carreras de formación profesional, contenidos asociados a la temática de inclusión; necesidades específicas de apoyo educativo.
- h) Gerenciar los recursos humanos, financieros y administrativos para la aplicación del Plan de Educación Nacional con enfoque inclusivo en todo el país.

**CAPÍTULO III**

**ÓRGANO RESPONSABLE Y ESTRUCTURA ORGANIZACIONAL**

**Sección I: Órgano Responsable**

**Art. 9°.-** El Ministerio de Educación y Cultura, como órgano rector de la educación en la República, será responsable de la implementación de la Ley 5136/2013, y sus reglamentaciones. A tal efecto, a través de sus órganos competentes, tendrá facultad para iniciar, proseguir y culminar acciones administrativas y judiciales, tanto en instituciones de gestión oficial, privadas y privadas subvencionadas, a fin que las mismas den cumplimiento a la Ley.

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**Sección II: Estructura Organizacional**

**Art. 10.-** *La organización técnica y la estructura de las instituciones educativas de gestión oficial, privadas y privadas subvencionadas por el Estado será autorizada por el Ministerio de Educación y Cultura, como así también de los programas y proyectos alternativos oficiales y no gubernamentales, a través de las Direcciones involucradas, acompañadas y supervisadas por equipos técnicos de las Coordinaciones Departamentales y Supervisiones Educativas de todo el país.  
El modelo educativo inclusivo depende de una estructura conformada de la siguiente manera:*

- a) Ministerio de Educación y Cultura.
- b) Vice Ministerio de Educación para la Gestión Educativa.
- c) Viceministerio de Educación Superior.
- d) Dirección General de Educación Inclusiva.
- e) Dirección General de Educación Inicial y Escolar Básica.
- f) Dirección General de Educación Media.
- g) Dirección General de Bachiller Técnico y Formación Profesional.
- h) Dirección General de Fortalecimiento del Proceso Educativo.
- i) Dirección General de Educación Permanente.
- j) Coordinación Departamental de Supervisión Educativa.
- k) Supervisión de Control y Apoyo Administrativo.
- l) Supervisión de Apoyo Técnico Pedagógico.
- m) Equipos Técnicos constituidos en las Escuelas Centro.

**Art. 11.-** *El Ministerio de Educación y Cultura, a través del Viceministerio de Educación para la Gestión Educativa, se encargará por medio de la Dirección General de Educación Inclusiva y las diferentes Direcciones Generales de las cuales dependen los distintos niveles y modalidades de la implementación y ejecución de las políticas vinculadas con la educación a niños, niñas, adolescentes y adultos con necesidades específicas de apoyo educativo, para la inclusión de los mismos al sistema educativo nacional, de gestión oficial, privada y privada subvencionada.*

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**Art. 12.-** *La Coordinación Departamental de Supervisión Educativa, dependiente de la Dirección General de Fortalecimiento, se encargará de planificar, organizar, coordinar, monitorear, y evaluar las actividades pedagógicas y administrativas del departamento, promoviendo el trabajo articulado con los supervisores educativos para la educación inclusiva, en los diferentes niveles y modalidades del Sistema Educativo Nacional. Asimismo, gestionará los recursos humanos y materiales necesarios, ante las instancias correspondientes, conforme a la estructura organizacional.*

**Art. 13.-** *La Supervisión de Control y Apoyo Administrativo, se encargará de orientar, apoyar, monitorear y evaluar al personal directivo, administrativo y técnico de las instituciones educativas de gestión oficial, privada y privada subvencionada, sobre la gestión técnico-administrativa y en el cumplimiento de sus funciones, a fin de garantizar la implementación de la Educación Inclusiva.*

N° \_\_\_\_\_ **Art. 14.-** *La Supervisión de Apoyo Técnico Pedagógico, se encargará de asesorar, apoyar, monitorear y evaluar al personal directivo, técnico y docente sobre la implementación del currículo oficial y el diseño de la adecuación curricular a nivel local, en coherencia con el currículum nacional en instituciones educativas de gestión oficial, privada y privada subvencionada, a fin de garantizar la calidad en la atención a los alumnos con necesidades específicas de apoyo educativo. Así mismo, realizará capacitaciones a los sujetos precedentemente citados, según las necesidades, en forma conjunta con otras instancias.*

**CAPÍTULO IV**

**EQUIPO TÉCNICO**

**Art. 15.-** *Los equipos técnicos, serán responsables de elaborar, aplicar y evaluar los ajustes razonables individuales conforme a las orientaciones recibidas por las autoridades competentes y responsables del área de inclusión y tendrán las siguientes funciones:*



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- a) *Coordinar y articular acciones comprometidas con la inclusión con otros organismos Gubernamentales y no Gubernamentales. Brindar servicio de orientación, asesoramiento, atención y acompañamiento a los docentes de las instituciones educativas para la atención de los alumnos con necesidades específicas de apoyo educativo y sus familias.*
- b) *Capacitar a los docentes en el diseño de adecuaciones curriculares metodológicas y de materiales, así como en la formulación de criterios e indicadores de logros para la evaluación de aprendizajes que garanticen una respuesta efectiva a los alumnos con necesidades específicas de apoyo educativo.*
- c) *Para el cumplimiento de su responsabilidad, los técnicos deberán trasladarse a cada institución educativa donde se encuentre incluido el Alumno con Necesidades Específicas de Apoyo Educativo (ANEAE), periódicamente según la necesidad de cada caso.*
- d) *Identificar las necesidades específicas de los Alumnos con Necesidades Específicas de Apoyo Educativo (ANEAE), mediante la aplicación de evaluaciones diagnósticas y cuando se requiera, coordinar la realización de diagnósticos especializados.*
- e) *Sistematizar, documentar e informar las necesidades de recursos humanos y materiales para la atención oportuna de los alumnos por tipo de discapacidad; los apoyos brindados, las innovaciones educativas, experiencias de éxito y buenas prácticas de aulas y de centros a la Coordinación Departamental de Supervisiones Educativas.*

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**Art. 16.- Equipos Técnicos constituidos en las Escuelas Centro, El Equipo Técnico, estará constituido por los siguientes profesionales:**

- a) *Psicólogo Educacional.*
- b) *Psicopedagogo.*
- c) *Fonoaudiólogo.*
- d) *Terapista ocupacional.*
- d) *Trabajador Social.*
- e) *Especialista por discapacidad.*
- f) *Evaluador Educativo.*





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*Art. 17.- Es responsabilidad de los docentes, con los equipos técnicos, la elaboración y aplicación de los ajustes razonables individuales según necesidad y pertinencia.*

