




AUTISM SPECTRUM LAW (ASD) IN CHILE

 <https://doi.org/10.56238/levv16n47-047>

Submissão date: 16/03/2025

Publication date: 16/04/2025

José Manuel Salum Tomé¹

ABSTRACT

The TEA Law ensures the right to equal opportunities and safeguards the social inclusion of children, adolescents and adults with ASD, eliminating any form of discrimination. It promotes a comprehensive approach in the social, health and education fields, and raises awareness in society about this issue. The law is based on fundamental principles such as dignified treatment, progressive autonomy, the gender perspective, intersectorality, participation and social dialogue, early detection, continuous monitoring, and neurodiversity.

Key words: ASD. Inclusion. Diversity. Neurodiversity.

¹ Phd
Doctor of Education
Catholic University of Temuco
E-mail: josesalum@gmail.com
ORCID: <https://orcid.org/0000-0002-2894-5538>

INTRODUCTION

Law 21.545, known as the Autism Spectrum Disorder (ASD) Law, has entered into force in Chile, marking a significant advance in the inclusion and protection of the rights of people with ASD. This law, enacted by President Gabriel Boric on March 2, 2023 and published in the Official Gazette on March 10 of the same year, is the result of intense legislative work initiated in 2019 by the Autism Federation of Southern Chile (Fedausch) and the Interregional Autism Law Table (MILA).

The TEA Law aims to ensure the right to equal opportunities and safeguard the social inclusion of children, adolescents and adults with ASD, eliminating any form of discrimination. It promotes a comprehensive approach in the social, health and education fields, and raises awareness in society about this issue. The law is based on principles such as dignified treatment, progressive autonomy, the gender perspective, intersectorality, participation and social dialogue, early detection, continuous monitoring, and neurodiversity.

DEVELOPMENT

In the field of education, the law ensures the exercise of the rights of people with ASD under conditions of equality. The necessary conditions for the access, participation, permanence and progress of autistic children, young people and adults in educational establishments, both public and private, are promoted. Educational establishments must develop inclusive educational communities, make adjustments to their internal regulations and procedures, and provide adequate social and emotional support to autistic students. The law allows adjustments to the school day, such as longer breaks or rest time, and the reduction of the school day for a certain period, always in agreement with the family and formalized in the Individual Curricular Adaptation Plan (PACI) or Individual Support Plan (PAI).

In health matters, the law mandates the Ministry of Health (Minsal) to implement rooms for specialized ASD care in each of the Health Services. The Ministry of Health must incorporate ASD in the design of the first National Study of Child Health (ENSI), which will allow estimating the prevalence of the disorder in the population from 0 to 14 years, 11 months and 29 days. Early detection and continuous monitoring are essential to ensure comprehensive care.

The law recognises the importance of caregivers of those with ASD and establishes measures to support them. Workers can go to emergencies regarding their integrity in the educational establishments where their children attend, without affecting their working day. This is established in the amendment of the Labor Code.

The State undertakes to promote the necessary actions to ensure the educational and social inclusion of autistic persons, promoting the gradual elimination of barriers to learning, participation, and socialization. The different Ministries must report on the progress in the implementation of the law annually to the National Congress. The law will be financed through the budget assigned to this regulation and what is contemplated annually in the budget law.

The enrollment of autistic students in the School Integration Program (PIE) has grown significantly, from 3,751 students in 2015 to more than 43,428 in 2023. This increase reflects increased awareness and detection of ASD, but also poses new challenges in terms of resources and support for these students. Training centres and technical-vocational education institutes are adapting spaces, teaching materials and pedagogical guides to ensure a more inclusive and accessible education.

The story of Alejandro Wasiliew, a basic education teacher and autistic person diagnosed at the age of 33, is an inspiring example of the importance of early diagnosis and ongoing support for autistic people. Her experience highlights the importance of neurodiversity and the need for a more inclusive and respectful society towards people with ASD.

The law was promulgated by President Gabriel Boric in a ceremony held in the Plaza de la Constitución on March 2, 2023, thus marking its entry into force and the duty of all Chileans to respect and comply with it fully. During the ceremony, President Boric highlighted the importance of integrating the autistic society, indicating that "the whole society is the one that has to integrate... Today we open the arms of institutionality and say what should always have been: welcome, you are part of it, we are proud of you."

The TEA Law is a significant step towards inclusion and respect for the rights of people with ASD in Chile. With its entry into force, the country is moving towards a more inclusive society, where the right to equal opportunities is guaranteed and any form of discrimination is eliminated. Although challenges remain, such as training more professionals and adequacy of resources, the path to quality education accessible to all is clear and promising. Chilean society is committed to respecting and complying with these regulations, ensuring a more inclusive and equitable future for all people with ASD.

