

HOUSE OF REPRESENTATIVES

House Bill No. 82

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Introduced by Representative Susan A. Yap

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EXPLANATORY NOTE

Inherent in each and every one are human rights that afford him/her minimum entitlements and freedoms that should be respected by government. Children are not exempt from this, and are in fact, deserving of special attention because of their role as future stewards of society. The Convention of the Rights of the Child affirms this necessity, spelling out the basic rights of the child, which include, among others, the right to survival and development. Such obligations were agreed to be undertaken by countries such as the Philippines, which became party to the Convention in 1990.

It is a declared a policy of the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development, as enshrined in the 1987 Philippine Constitution (Section 5, Article XV). These set strong arguments for the provision of essential services such as education and health to children, in line with the policy of the State to give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development (Section 17, Article II).

Sadly, despite the universality of these laws and agreements, some are not able to attain these minimum entitlements. While the State provides for free basic education, there are those that miss out opportunities to receive these benefits, especially as their needs are not in uniform with the average child. According to data from the Department of Education, children with special needs (CSNs) are estimated to account for 13 percent of the total population of children, figuring to 5.49 million; 1.27 million are gifted while persons with disabilities (PWDs) comprise 4.2 million.

Experts prescribe distinctive methods in teaching to these children, especially if they differ from the average child in terms of mental characteristics, sensory abilities, neuromuscular or physical characteristics, and social abilities and thus, should be enrolled in special education (SPED) centers. However, only 2 percent of the 5.9 million CSNs are able to get support from the government, as the Department reports.

This bill, thus, seek to address this discrepancy by creating a new Bureau of Special Education along with existing bureaus of elementary, secondary, and alternative learning. It also mandates the creation of at least one (1) SPED center in each city and province of the country to ensure nationwide availability of special education services. Each SPED Center is mandated to be manned by a trained staff and is open for support from public or private organizations along with the local and national government.

Through this proposed measure, the country will be able to capacitate this particular sector of the population that is left in the dark. Eventually, such investments will yield high returns both to society and to the individuals and their respective families, thus helping the country move to a higher path of development.

In view of the foregoing, the passage of this bill is earnestly sought.

  
SUSAN A. YAP  
Representative, 2<sup>nd</sup> District of Tarlac

1 FIFTEENTH CONGRESS )  
2 OF THE REPUBLIC OF THE PHILIPPINES )  
3 *First Regular Session* )  
4 )  
5 )

6 HOUSE OF REPRESENTATIVES  
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8 House Bill No. 82  
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11 Introduced by Representative Susan A. Yap  
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13  
14 AN ACT

15 ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION CENTER FOR  
16 EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPECIAL  
17 EDUCATION CENTERS IN BIG SCHOOL DIVISIONS FOR CHILDREN  
18 WITH SPECIAL NEEDS, GUIDELINES FOR GOVERNMENT FINANCIAL  
19 ASSISTANCE AND OTHER INCENTIVES AND SUPPORT

20 Be it enacted by the Senate and the House of Representatives of the Philippines in  
21 Congress assembled:

22  
23 SECTION 1. Short Title. - This Act shall be known as the "Special Education  
24 Act of 2010."

25 SECTION 2. Declaration of Policy. - It is hereby declared the policy of the State  
26 to protect and promote the rights of children with special need (CSN's) to quality  
27 education and to take appropriate steps to make such education accessible to them.

28 The State recognizes their vital role in national development and that finding  
29 solutions to their problems forms an integral part of national development strategies.

30 It is also the policy of the State to give full support for their welfare and  
31 development to ensure their full integration to society as well as to facilitate their active  
32 participation in the affairs of the State. Towards this end and also pursuant to the  
33 mandate stated in Section 13 of Article 2, Sec. 13 of Article 13 of the 1987  
34 Constitution, Article 3 of P.D. 603, and Sections 12 to 14 of Republic Act No. 7277,  
35 the State shall institutionalize an adequate and relevant education program for every  
36 child with special needs through the establishment of Special Education (SPED)  
37 Centers and of their vital support mechanisms. Thus, all CSN's, irrespective of the  
38 degree of sensory, physical or intellectual disability or needs, will have the opportunity  
39 to be educated in the most educationally enhancing environment consistent with the  
40 provision of a quality education that best meets their needs.