**CAPÍTULO V**

**PROCESO DE INCLUSIÓN, EVALUACIÓN Y PROMOCIÓN**

*Art. 18.- La evaluación de los aprendizajes para los Alumnos con Necesidades Específicas de Apoyo Educativo (ANEAE) en todos los niveles y modalidades será:*



- a) Permanente, formativa, participativa y estará en relación a las adecuaciones curriculares significativas previstas.*
- b) Flexible y diferenciada si es necesario utilizando medios e instrumentos, de acuerdo con las características y necesidades de cada Alumno con Necesidades Específicas de Apoyo Educativo (ANEAE) y considerando el contexto escolar, contando con la participación de la familia o tutor.*
- c) Registrada periódicamente, mediante informes cualitativos y cuantitativos, comunicando a la familia o tutor, los resultados de las evaluaciones y los objetivos propuestos.*

*Art. 19.- Las adecuaciones en los elementos del currículo, se relacionarán a los contenidos, metodología y formas de evaluación, conforme a ajustes requeridos.*

*Para la implementación de ajustes razonables, se requerirá en cada caso particular una evaluación diagnóstica, cualitativa o cuantitativa tanto del docente como del equipo técnico del nivel central, departamental y local a efectos de remover barreras para el aprendizaje y la participación para lograr una cultura que lleve a una política y práctica inclusiva.*

*Si las necesidades específicas de apoyo educativo fueran detectadas por el docente, dentro del proceso enseñanza aprendizaje, se convocará a los padres o tutores y se les informará sobre la situación del alumno y se solicitará los estudios correspondientes de los especialistas, orientados por*

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*el equipo técnico. A fin de garantizar el trato adecuado del Alumno con Necesidades Específicas de Apoyo Educativo (ANEAE), se podrá requerir el diagnóstico de la Secretaría Nacional por los Derechos de las Personas con Discapacidad (SENADIS) y Entidades habilitadas para el efecto por la misma, para la certificación de Discapacidad, y de profesionales competentes habilitados para los demás trastornos o necesidades específicas.*

**Art. 20.-** *La evaluación de los aprendizajes de aquellos alumnos que hayan requerido ajustes razonables, se enmarcarán a los objetivos y contenidos para cada situación en particular.*

*Para facilitar el aprendizaje se reconoce la utilización de: del sistema Braille, la escritura alternativa, medios y formatos de comunicación aumentativos o alternativos y habilidades de orientación y de movilidad, así como la tutoría y el apoyo entre pares, Lengua de Señas y cualquier otro tipo de ajuste o apoyo que se requiera.*

*El sistema de ajustes garantizará la trayectoria educativa, en los niveles y modalidades del Sistema Educativo Nacional, respondiendo a las necesidades de cada situación, previo consenso con el equipo técnico, docentes, padres, madres, tutores o guardadores.*

**Art. 21.-** *Las instituciones educativas de gestión oficial, privadas y privadas subvencionadas, deberán asegurar el acceso de alumnos con necesidades específicas de apoyo educativo, en distintos niveles y modalidades de la institución, conforme a la clasificación del Artículo 3º, Inciso a) de la Ley.*

**Art. 22.-** *Los Alumnos, con Necesidades Específicas de Apoyo Educativo, que hayan logrado los objetivos establecidos, serán promovidos de grado y obtendrán las certificaciones correspondientes a sus capacidades y competencias, debiendo garantizarse su continuidad y permanencia en el servicio educativo. A aquellos que demuestren competencias curriculares superiores a las que correspondan a su grupo de edad, se les ofrecerá opciones curriculares adecuadas a su nivel de habilidades y conocimientos.*

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**CAPÍTULO VI**

**DE LOS ALUMNOS**

**Art. 23.-** *El Alumno con Necesidades Específicas de Apoyo Educativo, deberá cumplir las tareas propias del curso o grado en el cual se encuentre incluido, desarrollar el programa correspondiente, con las adecuaciones curriculares necesarias, seguir las orientaciones de conducta y disciplina que rige para los demás alumnos.*

**Art. 24.-** *Son derechos de los alumnos:*

- a) *Los reconocidos en la Constitución, Convenios y Pactos Internacionales, las Leyes y el presente Decreto.*
- b) *Recibir las ayudas y los apoyos precisos para la remoción de las barreras que impidan su aprendizaje y participación.*
- c) *La orientación y el estímulo permanente por los miembros de la comunidad educativa para que sus esfuerzos y dedicación sean valorados, a efecto de contribuir al pleno desarrollo de su personalidad.*
- d) *La protección contra todo tipo de discriminación, agresión física o moral, contra la violencia, los abusos o maltratos, infortunio familiar o accidente.*
- e) *La participación libre e igualitaria, en los centros de estudiantes u otras organizaciones estudiantiles constituidas.*
- f) *La gratuidad de los servicios educativos en las instituciones educativas públicas de gestión oficial.*
- g) *La provisión en forma gratuita de los materiales educativos, en las instituciones educativas públicas de gestión oficial.*
- h) *Provisión de expediente en caso de movilidad.*
- i) *La información respecto a sus necesidades o discapacidades; y*
- j) *Las Becas o subsidios educativos según lo establecido en las Leyes vigentes.*

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**Art. 25.- Son deberes de los alumnos:**

- a) *Respetar la dignidad, la libertad de conciencia, las convicciones morales y religiosas, la diversidad cultural, integridad e intimidad de todos los miembros de la comunidad educativa.*
- b) *Respetar las normas de organización, convivencia y disciplina.*
- c) *Participar y colaborar con la mejora de la convivencia institucional.*
- d) *Respetar el derecho a la educación de sus compañeros y compañeras.*
- e) *Cooperar y apoyar al compañero o compañera.*
- f) *Seguir las normativas del personal directivo y el profesorado respecto a su educación y aprendizaje, y*
- g) *Conservar y hacer un buen uso de las instalaciones escolares y los materiales didácticos.*

**Art. 26.-** *El Ministerio de Educación y Cultura garantizará los mecanismos necesarios para el cumplimiento y fortalecimiento de la educación y los deberes cívicos de los alumnos en todos los niveles del Sistema Educativo Nacional.*



*A tal efecto, los estatutos sociales de las organizaciones estudiantiles de instituciones educativas, a más de los requerimientos establecidos en la Ley para su constitución, deberán contemplar:*

- a) *El principio de la no discriminación en ninguna de sus formas.*
- b) *La participación igualitaria y plena de mujeres y varones en los órganos de dirección; y*
- c) *La igualdad en la participación de los órganos que los representan.*

**CAPITULO VII**

**DE LOS EDUCADORES**

**Art. 27.-** *El Ministerio de Educación y Cultura adoptará las medidas que correspondan para la modificación o ajustes de los planes y programas de formación continua de educadores en cuanto a la diversidad, a fin de que los mismos adquieran las multi-competencias necesarias para ejercer el derecho a:*