Autism in Chile: Advances and Challenges in Education and Inclusion* Autism in Chile has gained increasing relevance in recent years, prompting a reflection on integration and the necessary supports for people living with this condition. In the first image, Alejandro Wasiliew, a basic education teacher and autistic person diagnosed at the age of 33, shares

his personal experience. Alejandro, who is also a student of educational psychology, explains that when he received his diagnosis, he understood many of his past experiences. Since then, she has worked for the Wazz Foundation, focused on the autistic community, and in the basic education team of the same foundation. Alejandro's story reflects a constant struggle to break down stigmas and work towards a more inclusive society. In his story, it is highlighted how, after his diagnosis, he felt relief when he better understood their behaviors, which led him to advocate for the rights of autistic people. Her experience is a reminder that late diagnosis can be liberating, though it also poses a challenge in terms of adjustments and supports for the adults who receive it. On the other hand, recent data show a significant increase in the enrollment of autistic students in the School Integration Program (PIE). In the second image, a report reveals that between 2015 and 2023, the enrollment of autistic students in the PIE grew by more than 1,000%, from 3,751 students to more than 43,428. This increase reflects both population growth and greater awareness and detection of Autism Spectrum Disorders (ASD). However, this increase also poses new challenges in terms of resources and support for these students. Educational institutions face a growing demand for specialized programs and trained professionals who can provide necessary supports to autistic students. Finally, the third image addresses how training centers and technical-vocational education institutes in Chile are embracing inclusion, not only of autistic students, but also of those with other disabilities. The importance of implementing strategies that consider special educational needs is highlighted. To this end, spaces, teaching materials and pedagogical guides are being adapted with the aim of guaranteeing a more inclusive and accessible education. The article underscores the importance of having support programs that can guide both students and teachers, ensuring that inclusion is not just a theoretical principle, but a reality in Chilean classrooms. --- In summary, Chile is moving towards greater inclusion and support for people with autism, especially in the educational field. Life stories such as that of Alejandro Wasiliew and the growth in the enrollment of autistic students in the PIE are examples of these advances, although there are still challenges to overcome, such as the training of more professionals and the adequacy of resources.

A STEP TOWARDS INCLUSION

The Autism Spectrum Law in Chile is an important step towards inclusion and respect for the rights of people with ASD. It recognizes the value of neurodivergence and seeks to promote the inclusion, comprehensive and protection of the rights of people with ASD in the social, health and educational spheres.

A SHARED CHALLENGE

The implementation of this law is a shared challenge between the government, civil society and the families of people with ASD. It requires a joint effort to ensure that people with ASD have access to the supports and resources necessary to fully develop.

AN INCLUSIVE FUTURE

The Autism Spectrum Law in Chile is a step towards a more inclusive and respectful future of diversity. We hope that this regulation will be a starting point for greater awareness and support for people with ASD, and that it will contribute to creating a fairer and more equitable society for all.

CONCLUSION

The TEA Law is a significant step towards inclusion and respect for the rights of people with ASD in Chile. With its entry into force, the country is moving towards a more inclusive society, where the right to equal opportunities is guaranteed and any form of discrimination is eliminated. Although challenges remain, such as training more professionals and adequacy of resources, the path to quality education accessible to all is clear and promising. Chilean society is committed to respecting and complying with these regulations, ensuring a more inclusive and equitable future for all people with ASD.

REFERENCES

1. Alejandro Wasiliew: A Personal Story of Late Diagnosis and Advocacy for Autistic Rights. Interview with Alejandro Wasiliew. Wazz Foundation. 2023.
2. Autism in Chile: Advances and Challenges in Education and Inclusion. Article by the Wazz Foundation. 2023.
3. Autism Spectrum Disorder (ASD) Law in Chile: A Significant Advance in Inclusion and Protection of Rights. Press release by the Autism Federation of Southern Chile (FEDAUSCH) and the Interregional Roundtable on Autism Law (MILA). March 2, 2023.
4. Foundation Against Work. (2023, June 16). TEA law: What you need to know about regulation 21,545. Retrieved from <https://fundacioncontrabajo.cl/blog/cultura-inclusiva/ley-tea-21545/>
5. Inclusive Education for Autistic Students: Challenges and Opportunities in Chile. Report by the Ministry of Education of Chile. 2023.
6. Implementing the Autism Spectrum Law in Chile: A Shared Challenge for Government, Civil Society, and Families.
7. Joint statement by the Ministry of Education, the Ministry of Health, and the Autism Federation of Southern Chile. 2023.
8. Law 21.545, Law on Autism Spectrum Disorder (ASD), Chile. Published in the Official Gazette of the Republic of Chile on March 10, 2023. Available at: <https://www.leychile.cl/Navegar?idNorma=1178717>
9. Mineduc. (2023). TEA Law-General presentation. Retrieved from https://ayudamineduc.cl/sites/default/files/ley_tea_-_presentacion_general.pdf
10. Ministry of Health of Chile. (2023, March 10). TEA law. Health responds. Retrieved from
11. <https://saludresponde.minsal.cl/ley-tea/>
12. National Disability Service. (2023a). Frequently asked questions law No. 21,545. Retrieved from
13. <https://www.senadis.gob.cl/descarga/i/7345>
14. National Disability Service. (2023b, May 9). We invite you to review the frequently asked questions of the TEA law.
15. Retrieved from https://www.senadis.gob.cl/sala_prensa/d/noticias/8956
16. Salum Tome, J. M. (2023). Autism spectrum disorder (ASD) law in Chile. Catholic University of Temuco. Retrieved from <https://orcid.org/0000-0002-2894-5538>
17. The Autism Spectrum Law in Chile: A Step Towards Inclusion and Respect for Diversity. Opinion piece by the Wazz Foundation. 2023. AUTISM SPECTRUM DISORDER (ASD) LAW IN CHILE



18. Towards an Inclusive Future for People with ASD in Chile: The Autism Spectrum Law as a Starting Point. Editorial by the Wazz Foundation. 2023. National Disability Service. (2023, May 9). *We invite you to review the TEA Law FAQs*. Retrieved from https://www.senadis.gob.cl/sala_prensa/d/noticias/8956