41 SECTION 3. Objectives. -The objectives of the Special Education Act of 2007  
42 are:

43 (A) To provide access to basic education among CSN's namely the  
44 gifted/talented, the mentally retarded, the visually impaired, the hearing impaired, the  
45 orthopedically/physically handicapped, the learning disabled, the speech defective, the  
46 children with behavior problems, the autistic children and those with the health  
47 problems through the formal system and other alternative delivery services in  
48 education;

49 (B) To ensure that CSN's fully develop their abilities, talents, interests and all  
50 aspects of their development to become more responsible for their lives and more  
51 effective partners in all the affairs and concerns of the country;

(C) To ensure that CSN's understand, appreciate and respect differences amongst groups and members in society and also to understand the nature of society in which they live;

(D) To inform the parents about the full continuum of services, possible placement options during discussions about their children's education and other relevant information to enable them to make informed decisions and choices;

(E) To equip the parents and other caregivers and the teachers with the capabilities to identify, prevent, refer and intervene with the developmental disorders and disabilities of children as well as in the relevant individual programming planning for the student where such program differs significantly from the standard curriculum and other matters that enhance the role of parents and other caregivers as the primary educators and caregivers of their children from birth onwards;

(F) To involve private groups, local government units and national agencies other than the Department of Education (DepEd) in the education of children with special needs;

(G) To effectuate significant and positive changes in community attitudes towards disability and the need to provide special education, care and other needs of children with special needs.

SECTION 4. Definition of Terms. - For purposes of this Act, these terms are defined as follows:

(A) Disability shall mean -

(1) A physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual;

(2) A record of such impairment;

(3) Being regarded as having such impairment.

(B) Impairment is any loss, diminution or aberration of psychological, physiological or anatomical structure or function;

(C) Handicap refers to a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the functions or activity that is considered normal given the age and sex of the individual;

(D) Disabled persons are those suffering from restriction or different abilities, as a result of a mental, physical, sensory or neurological impairment, to perform an activity in the manner or within the range considered normal for a human being;

(E) Marginalized/disadvantaged disabled persons refer to disabled person who lack access to rehabilitative services and educational opportunities due to poverty, abandonment, illness and other forms of neglect. For purposes of this Act, the word "poor" are those who either have no means of livelihood or have incomes below threshold;

(F) Children and youth with special needs are the gifted and fast learners and those who are disabled, impaired and handicapped persons in need of special education as well as service for rehabilitation. He/she differs from the average child in -