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- a) *Formación continua en Educación Inclusiva.*
- b) *Acceso a herramientas técnico-pedagógicas y tecnológicas.*
- c) *Apoyo por parte de un equipo técnico.*
- d) *Solicitar el apoyo de otro u otros pares profesionales en aula, en casos requeridos y establecidos por el equipo.*
- e) *Acompañamiento y apoyo de la familia, encargado o tutor; y*
- f) *Contar con la información de profesionales externos.*

**Art. 28.- Son deberes de los educadores:**

- a) *La identificación temprana de alumnos con necesidades específicas de apoyo educativo que requieran ajustes razonables.*
- b) *El apoyo preciso al alumno desde el momento de su escolarización o detección de sus necesidades específicas de apoyo educativo.*
- c) *La aplicación oportuna de ajustes razonables a los Alumnos con Necesidades Específicas de Apoyo Educativo para que puedan alcanzar los objetivos generales.*
- d) *La aplicación de estrategias de enseñanza efectiva.*
- e) *El manejo de la diversidad de grupos, en función a sus características.*
- f) *La incentivación constante para que entre todos los miembros de la comunidad educativa se cree una cultura inclusiva.*
- g) *La participación en capacitaciones.*
- h) *Impulsar la diversificación curricular.*
- i) *Elaborar Proyecto Áulico coherente a partir de las características y necesidades de la población con la que va a trabajar.*
- j) *Implementar evaluaciones adaptadas a las necesidades específicas de apoyo educativo de cada alumno.*

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**CAPÍTULO VIII**

**DE LOS PADRES, MADRES Y TUTORES**

**Art. 29.-** *Los padres, madres, tutores o guardadores, de los Alumnos con Necesidades Específicas de Apoyo Educativo, deberán participar activamente con las autoridades de la institución en el proceso de Inclusión Educativa, de manera directa, o por medio de un profesional de la educación, docente, psicopedagogo, o especialista necesario, según las necesidades. Deberán estar disponibles para reuniones de consulta y evaluación con las autoridades de la institución, y tendrán derecho a proponer alternativas de solución a las barreras que existan a la inclusión.*

**Art. 30.-** *A tal efecto, tienen derecho a:*

- a) *Participar de los procesos de enseñanza – aprendizaje e inclusión socio-afectiva de sus hijos.*
- b) *Ser orientados, estimulados y capacitados sobre las barreras para el aprendizaje y la participación de sus hijos en cuanto a la importancia de su rol en los procesos educativos, así como de los derechos que los asisten.*
- c) *Ser oídos sobre las decisiones académicas y profesionales que afectan a sus hijos.*
- d) *Solicitar análisis cuali-cuantitativo, ayudas, apoyos, así como los ajustes razonables y sistemas de evaluación acorde a las barreras para el aprendizaje y la participación que experimentan sus hijos.*
- e) *Ser informados en forma periódica sobre la situación académica y socio-afectiva de sus hijos.*
- f) *Suscribir un acuerdo con la institución educativa;y*
- g) *Elegir para la persona que se encuentra bajo su responsabilidad, la institución educativa, cuya orientación responda a sus convicciones filosóficas éticas o religiosas.*

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**Art. 31.-** *Y tienen las siguientes obligaciones:*

- a) *Acompañar el proceso de enseñanza-aprendizaje.*
- b) *Brindar información veraz y confiable, a fin de utilizarla en beneficio del alumno.*
- c) *Llevar a cabo sugerencias de los profesionales, ya sean estos de la institución educativa o de carácter externo a la misma;*
- d) *Incorporar a las personas bajo su responsabilidad al Sistema Educativo Nacional.*

**Art. 32.-** *Las Organizaciones de la Sociedad Civil, de y para personas con discapacidad, debidamente inscritas y reconocidas en la Secretaría Nacional por los Derechos de las Personas con Discapacidad (SENADIS), y profesionales competentes debidamente habilitados, a pedido de la institución o de los padres, prestarán asistencia, al Alumno con Necesidades Específicas de Apoyo Educativo, para la realización de los ajustes razonables, orientación y asesoramiento a los docentes de aula, para la elaboración de dichos ajustes.*

**CAPÍTULO IX**

**DEL RÉGIMEN DE FALTAS Y SANCIONES**

**Art. 33.-** *El Ministerio de Educación y Cultura establecerá, resolución mediante, el régimen de faltas y sanciones para instituciones educativas, de gestión pública oficial, privadas y privadas subvencionadas, que no cumplan u obstaculicen el cumplimiento de la Ley. Sin perjuicio de las acciones que pudieran promover los beneficiarios de la Ley o sus representantes legales.*

**Art. 34.-** *En la Resolución mencionada se deberá indicar los sujetos pasibles de sanción, personas físicas o jurídicas, que eventualmente se verían afectados por el incumplimiento de la Ley, así como la tipificación de las faltas y de las sanciones correspondientes, las cuales serán aplicadas previo proceso sumarial, cuyo procedimiento será establecido en la misma.*

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*Art. 35.- La Resolución Ministerial contemplará mecanismos relacionados a procedimientos previos de inspección, mediación y medidas de urgencia a fin de resolver necesidades emergentes o conflictos suscitados en el marco de la aplicación de la Ley.*

**CAPÍTULO X**

**DISPOSICIONES TRANSITORIAS FINALES**

*Art. 36.- A los efectos de lo establecido en los Artículos 5º, Inciso l); 24 y 27 de la Ley, para la provisión de los recursos financieros y las partidas presupuestarias requeridas para la ejecución de la misma, afectado al Ministerio de Educación y Cultura, deberá darse cumplimiento a las normas y procesos vigentes de la Ley N° 1535/1999, "De Administración Financiera del Estado", la Ley Anual de Presupuesto en vigencia y sus reglamentaciones.*

*Art. 37.- A partir de la vigencia del presente Decreto, el Ministerio de Educación y Cultura, en coordinación con el Ministerio de Hacienda, deberá proponer al Poder Ejecutivo y al Congreso Nacional, las alternativas del financiamiento de los programas y proyectos de gastos en el Presupuesto General de la Nación, afectado al Ministerio de Educación y Cultura, de acuerdo a los recursos financieros previstos o disponibles para el efecto, a las normas y a los procedimientos vigentes de la materia.*

*Art. 38.- El Presupuesto General de la Nación de cada Ejercicio Fiscal, deberá contemplar las partidas de ingresos y gastos necesarios para la ejecución de los programas, subprogramas o Proyecto de Educación Inclusiva, que podrá ser implementado gradualmente de acuerdo a los recursos financieros disponibles, a partir de la vigencia de la Ley y la presente reglamentación.*

