

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1080

INTRODUCED BY REP. BERNADETTE HERRERA-DY

EXPLANATORY NOTE

The 1987 Constitution expressly recognizes in its State Policies the value of human dignity of every person and recognizes the vital role of the youth in nation-building. In so providing for such, the State should protect and promote the rights, welfare and development of children with special needs (CSNs) with the endview of finding solutions to their problems to fully integrate them into mainstream society and facilitate their full participation in the affairs of the State. Consistent with the Constitution, Presidential Decree No. 603 (The Child and Youth welfare Code) and Sections 12-14 of Republic Act No. 7277 (Magna Carta for the Disabled), provide for the institutionalization of an adequate and relevant educational program for every child with special needs through the establishment of Special Education (SPED) Centers and their vital support mechanisms. Thus, all CSNs, regardless of the degree of sensory, physical or intellectual disability or needs, will have the opportunity to be educated in the most educationally enhancing environment consistent with the provision of a quality education the best meets their needs.

In the Philippines today, special education remains to be very prohibitive available mostly in private institutions and in some public schools. As it cannot be denied that children with special needs (CSNs) come not only from well-to-do families but from the poorer populace as well, the government should step in and establish schools for children with special needs (CSNs).

Approval of this bill will provide the government with the mechanism by which children with special needs (CSNs) will no longer feel neglected.



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AN ACT ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION (SPED) CENTER FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPED CENTERS IN BIG SCHOOL DIVISIONS FOR CHILDREN WITH SPECIAL NEEDS (CSNs), CREATING THE IMPLEMENTING MACHINERY THEREOF, PROVIDING GUIDELINES FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “**Special Education Act**
2 **of 2011.**”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 protect and promote the rights of children with special needs (CSNs) to quality
5 education and to take appropriate steps to make such education accessible to them.
6 The State recognizes their vital role in national development and that finding solutions
7 to their problems forms an integral part of national development strategies.

8 It is also the policy of the State to give full support for their welfare and
9 development to ensure their full integration to society as well as to facilitate their
10 active participation in the affairs of the State. Towards this end and also pursuant to
11 the mandate stated in Section 13, Article II, Section 13, Article XIII, Section 1 and
12 Section 2, paragraphs 1 and 3, Article XIV of the 1987 Constitution, Article 3 of
13 Presidential Decree No. 603 (The Child And Youth Welfare Code) and Sections 12-

1 14 of Republic Act No. 7277 (Magna Carta For The Disabled), the State shall
2 institutionalize an adequate and relevant educational program for every child with
3 special needs through the establishment of Special Education (SPED) Centers and of
4 their vital support mechanisms. Thus, all CSNs, irrespective of the degree of sensory,
5 physical or intellectual disability or needs, will have the opportunity to be educated in
6 the most educationally enhancing environment consistent with the provision of a
7 quality education that best meets their needs.

8 SEC. 3. **Objectives.** – The objectives of the Special Education Act of 2009 are:

- 9 (a.) To provide access to basic education among CSNs, namely: the
10 gifted/talented, students/children with mental
11 retardation/intellectual disability, with visual impairment, with
12 hearing impairment, with orthopedic/physical handicap, with
13 learning disability, with speech defect, with behavior problems,
14 with autism and those with health problems through the formal
15 system and other alternative delivery services in education;
- 16 (b.) To ensure that CSNs fully develop their abilities, talents, interests
17 and all aspects of their development to become more responsible for
18 their lives and more effective partners in all of the affairs and
19 concerns of the country.
- 20 (c.) To ensure that CSNs understand, appreciate and respect differences
21 amongst groups and members in society and also to understand the
22 nature of society in which they live;
- 23 (d.) To inform the parents about the full continuum of services, possible
24 placement options during discussions about their children's

1 education and other relevant information to enable them to make
2 informed decisions and choices;

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

11 (f.) To involve private groups, local government units and national
12 agencies other than the Department of Education (DepEd) in the
13 education of CSNs;

14 (g.) To effectuate significant and positive changes in community
15 attitudes towards disability and the need to provide special
16 education, care and other needs of CSNs.