A. Mental characteristics;

B. Sensory abilities;

C. Neuromuscular or physical characteristics;

- 1 D. Social abilities;
- 2 E. Multiple handicaps; and/or
- 3 F. Has a developmental lag to such as an extent that he requires modified school  
4 practices or special education services to develop to hinder maximum capability.  
5 They include person aged zero to twenty one (0-21) years old and may be as  
6 follows:
- 7 a. Gifted Children and Fast Learners are those capable of superior  
8 performance and these include those with demonstrated achievement or  
9 potential ability in one or more of the following areas: general  
10 intellectual ability, specific academic aptitude, creative or productive  
11 thinking ability, leadership ability or those individuals who consistently  
12 manifest the following cluster of traits: above average ability (including  
13 intelligence), high creativity (implies the developmental appreciation of  
14 innovative ideas) and high tasks commitment (related to a high degree of  
15 motivation) and those who by reason thereof, require services or  
16 activities not ordinarily provided by the school.
- 17 b. The Mentally Handicapped/Mentally Retarded are those who have  
18 substantial limitation in present functioning characterized by significant  
19 sub-average intellectual functioning, existing concurrently with related  
20 limitations in two or more of the applicable adaptive skill areas;  
21 communication, self-direction, home living social skills, community use,  
22 self-direction, health and safety, functional academics, leisure and work.
- 23 c. The Visually Impaired are those who are blind or have low vision. A  
24 person is blind if he/she has a visual capacity of 20/200 or less in a  
25 better eye after maximum correction. The low vision person retains a  
26 relative low degree of vision and can read only enlarged print or regular  
27 print under special conditions.
- 28 d. The Hearing Impaired are those who are deaf or hard-of hearing. The  
29 deaf person is one whose hearing is non-functional for ordinary  
30 purposes in life. The hard-of hearing has a sense of hearing which  
31 although defective is functional with or without a hearing aid.
- 32 e. Student/Children with Behavior Problems are those who cannot adjust  
33 to the socially accepted norms or behavior and, consequently disrupt  
34 their academic progress, the learning effort of their classmates and  
35 interpersonal relations.
- 36 f. The Orthopedically Handicapped are those whose impairment  
37 permanently or temporarily interferes with the normal functions of the  
38 joints, muscles or limbs.
- 39 g. Special instructional materials means a textbook in Braille, large type or  
40 any other medium or any apparatus that conveys information to a  
41 student or otherwise contributes to the learning process.
- 42 h. Private sector participation encompasses all forms of indispensable,  
43 substantial and meaningful participation of private individuals,  
44 partnerships, groups or entities, community-based organizations or non-  
45 governmental organizations in the delivery of educational and  
46 rehabilitative services for students and children with special needs.
- 47 i. Basic Education consists of at least six (6) years of elementary education  
48 and at least four (4) of secondary education including pre school  
49 education.

j. Special Education is basic education that takes into account the special needs of both disabled children and gifted children that requires a systematic and deliberate process for them to achieve functional literacy and which will bring the individual to the highest level of his potential and capacity. It is also defined as that type of education tailored to meet the needs of children who cannot profit because of disabilities or exceptional abilities.

k. (k) Functional Literacy is the level of literacy necessary for the student or child to become a useful citizen and effective member of the society.

SECTION 5. Coverage. - This Act shall cover students and children with special needs nationwide.

SECTION 6. Creation of the Bureau of Special Education. - To attain the objectives of this Act, the Bureau of Special Education (BSE), hereinafter referred to as the Bureau, is hereby created to institutionalize and govern special education in the Philippines. The Bureau is primarily tasked in the formulation and administration of an appropriate curriculum and developmentally-suited programs to primarily achieve functional literacy of the students/children with special needs and ensure their integration to society. The full continuum of educational services shall also be made available by the bureau to those CSN's below school age through regular home visits, consultations, day care activities and any other proper medium or program.

BSE shall function as a regular bureau of the Department of Education, under the direct supervision of the department secretary and to be headed by a director and assistant director.

Three division chiefs shall serve as heads for the (1) Gifted Children Division (GCD); (2) Children with Disabilities Division (CDD) and (3) Special Services and Auxiliary Aids Division (SSAAD), with the staffing needs to be equitably distributed in accordance with the current needs and concerns of their respective divisions. They shall assist the director of the special education program.

The Philippine Printing House for the Blind under the existing organization structure of DECS shall become part of the SSAAD.

SECTION 7. SPED Centers in Regular Schools. -

A. At least one (1) special education (SPED) center for each school division and at least three (3) SPED centers in big school divisions shall be established in regular schools, where there are no existing SPED centers. These SPED centers shall be administered by the principal of the regular school.

B. The SPED Center shall function as the Resource Center for the implementation of inclusive education that will accept all kinds of children on regular schools. It shall:

(1) support children with special needs integrated/included in regular schools;

(2) Assist in the conduct of school-based training;

(3) Produce appropriate teaching materials, and

(4) Conduct assessment of children with special needs.