*Art. 39.- Facúltase al Ministerio de Educación y Cultura a reglamentar otros aspectos relacionados a la Ley, en coordinación con la comunidad educativa, y las organizaciones de la sociedad civil.*

*Art. 40.- El presente Decreto será refrendado por la Ministra de Educación y Cultura.*

*Art. 41.- Comuníquese, publíquese e insértese en el Registro Oficial.*

N° \_\_\_\_\_



Dirección de Decretos y Leyes  
Secretaría General  
Gabinete Civil

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**USAID**  
FROM THE AMERICAN PEOPLE



# EVALUATION

Learning from  
Experience

**USAID**  
**EVALUATION**  
**POLICY**

JANUARY 2011  
UPDATED OCTOBER 2016



# USAID **EVALUATION** POLICY

JANUARY 2011  
*UPDATED* OCTOBER 2016  
WASHINGTON, DC

# PREFACE

This policy update is the work of USAID's Bureau for Policy, Planning, and Learning's Office of Learning, Evaluation, and Research (PPL/LER). This update had been made to ensure consistency with revisions to USAID's Automated Directives System (ADS) [Chapter 201 Program Cycle Operational Policy](#), which was released September 2016. The ADS revisions changed evaluation requirements to simplify implementation and increase the breadth of evaluation coverage. The ADS revisions also seek to strengthen evaluation dissemination and utilization, which were challenges that the 2011 version of the Evaluation Policy had emphasized.

# ACKNOWLEDGEMENTS

## 2016 UPDATE

This policy update reflects the comments and feedback of numerous USAID colleagues in the field and in Washington, as well as the broader development and evaluation community. We thank those who have generously shared their experiences and challenges in implementing the USAID Evaluation Policy over the past five years. This update also relies heavily on the pioneering work of the Evaluation Policy Task Team responsible for the initial development of the USAID Evaluation Policy in 2011.

– *October 2016*



# 1 CONTEXT

USAID stewards public resources to promote sustainable development in countries around the world. Reflecting the intent of the authorizing legislation of the U.S. Agency for International Development (the Foreign Assistance Act of 1961, as amended) and embodying the aims of the current National Security Strategy, the Presidential Policy Directive on Global Development, and the Quadrennial Diplomacy and Development Review, USAID pursues this goal through effective partnerships across the U.S. Government, with partner governments and civil society organizations, and with the broader community of donor and technical agencies. The Agency applies the Paris Declaration principles of ownership, alignment, harmonization, managing for results, and mutual accountability.

To fulfill its responsibilities, USAID bases policy and investment decisions on the best available empirical evidence, and uses the opportunities afforded by project implementation to generate new knowledge for the wider community. Moreover, USAID commits to measuring and documenting project achievements and shortcomings so that the Agency's multiple stakeholders gain an understanding of the return on investment in development activities.

USAID recognizes that evaluation, defined in Box 1, is the means through which it can obtain systematic, meaningful feedback about the successes and shortcomings of its endeavors. Evaluation provides the information and analysis that prevents mistakes from being repeated, and that increases the chance that future investments will yield even more benefits than past investments. While it must be embedded within a context that permits evidence-based decision-making, and rewards learning and candor more than superficial success stories, the practice of evaluation is fundamental to the Agency's future strength.

This policy builds on the Agency's long and innovative history of evaluation, and seeks to redress the decline in the quantity and quality of evaluation practice within the Agency in the recent past. The number of evaluations submitted to USAID's [Development Experience Clearinghouse \(DEC\)](#) decreased from nearly 500 in 1994 to approximately 170 in 2009, despite an almost three-fold increase in program dollars managed. Over that period, the Agency's evaluation activities had been subject to both internal and external critiques regarding methodological quality, objectivity, access to evaluation findings, and use of evaluation recommendations for decision-making.

Since the 2011 release of the Evaluation Policy, USAID has improved both the quantity and quality of its evaluations, to inform development programming that ultimately achieves better results. The number of commissioned evaluations has rebounded from an annual average of about 130 in the five years prior to the 2011 Evaluation Policy, to an annual average of about 230 over the last five years. The Agency now offers classroom training in evaluation as well as a number of processes and resources to improve the methodological quality, objectivity, access to evaluation findings, and use of evaluation conclusions for decision-making. A [2013 PPL-commissioned study](#) showed some quality improvements and a [2016 study](#) showed that USAID's overall evaluation utilization is strong, with 71 percent of evaluations being used to support and/or modify Agency activities on the ground. While these trends are encouraging, there are still many areas for improvement, and USAID will continue striving to improve the quality and utilization of its evaluations.

This policy responds to today's needs. High expectations exist for respectful relationships among donors, partner governments, and beneficiaries. Many stakeholders are

demanding greater transparency in decision-making and disclosure of information. Development activities encompass not only the traditional long-term investments in development through the creation of infrastructure, public sector capacity, and human capital, but also shorter-term interventions to support and reinforce stabilization in environments facing complex threats. All of these features of the current context inform a policy that establishes higher standards for evaluation practice, while recognizing the need for a diverse set of approaches.

This policy is intended to provide clarity to USAID staff, partners, and stakeholders about the purposes of evaluation, the types of evaluations that are required and recommended, and the approach for conducting, disseminating, and using evaluations. Intended primarily to guide staff decisions regarding the practice of evaluation within projects managed by USAID, it also serves to communicate to implementing partners and key stakeholders USAID's approach to evaluation.

This policy draws in significant ways on the evaluation principles and guidance developed by the Organization for Economic Cooperation and Development (OECD) Development Assistance Committee (DAC) Evaluation Network. In addition, the policy is consistent with the Department of State Evaluation Policy, and USAID will work collaboratively with the Department of State Bureau of Resource Management to ensure that the organizations' guidelines and procedures with respect to evaluation are mutually reinforcing. USAID also will work closely with the Department of State's Office of the Director of U.S. Foreign Assistance in its efforts to strengthen and support sound evaluation policies, procedures, standards, and practices for evaluation of foreign assistance programs.

Finally, this policy helps to implement the [Foreign Aid Transparency and Accountability Act of 2016](#) for USAID and works in concert with existing Agency policies, strategies, and operational guidance, including those regarding project design, evaluation-related competencies of staff, performance monitoring, knowledge management, and research management. The policy is operationalized in USAID's Automated Directives System (ADS) Chapter 201 Program Cycle Operational Policy.



## BOX I: CONCEPTS AND CONSISTENT TERMINOLOGY

To ensure consistency in the use of key concepts, the terms and classifications highlighted below will be used by USAID staff and those engaged in USAID evaluations.