17 **SEC. 4. Definition of Terms. – For purposes of this Act, these terms are defined as**
18 **follows:**

19 a) **Disability** refers to 1) a physical or mental impairment
20 that substantially limits one or more psychological,
21 physiological or anatomical function of an individual or
22 activities of such individual; 2) a record of such an
23 impairment; 3) being regarded as having such an
24 impairment;

- 1 b) **Impairment** refers to any loss, diminution or aberration
2 of psychological, physiological or anatomical structure or
3 function;
4 c) **Handicap** refers to a disadvantage for a given individual,
5 resulting from an impairment or a disability, that limits or
6 prevents the function or activity that is considered normal
7 given the age and sex of the individual;
8 d) **Persons with disabilities (PWD)** refer to
9 those suffering from restriction or different abilities, as a
10 result of a mental, physical, sensory or neurological
11 impairment, to perform an activity in the manner or within
12 the range considered normal for a human being;
13 e) **Marginalized/disadvantaged persons**
14 **with disabilities** refer to disabled persons who
15 lack access to rehabilitative services and educational
16 opportunities due to poverty, abandonment, illness and other
17 forms of neglect. For purposes of this Act, the word "poor"
18 refers to persons who either have no means of livelihood or
19 have incomes below the poverty threshold as determined by
20 the National Statistics Coordinating Board (NSCB);
21 f) **Children and youth with special needs** refer
22 to those who are gifted and are fast learners and those who
23 are disabled, impaired and handicapped and in need of
24 special education as well as services for rehabilitation. They
25 differ from the average children in (1) mental characteristics;

(2) sensory abilities; (3) neuromuscular or physical characteristics; (4) social attributes; and (5) have multiple handicaps; and/or (6) have a developmental lag to such an extent that requires the use of modified school practices or special education services to develop them to maximum capability. They may fall within the ages 0-21 years and may be classified as follows:

1. *Gifted children and Fast learners*

are those capable of superior performance and these include those with demonstrated achievement or potential ability in one or more of the following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in the visual or performing arts and psychomotor ability, or those individuals who consistently manifest the following cluster of traits: above average ability (including intelligence), high creativity (implies the developmental appreciation of innovative ideas) and high task commitment (related to a high degree of motivation) and those who by reason thereof, require services or activities not ordinarily provided by the school.

2. Students/Children with Mental Retardation/Intellectual disability are those who have substantial limitation in present functioning characterized by

1 significant sub-average intellectual functioning,
2 existing concurrently with related limitations in two
3 or more of the applicable adaptive skill areas:
4 communication, self-care, home living, social skills,
5 community use, self-direction, health and safety,
6 functional academics, leisure and work.

7 3. Students/ Children with **Visual Impairment**

8 are those who are blind or have low vision. Persons
9 are blind if they have visual capacity of 20/200 or
10 less in the better eye after maximum correction. The
11 low vision persons retain relatively low degree of
12 vision and can read only enlarged print or regular or
13 regular print under special conditions.

14 4. Students/ Children with **Hearing Impairment**

15 are those who are deaf or hard-of-hearing. Deaf
16 persons are those whose hearing are non-functional
17 for ordinary purposes in life. The hard-of-hearing
18 have sense of hearing which, although defective, is
19 functional with or without a hearing aid.

20 5. Students/Children with **Behavior Problems**

21 are those who cannot adjust to the socially accepted
22 norms of behavior and, consequently disrupt their
23 academic progress, the learning efforts of their
24 classmates and interpersonal relations.

6. Students/Children with *Orthopedic/Physical Handicap* are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs.

7. Students/Children with *Special Health Problems* are those who have health conditions that tend to keep children out-of-school or those with chronic and/or debilitating illness like cardiac (heart) diseases, asthma, diabetes, tuberculosis and other respiratory ailments, carcenonza, epilepsy, malnutrition and others.

8. Students/Children with ***Learning Disabilities*** are those who although normal in sensory, emotional and intellectual abilities exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic. They have such conditions as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

9. Students/Children with *Speech Defects* are those whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to the thought conveyed.

1 10. Students/Children with **Autism** are those with
2 developmental disabilities, having onset before 30
3 months of age which is marked by disturbance in
4 development, language and relationship with
5 persons, activities and objects and which may
6 coexist with intellectual disability and epilepsy.
7 Children afflicted with this disorder have
8 perceptual, cognitive, communication and social
9 difficulties which change over time.

10 11. Students/ Children with Multi-Handicaps are those
11 with more than one disability such as the deaf-
12 blind, those with autism and with intellectual
13 disability and others.