C. Each SPED Center shall have the following staff who shall have a (3) starting salary classification of Grade 13:

(1) 1 SPED teacher for the Mentally Gifted;

1 (2) 1 SPED teacher for the Mentally Retarded/Handicapped;

2 (3) 1 SPED teacher for the Visually Impaired;

3 (4) 1 SPED teacher for the Hearing Impaired;

4 (5) 1 SPED teacher for the Autistic Children;

5 (6) 1 SPED teacher for the Learning Disabled;

6 (7) 1 SPED teacher for children with behavior problems.

7 D. Regular teachers currently handling special education of children with special  
8 needs shall henceforth be classified as SPED teachers with the same salary  
9 grade classification as mentioned in the preceding paragraph.

10 E. There shall be an assistant principal for each SPED Center. He/she shall  
11 administer and supervise the alternative educational programs, early  
12 intervention programs, monitoring, supervision and technical assistance and  
13 human resource trainings/SPED personnel enhancement programs, referral and  
14 placement procedures, advisory services and other components of the special  
15 education program in his/her jurisdiction. He/she shall also be responsible for  
16 the formation and supervision of placement committee under his/her  
17 jurisdiction as well as in the resolution of disagreements on placement and  
18 services.

19 SECTION 8. Other Personnel of SPED Centers. - One educational psychologist  
20 or psychometrician, one social worker, one education supervisor and one medical  
21 health officer for each city and province shall be appointed who, among other  
22 responsibilities, shall comprise the administrative core and placement committee of the  
23 SPED unit in the area. They shall also be jointly tasked to develop and maintain a data  
24 bank in special education in their respective jurisdictions. The placement committee  
25 shall, among others, ensure that students with disabilities are educated as close as  
26 possible to their homes and alongside their age-appropriate peer groups, and that these  
27 students attend their local schools or travel the shortest distance possible in the  
28 availment of educational services, in consultation with, and active participation of  
29 parents.

30 SECTION 9. Itinerant SPED Teachers. - Itinerant SPED teachers shall also be  
31 appointed whenever necessary and on a needs basis. He/she shall assist isolated or  
32 remote schools with specialized equipment, individual programs, curriculum  
33 adjustment, teaching aids and building modifications.

34 SECTION 10. Authority of the Secretary of Education to Give grants to, or  
35 Enter into Cooperative Arrangements for the Creation of SPED Centers. The  
36 Secretary of Education, Culture and Sports is hereby authorized to give grants to, or  
37 enter into cooperative arrangements or contracts with public or private non-profit  
38 agencies, institutions or organizations for the establishment or creation of SPED  
39 centers for children with special needs: Provided, that a grant made pursuant to this  
40 Section may be made only for the following or similar programs:

41 A. technical assistance of SPED centers providing educational  
42 assistance for children with special needs (CSN's);

43 B. pre-service or in-service training of professionals or related  
44 services personnel preparing to serve or serving CSN's;

45 C. replication of successful innovative approaches to providing  
46 educational or related services to CSN's;

1 D. facilitation of parental involvement in the education of their  
2 CSN's;

3 E. diagnosis and educational evaluation of CSN's at risk of being  
4 certified CSN's;

5 F. consultative, counseling and training services for the families of  
6 CSN's;

7 G. familiarization of the municipality or city to be served by a SPED  
8 center with the problems and potentialities of such children.

9 SECTION 11. Provision for Continuing Research to Identify, Special Needs of  
10 CSN's. The Bureau of Special Education, by itself or in association with such  
11 organizations or institutions as are determined by the DepEd Secretary to be  
12 appropriated, shall undertake continuing research to identify and design programs that  
13 meet the full range of children with special needs: Provided, That such continuing  
14 research shall also be used to develop instructional techniques for use by the SPED  
15 Centers that will improve the CSN's acquisition of the skills necessary for transition to  
16 independent living, vocational training or competitive development; Provided, finally,  
17 that such continuing research shall further be used to design physical education and  
18 therapeutic program for use by the Centers to increase the potential of CSN's for  
19 community participation.