Evaluation is the systematic collection and analysis of information about the characteristics and outcomes of strategies, projects, and activities as a basis for judgments to improve effectiveness, and timed to inform decisions about current and future programming. Evaluation is distinct from assessment or an informal review of projects.

- Impact evaluations measure the change in a development outcome that is attributable to a defined intervention; impact evaluations are based on models of cause and effect and require a credible and rigorously defined counterfactual to control for factors other than the intervention that might account for the observed change. Impact evaluations in which comparisons are made between beneficiaries that are randomly assigned to either a treatment or a control group provide the strongest evidence of a relationship between the intervention under study and the outcome measured.
- Performance evaluations encompass a broad range of evaluation methods. They often incorporate before-after comparisons, but generally lack a rigorously defined counterfactual. Performance evaluations may address descriptive, normative, and/or cause-and-effect questions: what a particular project or program has achieved (at any point during or after implementation); how it is being implemented; how it is perceived and valued; whether expected results are occurring; and other questions that are pertinent to design, management, and operational decision-making.
- Performance monitoring is the ongoing and systematic collection of performance indicator data and other quantitative or qualitative information to reveal whether implementation is on track and whether expected results are being achieved. Performance monitoring includes monitoring of outputs and project and strategic outcomes.
- Performance indicators measure expected outputs and outcomes of strategies, projects, or activities based on a mission's Results Framework or a project's or activity's logic model. In general, outputs are directly attributable to the program activities, while project outcomes represent results to which a given program contributes but for which it is not solely responsible.
- Performance management is the systematic process of planning, collecting, analyzing, and using performance monitoring data and evaluations to track progress, influence decision-making, and improve results. Performance management is one aspect of the larger process of continuous learning and adaptive management.

NOTE: In referring to projects throughout the document, the term is used to mean a set of complementary activities, over an established timeline and budget, intended to achieve a discrete development result. The term project does not refer only or primarily to an implementing mechanism, such as a contract or grant.

# 2 PURPOSES OF EVALUATION

Evaluation in USAID has two primary purposes: accountability to stakeholders and learning to improve development outcomes.

**ACCOUNTABILITY:** Measuring project effectiveness, relevance, and efficiency, disclosing those findings to stakeholders, and using evaluation findings to inform resource allocation and other decisions is a core responsibility of a publicly financed entity. For evaluation to serve the aim of accountability, metrics should be matched to meaningful outputs and outcomes that are under the control or sphere of influence of the Agency. Accountability also requires comparing performance to ex ante commitments and targets, using methods that obtain internal validity of measurement, ensuring credibility of analysis, and disclosing findings to a broad range of stakeholders, including the American public.

**LEARNING:** Evaluations of country and regional strategies, projects, and activities that are well designed and executed

can systematically generate knowledge about the magnitude and determinants of performance, permitting those who design and implement them—including USAID staff, host governments, and a wide range of partners—to refine designs and introduce improvements into future efforts. Learning requires: careful selection of evaluation questions to test fundamental assumptions underlying strategies and project designs; methods that generate findings that are internally and externally valid (including clustering evaluations around priority thematic questions); and systems to share findings widely and facilitate integration of the evaluation conclusions to recommendations into decision-making.

These two purposes can be achieved simultaneously and span all projects. However, neither of these purposes can be achieved solely through the evaluation function. Each requires intentional actions by senior management to foster a culture of accountability and learning, and to provide appropriate incentives (and minimize disincentives) for staff at all levels.

# 3 BASIC ORGANIZATIONAL ROLES AND RESPONSIBILITIES

Each of the Agency's operating units that implement development projects will comply with this policy, supported by a set of central functions. Operating units will:

- Identify an evaluation point of contact. This individual will be responsible for ensuring compliance with the policy across the breadth of the operating unit's projects, and will interact with the regional and technical bureau points of contact and PPL/LER. The time allocated to this function should be commensurate with the size of the evaluation portfolio being managed.
- Invest in training of key staff in evaluation management and methods through Agency courses and/or external opportunities.
- Actively encourage staff to participate in relevant evaluation communities of practice for knowledge exchange.
- Develop, as needed, the guidance, tools, and contractual mechanisms to access technical support specific to the types of evaluations required for the country, region, or topical area in the domain of the operating unit. In general, this will require collaboration between the Program and Technical Offices. USAID missions will prepare a Mission Order on evaluation describing the context-specific approaches and expectations regarding evaluation.<sup>1</sup>
- Prepare on a yearly basis an inventory of evaluations to be undertaken during the following fiscal year, as well as those completed. In general, the evaluations will be identified in Performance Management Plans (PMP). The information will be included in the Evaluation Registry. Evaluation Registry guidance will indicate the specific information to be supplied.
- Develop, through the Program Office (as defined in ADS 100), a budget estimate for the evaluations to be undertaken during the following fiscal year. On average, at least 3 percent of the program budget managed by an operating unit should be dedicated to external evaluation.
- Ensure that final statements of work for external evaluations adhere to the standards described below (See Section 4). In general, this will require collaboration between the Program and Technical Offices. The Program Office may engage the regional and technical bureaus in reviews of evaluation statements of work. In missions, the Program Office will manage the contract or grant relationship with the external evaluation team or consultant except in unusual circumstances, as determined by the mission director.
- Ensure, through the Program Office, that evaluation draft reports are assessed for quality by management and through an in-house peer technical review, and that comments are provided to the evaluation teams.
- Ensure, through the Program Office, that plans for dissemination and use of evaluations are developed and that evaluation final reports and their summaries are submitted within three months of completion to the Development Experience Clearinghouse (DEC) at <http://dec.usaid.gov>.
- Ensure, through the Program Office, that evaluation datasets are submitted to the [Development Data Library](#).
- Develop a post-evaluation action plan upon completion of an evaluation and integrate evaluation findings into decision making about strategies, program priorities, and project design. In general, the Program Office will take responsibility for this function.
- Participate, where relevant, in the Agency-wide process of developing an evaluation agenda.

<sup>1</sup> An external evaluation is one that is commissioned by USAID, rather than by the implementing partner, and in which the team leader is an expert external to USAID, who has no fiduciary relationship with the implementing partner.

**Each of the technical and regional bureaus will:**

- Identify an evaluation point of contact. This individual will be responsible for ensuring compliance with the policy across the breadth of the operating unit's projects, and will interact with PPL/LER. The time allocated to this function should be commensurate with the size of the evaluation portfolio being managed.
- Invest in training of key staff in evaluation management and methods through Agency courses and/or external opportunities.
- Participate in an evaluation community of practice for knowledge exchange.
- Organize, on request of the mission Program Offices, reviews of evaluation statements of work and draft evaluation reports.
- Participate in the Agency-wide process of developing an evaluation agenda.

**PPL/LER is an institutional source of guidance, support, and quality assurance for the design, conduct, dissemination, and synthesis of evaluations. PPL/LER will:**

- Develop training curricula and evaluation tools that have wide application across the Agency's portfolio. Identify opportunities for external training in specialized topics.
- Organize and lead the Evaluation Interest Group and other cross-Agency evaluation-related knowledge networks.
- Develop and/or update, with the Office of Human Capital and Talent Management, capabilities statements for evaluation specialists and senior evaluation specialists.
- Organize technical resources for evaluation that can be accessed through a flexible mechanism. This includes, among other services: developing appropriate technical specifications for competitively procured evaluation expertise, reviewing, and approving evaluation statements of work, coordinating access to evaluation services, and providing estimates of evaluation costs.
- Respond on a priority basis with technical input for evaluation design and implementation, particularly for Presidential Initiatives and large country programs. This includes providing input into the requests for proposals for mechanisms to access technical support for evaluations.
- At any time, and particularly when requested by the Administrator, undertake or require a performance and/or impact evaluation of any project within the USAID portfolio.
- Undertake occasional thematic or meta-evaluations to generate recommendations regarding Agency priorities, policies, and practices. These evaluations will adhere to the standards described below.
- Undertake occasional post-implementation evaluations to examine long-term effects of projects.
- Provide clearance on principled exceptions to the requirement of public disclosure of evaluation findings.
- Lead the preparation of an Agency-wide evaluation agenda. Broad input from across the Agency, and from external stakeholders, will be sought during this process.
- Prepare a periodic report highlighting recent key evaluation practices and findings, and changes and challenges in evaluation practice. Information for this will come from the Evaluation Registry, among other sources.
- Serve as the main point of contact on evaluation with domestic and international agencies and donors, non-governmental organizations, foundations, academic institutions, multilateral organizations, and local governments and organizations in the countries where USAID works.
- Participate with other development actors, including partner countries, implementing partners, and other USAID and U.S. Government entities, in joint cross-cutting evaluations.

# 4 EVALUATION PRACTICES

Evaluations at USAID should be:

## **INTEGRATED INTO DESIGN OF STRATEGIES, PROJECTS, AND ACTIVITIES**

USAID's renewed focus on evaluation has a complementary and reinforcing relationship with other efforts to focus projects and activities on achieving measurable results. These include a revival of project design capacity and strengthening the disciplinary expertise in priority areas, including stabilization, agriculture, economics, and democratic governance. Compared to evaluations of projects and activities with weak or vague logic models, we can expect to learn much more from evaluations of projects and activities that are designed from the outset with clear development hypotheses, realistic expectations of the value and scale of results, and clear understanding of implementation risks.

For each project, consideration will be given during the design phase to the performance evaluation(s) and, in some cases, impact evaluation(s) that will be undertaken. This is part of the preparation of a Project Monitoring, Evaluation, and Learning Plan. For missions engaged in the preparation of a three-to-five year Country Development Cooperation Strategy, mission leadership will address evaluation priorities and approaches. Planning for evaluation and identifying key evaluation questions at the outset will both improve the quality of the project and activity design, and will guide data collection during implementation.

When a project or activity that will be subject to evaluation is initiated, baseline data, including variables that correspond to key outcomes and impacts, will be collected using high-quality methods and analyzed to establish a reference point. As a rule, baseline studies should collect sex-disaggregated data. To obtain baseline data, household or individual surveys are often valuable baseline data, and can be replicated toward the conclusion of implementation to assess changes.

Significant attention is required to ensure that baseline data are collected early in the project lifespan, before any significant implementation has occurred. In addition, the baseline data collection should be designed based on a plan for analysis of the data, to ensure that the appropriate variables are obtained and that, if probability sampling is used, the sample size is large enough to permit valid statistical comparisons.

Working closely with the responsible Program Office, project managers will ensure that implementing partners collect relevant monitoring data, and maintain data and documentation that can be accessed for future evaluations.

In cases where impact evaluations are undertaken to examine the relationship between an intervention or set of interventions and changes in a key development outcome, a parallel contractual or grant agreement will be established at the inception to accompany implementation. That contractual or grant agreement will include sufficient resources for data collection and analysis. Under unusual circumstances, when a separate arrangement is infeasible, implementing partners may subcontract an impact evaluation of a project subcomponent.

If and when opportunities exist to evaluate the impact of particular interventions, or to compare variations in implementation strategies, implementing partners are encouraged to bring these opportunities to the attention of the responsible technical officers. Technical officers can determine whether and how to support such impact evaluations to be conducted by the partner or, ideally, externally through a separate mechanism.

## **UNBIASED IN MEASUREMENT AND REPORTING**

Evaluations of USAID projects will be undertaken so that they are not subject to the perception or reality of biased measurement or reporting due to conflict of interest or other

factors. Evaluations conducted to meet evaluation requirements will be external (i.e., led by a third-party contractor or grantee, managed directly by USAID), and the contract or grant for the evaluation will be managed, in most cases, by an operating unit's Program Office.

Whereas most evaluations will be external, funding may be dedicated within a project design for implementing partners to engage in evaluative work for their own institutional learning or accountability purposes. In cases where project funding from USAID supports an evaluation conducted or commissioned by an implementing partner, the findings from that evaluation must be shared in written form with the responsible technical officer within three months of the evaluation's conclusion.

In cases where USAID operating unit management determines that appropriate expertise exists within the Agency, and that engaging USAID staff in an evaluation will facilitate institutional learning, an external evaluation team may include USAID staff. However, an outside expert with appropriate skills and experience will be recruited to lead the team, mitigating the potential for conflict of interest. The outside expert may come from another U.S. Government Agency uninvolved in project implementation, or be engaged through a contractual mechanism.

## RELEVANT

Evaluations will address the most important and relevant questions about strategies, projects, or activities. In general, the importance and relevance will be achieved by explicitly linking evaluation questions to specific future decisions to be made by USAID leadership, partner governments, and/or other key stakeholders. Those decisions frequently will be related to how resources should be allocated across and within sectors and thematic areas and/or how implementation should be modified to improve effectiveness. To ensure relevance, consultation with in-country partners and beneficiaries is essential. Evaluation reports should include sufficient local and global contextual information so that the external validity and relevance of the evaluation can be assessed. Evaluations that are expected to influence resource allocation should include information on the cost structure and scalability of the intervention, as well as its effectiveness.