20 SECTION 12. Student Assistance. - The Bureau shall provide financial assistance  
21 to economically marginalized but deserving students with special needs at the  
22 elementary and secondary levels including any post-secondary or tertiary education  
23 which may come in the form of scholarship grants, transportation allowance, food  
24 allowance, board and lodging allowance, book allowance, student loan programs,  
25 artistic and cultural tours, training and programs, subsidies and other incentives.  
26 Marginalized disabled persons and those coming from indigenous communities shall be  
27 the priority in the grant of the aforesaid assistance.

28 Special equipment like wheelchair, crutches, special toilet and hygiene  
29 requirements, hearing aids, eyeglasses and the like by the students to optimize  
30 education and participation in the educational process shall also be provided for free  
31 and at discounted rates to deserving students and at very affordable rates in general  
32 through a reasonable funding scheme that shall be designed by the Bureau.

33 SECTION 13. Medical Assistance. The Bureau shall prepare a scheme that will  
34 ensure adequate and free medical assistance and intervention programs, including those  
35 essential to the student or child's rehabilitation like therapy, psychometric assessments,  
36 medical examinations and the like with government clinics, hospitals and other health  
37 facilities. In case the medical needs are not offered by the nearest or accessible  
38 government clinics, hospitals and other health facilities, or cannot be obtained by  
39 reason of critical immediacy or the need to obtain a more specialized or advanced  
40 treatment, they can avail of the services of private clinics, hospitals and other  
41 specialized agencies through tax incentives. For this purpose, as far as practicable or on  
42 a case to case basis, as may be determined by the Bureau, health care insurance  
43 programs may be instituted.

44 SECTION 14. Nutritional Programs. - The nutritional programs for CSN's shall  
45 be supervised by the National Nutrition Council and the Department of Health in  
46 coordination with the local government unit health officer.

47 SECTION 15. Establishment of Specialized Day Care Centers. Day care centers  
48 specially designed for pre school children and their parents, where early identification  
49 of disabilities and special needs and introductory educational and intervention  
50 programs will be administered, shall also be established near or within existing SPED  
51 centers or those that will be created by the bureau with the support of the Department

of Social Welfare and Development and local government unit in the area. As far as practicable, existing day care centers and facilities shall be maximized.

SECTION 16. Recreational and Artistic Opportunities. - The Bureau shall institute a program for students or children with special needs to afford them full opportunities for safe and wholesome recreation and activities, individual as well social, for the wholesome use of his leisure hours and for the advancement of their physical, mental, social and cultural development.

SECTION 17. Continuing Education and Assistance to Teachers/Instructors of Students with Special Needs. - The Bureau shall enhance the right of the teachers-instructors to professional advancement and ensure that the teaching staff will attract the best available talents through adequate remuneration, scholarship and training grants, teacher exchange programs, incentives and allowances and other means of securing job satisfaction and fulfillment as well as their long and stable tenure in their respective posts. A similar program shall be designed for support personnel like interpreters, psychologists, social workers and others also involved in the education and rehabilitation of the child.

SECTION 18. Parent, Sibling and Caregiver Education. - There shall be a formal training and counseling program for parents, siblings and caregivers for them to acquire a working knowledge of special education, gain an understanding of the psychology of children with special needs, be aware of their crucial role as educators and gain knowledge and skills on how each parent, sibling, or caregiver could maximize his/her services for the optimum development of the potentials of the child.

SECTION 19. Special Instructional Materials. - Publishers shall grant to the DepEd through the Special Services and Auxiliary Aids Division (SSAAD), the authority to transcribe adopted instructional materials into Braille, large type and audio-tape without penalty or royalty.

Furthermore, on or before the second working day after the adoption of textbook titles by the DepEd, each publisher of newly adopted instructional materials shall provide computerized files as specified by the DepEd which may be copied and distributed to a school division, upon request, for instructional purposes.