## BASED ON THE BEST METHODS

Evaluations will use methods that generate the highest quality and most credible evidence that corresponds to the questions

being asked, taking into consideration time, budget, and other practical considerations. Given the nature of development activities, both qualitative and quantitative methods yield valuable findings, and a combination of both often is optimal; observational, quasi-experimental, and experimental designs all have their place. No single evaluation design or approach will be privileged over others; rather, the selection of method or methods for a particular evaluation should principally consider the appropriateness of the evaluation design for answering the evaluation questions as well as balance cost, feasibility, and the level of rigor needed to inform specific decisions.

For impact evaluations, experimental methods generate the strongest evidence. Alternative methods should be utilized only when random assignment strategies are infeasible.

Evaluation methods should use sex-disaggregated data and incorporate attention to gender relations in all relevant areas. Methodological strengths and limitations will be communicated explicitly in evaluation reports.

## ORIENTED TOWARD REINFORCING LOCAL OWNERSHIP

The conduct of evaluations will be consistent with institutional aims of local ownership through respectful engagement with all partners, including local beneficiaries and stakeholders, while leveraging and building local evaluation capacity. To the extent possible, evaluation specialists with appropriate expertise from partner countries, but not involved in project implementation, will lead and/or be included in evaluation teams. USAID will place priority within its sectoral programming on supporting partner government and civil society capacity to undertake evaluations and use the results generated.

## TRANSPARENT

Findings from evaluations will be shared as widely as possible, with a commitment to full and active disclosure. Furthermore, an executive summary including a description of methods, key findings and recommendations will be available to the public online in a fully searchable form within three months of an evaluation's conclusion, as described below. Principled exceptions will be made per Agency guidance.

# 5 EVALUATION REQUIREMENTS

Recognizing the diversity of strategies, projects, and activities across the Agency, the application of evaluation requirements will occur at the level of the operating unit.

**Evaluations of each project:** Each mission and Washington operating unit that manages program funds and designs and implements projects must conduct at least one evaluation per project. The evaluation may address the project as a whole, a single activity or intervention, a set of activities or interventions within the project, questions related to the project that were identified in the PMP or Project Monitoring, Evaluation, and Learning Plan, or cross-cutting issues within the project.

The evaluation must be timed so that the findings will be available as decisions are made about strategies, project designs, and procurements. This will mean that adequate lead time must be allocated to design and commission the evaluation.

**Evaluations of a whole project:** Each mission must conduct at least one “whole-of-project” performance evaluation within their CDCS timeframe. Whole-of-project performance evaluations examine an entire project, including all its constituent activities and progress toward the achievement of the project purpose.

Operating units are encouraged to identify opportunities for evaluations of their entire projects, rather than focusing only at the activity level. Such evaluations are particularly valuable in the period preceding the development of a new strategy, when questions are likely to be asked about the overall effectiveness of engagement in a particular sector or broad set of activities.

**Evaluations of innovative development interventions:** Each mission and Washington operating unit must conduct an

impact evaluation, if feasible, of any new, untested approach<sup>2</sup> that is anticipated to be expanded in scale or scope through U.S. Government foreign assistance or other funding sources (i.e., a pilot intervention). If it is not feasible to effectively undertake an impact evaluation, the mission or Washington operating unit must conduct a performance evaluation and document why an impact evaluation wasn’t feasible. Regardless of whether an impact or performance evaluation is selected, the evaluation will be integrated into the design.

USAID operates in many environments where, due to security concerns, evaluations involving extensive site visits, interactions with beneficiaries, and other standard approaches are impossible. Moreover, even where security concerns are not paramount, some of the contexts in which USAID operates are so complex that standard linear and/or causal models may have little relevance. While this does not obviate the need for evaluations, creative and sometimes unorthodox approaches will be required to measure project achievements in complex and/or insecure environments. PPL/LER, in collaboration with the relevant technical and regional bureaus, will provide guidance and tools to support this work.

## EVALUATION PROCEDURES

Evaluations will be undertaken in a manner that ensures credibility, unbiasedness, transparency, and the generation of high-quality information and knowledge. Given the variation in evaluation questions and conditions, the means toward these ends will vary greatly from case to case. However, USAID evaluations of all types will use sound social science methods and should include the following basic features:

<sup>2</sup> Whether an approach is “tested” or “untested” is often a matter of professional judgment. However, in the project design phase an effort should be made to synthesize the best available evidence regarding the intervention(s) being included in the project—for example, the approach to teacher training, the use of performance incentives to improve health worker productivity, or the strategy to foster community development through strengthening local governance bodies. Where a truly novel approach is being introduced and there is little or no empirical evidence regarding its effectiveness in any setting, this would be characterized as untested.

- Establishment of team with the appropriate methodological and subject matter expertise to conduct an excellent evaluation.
  - Written design, including identification of key question(s), methods, main features of data collection instruments, and data analysis plans. Except in unusual circumstances, the design will be shared with the implementing partners for comment before being finalized.
  - Written dissemination plan taking into account how key partners and other development actors best receive evaluation information.
  - Gender-sensitive design and measurement, including sex-disaggregated data, where appropriate.
  - Approach that encourages participation by national counterparts and evaluators in the design and conduct of evaluations.
  - Use of data collection and analytic methods that ensure, to the maximum extent possible, that if a different, well-qualified evaluator were to undertake the same evaluation, he or she would arrive at the same or similar findings and conclusions.
  - Application and use to the maximum extent possible of social science methods and tools that reduce the need for evaluator-specific judgments.
  - Standardized recording and maintenance of records from the evaluation (e.g., focus group transcripts).
  - Collection of data on variables corresponding to inputs, outputs, outcomes, and impacts, as well as financial data that permits computation of unit costs and analysis of cost structure, as needed to answer the evaluation questions.
  - Evaluation findings that are based on facts, evidence, and data. This precludes relying exclusively upon anecdotes, hearsay, and unverified opinions. Finding should be specific, concise, and supported by quantitative and qualitative information that is reliable, valid, and generalizable.
  - Evaluation reports that include the original statement of work, a full description of methodology (or methodologies) used, as well as the limitations in the inferences that can be drawn. Readers should have sufficient information about the body of evidence and how information was gathered to make a judgment as to its reliability, validity, and generalizability.
  - Evaluation reports that include action-oriented, practical, and specific recommendations, if requested.
  - Evaluation reports that are shared widely and in an accessible form with all partners and stakeholders, and with the general public.
  - Post-evaluation action plans to help ensure that institutional learning takes place and evaluation findings are used to improve development outcomes.
  - Adequate budget and timeline for a high-quality evaluation.
- To assure evaluation quality, the following systems will be put into place:
- Statements of work for evaluations shall include criteria for the quality of the evaluation report. These are provided in Appendix I.
  - The operating unit Program Office will organize peer reviews of evaluation statements of work and draft evaluation reports, seeking support from the corresponding regional and technical bureaus.

## EVALUATION TRANSPARENCY

The presumption of openness in the conduct of USAID evaluations will be manifested at two stages: (1) when an evaluation design is agreed upon; and (2) when the evaluation report has been completed, that report will be disseminated. Compliance will include:

**Evaluation Design:** After finalization of the evaluation design, it must be shared with the relevant implementing partners and funders and be made available upon request to development actors in a format deemed appropriate by the mission or Washington operating unit. Summary information, including expected timing of release of findings will be included in the Evaluation Registry and may be communicated to the public on the USAID website.

**Standard Reporting and Dissemination:** In addition to the findings and methodology documented in each evaluation report, other key characteristics of each report include:

- Disclosure of conflict of interest: For external evaluations, all evaluation team members will provide a signed statement attesting to a lack of conflict of interest, or



describing an existing conflict of interest relative to the projects or activities being evaluated.

- **Statement of differences:** When applicable, evaluation reports will include statements regarding any significant unresolved differences of opinion on the part of funders, implementers, and/or members of the evaluation team.

Completed evaluations must be submitted to the Agency's Development Experience Clearinghouse (DEC). Each completed evaluation report must include an abstract (not to exceed 250 words) and a 2 to 5 page executive summary.

**Development Data Library:** Datasets—and supporting documentation such as code books, data dictionaries, scope, and methodology used to collect and analyze the data—compiled under USAID-funded evaluations are to be submitted to the USAID Development Data Library. The data should be organized and fully documented for use by those not fully familiar with the project or the evaluation.

## UTILIZATION OF EVALUATION FINDINGS

Evaluation is useful only insofar as it provides evidence to inform real-world decision-making. Every step of USAID's programming model—from design to implementation to evaluation—will be undertaken from the perspective not only of achieving development objectives, but of contributing to the broader goal of learning from experience. The learning from previous experience that is captured in evaluation findings should be easy to access and considered whenever an officer is designing and implementing new projects, and project and policies should be designed so they are evaluable (when possible) and should include a plan for evaluation. The utilization of evaluation findings will be encouraged in the guidance in Mission Orders, and will be highlighted in Country Development Cooperation Strategies. In addition, PPL/LER will commission occasional external technical audits to determine whether and how evaluation findings are being used for decision-making by operating units.

## EVALUATION RESOURCES

USAID recognizes that evaluation findings have significant value to the institution's effectiveness, and merit adequate resources. Resources at the central level, for training, technical support, quality control, and guideline development help to

leverage the investments currently being made in evaluation throughout the Agency. Moreover, additional resources—primarily in the form of qualified professional staff at the mission and regional missions—and access to technical support through indefinite quantity contracts and other flexible mechanisms are also needed.

**Additional Human Resource Development and Staff:** Explicit competencies for evaluation specialists and senior evaluation specialists will be developed by PPL/LER, integrated into human resource policies and practices, and updated as needed. These competencies will reflect the skill sets required to implement this policy. One or more training courses will be offered to enhance the skill set of existing staff. In addition, the Office of Human Capital and Talent Management, with input from PPL/LER will determine the complement of evaluation specialists required within the staffing model to fulfill the needs of policy implementation. It is anticipated that this will require hiring and/or redeployment of evaluation specialists and senior evaluation specialists.

### **Procurement Mechanisms for Evaluation Services:**

Implementation of this policy will induce a demand for highly trained and experienced evaluation specialists. In particular, indefinite quantity contracts focusing on particular thematic areas and/or methodologies may, when appropriate, be used as mechanisms to ensure timely access to specialist services of high-quality. Country and regional missions, as well as technical bureaus, are encouraged to develop procurement mechanisms that permit timely access to appropriate evaluation expertise.

**Financial Resources:** USAID will devote approximately 3 percent of total program dollars, on average, to external performance and impact evaluation. This is distinct from resources dedicated to monitoring. In some instances, this may require reallocation away from project implementation, particularly when the opportunity to improve effectiveness through learning is deemed to be very large. In addition, USAID acknowledges that more intensive evaluation efforts may increase the need for dedicated monitoring and data collection resources within contracts and grants to implementing partners.

# 6 CONCLUSION

USAID's ability to fulfill commitments to accountability and obtain the benefits of institutional learning depends, in large part, on embedding excellent evaluation practices throughout the organization. No single policy can anticipate and provide detailed guidance for the diverse set of USAID projects and contexts. However, this policy seeks to establish the roles and responsibilities, and the key expectations regarding the design,

conduct, dissemination, and use of evaluation. While the policy has an indefinite term, we expect that as it is implemented, new and better ideas will emerge about how to improve evaluation and make it more relevant to USAID's institutional environment. Over time, those ideas will be integrated into the Agency's work through further updates of this policy.

## APPENDIX I: CRITERIA TO ENSURE THE QUALITY OF THE EVALUATION REPORT

- The evaluation report should represent a thoughtful, well-researched, and well-organized effort to objectively evaluate the strategy, project, or activity.
- Evaluation reports should be readily understood and should identify key points clearly, distinctly, and succinctly.
- The Executive Summary of an evaluation report should present a concise and accurate statement of the most critical elements of the report.
- Evaluation reports should adequately address all evaluation questions included in the statement of work, or the evaluation questions subsequently revised and documented in consultation and agreement with USAID.
- Evaluation methodology should be explained in detail and all sources of information properly identified.
- Limitations to the evaluation should be adequately disclosed in the report, with particular attention to the limitations associated with the evaluation methodology (selection bias, recall bias, unobservable differences between comparator groups, etc.).
- Evaluation findings should be presented as analyzed facts, evidence, and data and not based on anecdotes, hearsay, or simply the compilation of people's opinions.
- Findings and conclusions should be specific, concise, and supported by strong quantitative or qualitative evidence.
- If evaluation findings assess person-level outcomes or impact, they should also be separately assessed for both males and females.
- If recommendations are included, they should be supported by a specific set of findings and should be action-oriented, practical and specific.



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**ANNEX – IV Past Performance Information Form** (to be submitted along with the evaluation team's resume)

| <b>Past Performance Information (Max one page in total)</b> |             |   |                                  |   |  |
|---|-------------|---|----------------------------------|---|--|
| <b>Title of the Evaluation</b>                              | <b>Year</b> | <b>Type of Evaluation (e.g. Performance, Impact, Ex-Post)</b> | <b>Source of Project Funding</b> | <b>Brief description of evaluation design, data collection and data analysis methods used</b> | <b>Reference link (if report is publicly available online)</b> |
| 1.  |             |   |                                  |   |  |
| 2.  |             |   |                                  |   |  |
| 3.  |             |   |                                  |   |  |