Copies of these instructional materials shall be furnished without cost to either the student or teacher who is blind or visually impaired. The materials are to be loaned to the public school districts as long as needed and are to be returned to SSAAD when no longer needed.

SECTION 20. Incentives to Private Sector Participation. - Partnership between the government and private institutions catering to the needs of student/children with special needs shall be encouraged. In this regard, the Department of Education, in coordination with the Department of Finance, Department of Interior and Local Government, Department of Science and Technology and Department of Trade and Industry, shall draw up a scheme to provide incentives that will include tax deductions, loan assistance, and technological or scientific assistance, to encourage private participation in the education and rehabilitation of CSN's.

SECTION 21. Local Government Unit Participation. - The local government units shall be responsible for the:

(A) Provision of buildings or centers and sites where there are no existing school facilities that will house the special education of children /students with special needs, as well as the establishment of day care centers as mentioned in Sec. 15;

(B) Organization of one (1) parent teacher association in every school in their respective jurisdictions offering special education to students/children with special needs.

1 (C) Identification, coordination and the tapping of public or private volunteers  
2 and private organizations, national or international, for information dissemination  
3 campaigns, funding programs and other projects to augment the funding of and  
4 equipment for SPED programs and equipment, among others;

5 (D) Provision of counterpart funds for the training and seminars of parents and  
6 teachers and nutritional programs for the students/children with special needs in their  
7 respective localities to be determined by the Bureau, in coordination with the  
8 Department of Budget and Management and the Department of Finance.

9 SECTION 22. Public Information, Education and Communication. A  
10 nationwide information dissemination campaign on the prevention, early identification  
11 and intervention programs for children with special needs shall be intensified. This  
12 shall be the joint responsibility of the Philippine Information Agency (PIA), Council  
13 for the Welfare of Children (CWC) and the Department of Education (DepEd). The  
14 DepEd, in collaboration with the Department of Health (DOH) and Department of  
15 Labor and Employment (DOLE), shall also disseminate materials and information  
16 concerning effective practices working with, training and educating CSN's.

17 SECTION 23. Appropriations. For the implementation of this Act, the amount  
18 of Six Hundred Million Pesos (P600,000,000.00) per year for five (5) consecutive years  
19 is hereby appropriated for the SPED program to be included in the General  
20 Appropriation Act. A supplementary appropriation in the amount of Twenty Million  
21 Pesos (P20,000,000.00) to be sourced from the President Social Fund, and the  
22 Philippine Gaming Corporation shall be provided to BSE as a reserve fund for every  
23 year of operation immediately upon arrival of this Act. This shall be used exclusively to  
24 augment funding for auxiliary aids and services.

25 Government incentives and support provided by the DepEd, DOE, DOH,  
26 DILG, the Council for the Welfare of Children and the National Commission for the  
27 Welfare of Disabled Persons shall also be included in their respective annual budgets in  
28 the General Appropriations Act.

29 SECTION 24. Implementation. The Department of Education through the  
30 Bureau of Special Education, in coordination with the Department of the Interior and  
31 Local Government, Department of Health, Department of Finance, Council for the  
32 Welfare of Children, and National Council for the Welfare of Disabled Persons, shall  
33 promulgate and issue the necessary guidelines for the creation and operation of SPED  
34 Centers within sixty (60) days after the effectivity of this Act.

35 SECTION 25. Separability Clause. - If any provision or part hereof is held  
36 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
37 affected shall remain valid and subsisting.

38 SECTION 26. Repealing Clause. Any law, presidential decree or issuance,  
39 executive order, letter of instruction, administrative order, rule or regulation contrary  
40 to or inconsistent with, the provision of this Act is hereby repealed, modified or  
41 amended accordingly.

42 SECTION 27. Effectivity Clause. This Act shall take effect fifteen (15) days  
43 after its publication in at least two (2) newspapers of general circulation.

44 Approved.