14 g) **Auxiliary aids and services** are services that
15 are basically non-education, but impinge on the education
16 process of the child with special needs. These include:

- 17 1. therapy;
- 18 2. qualified interpreters or other effective methods of
19 delivering materials to individuals with hearing
20 impairments;
- 21 3. qualified readers, taped tests or other effective
22 methods of delivering materials to individuals with
23 visual impairments;
- 24 4. acquisition or modification of equipment or
25 devices;

1 5. other similar services and actions or all types of aids
2 and services that facilitate the learning process of
3 people with mental disability.

4 h) **Special instructional materials** refer to
5 textbooks in Braille, large type or any other medium or any
6 apparatus that convey information to a student or otherwise
7 contributes to the learning process.

8 i) **Private sector participation** refers to all forms
9 of indispensable, substantial and meaningful participation of
10 private individuals, partnerships, groups or entities,
11 community-based organizations or non-governmental
12 organizations in the delivery of educational and
13 rehabilitative services for students and children with special
14 needs.

15 j) **Basic Education** refers to at least six (6) years of
16 elementary education and at least four (4) years of secondary
17 education including pre-school education.

18 k) **Special Education** refers to basic education that
19 takes into account the special needs of both disabled children
20 and gifted children that requires a systematic and deliberate
21 process for them to achieve functional literacy and which
22 will bring the individual to the highest level of his potential
23 and capacity. It is also defined as that type of education
24 tailored to meet the needs of children who cannot profit
25 because of disabilities or exceptional abilities. The trend in

1 SPED is towards integration with the education of normally-
2 abled children.

- 3 1) **Functional literacy** refers to the level of literacy
4 necessary for the student or child to become a useful citizen
5 and effective member of the society.

6 SEC. 5. *Coverage.* – This Act shall cover all students and CSNs nationwide.

7 SEC. 6. *Creation of the Bureau of Special Education.* – To attain the
8 objectives of this Act, the Bureau of Special Education (BSPED), hereinafter referred
9 to as the Bureau, is hereby created to institutionalize and govern special education in
10 the Philippines. The Bureau is primarily tasked with the formulation and
11 administration of an appropriate curriculum and developmentally-suited programs to
12 primarily achieve functional literacy of the students/children with special needs and
13 ensure their integration to society. The full continuum of educational services shall
14 also be made available by the Bureau to those CSNs below school age through regular
15 home visits, consultations, day care activities and any proper medium or program.

16 The BSPED shall function as a regular bureau of the DepEd under the direct
17 supervision of the Department Secretary and shall be headed by a Director and
18 Assistant Director.

19 Three Division Chiefs shall serve as heads for the (1) Gifted Children Division
20 (GCD); (2) Children with Disabilities Division (CDD) and the (3) Special Services
21 and Auxiliary Aids Division (SSAAD), and whose staff shall be equitably distributed
22 in accordance with the current needs and concerns of their respective divisions. They
23 shall assist the Director in the formulation, implementation and improvement of the
24 framework and components of the Special Education Program.

1 The Philippine Printing House for the Blind under the existing organizational
2 structure of the DepEd shall become part of the SSAAD and shall take charge of the
3 production of materials that convey information to a student or otherwise contribute to
4 the learning process.

5 **SEC. 7. SPED Centers in Regular Schools.** – At least one (1) SPED center
6 for each school division and at least three (3) SPED centers in big school divisions
7 shall be established in regular schools, where there are no existing SPED centers.
8 These SPED centers shall be administered by the principal of the regular school.

9 The SPED Center shall function as the Resource Center for the
10 implementation of inclusive education that will accept all kinds of children on regular
11 schools. It shall a) support children with special needs integrated/included in regular
12 schools; b) assist in the conduct of school-based training; c) produce appropriate
13 teaching materials; and d) conduct assessment of children with special needs. It shall
14 also be the responsibility of the SPED Centers to assist and facilitate the
15 transfer/admission of qualified children with disabilities to post-secondary or tertiary
16 education institutions and monitor the same.

17 Each SPED Center shall have specialized teachers who can handle children
18 and youth with special needs who may include but shall not be limited to those with
19 visual impairment, hearing impairment, autism, learning disabilities, behavioral
20 problems, multiple disabilities, mental retardation/handicap and mental giftedness.

21 Regular teachers currently handling special education of children with special
22 needs shall henceforth be classified as SPED teachers.

23 There shall be an assistant principal for each SPED Center. He/she shall
24 administer and supervise the alternative educational programs, early intervention
25 programs, monitoring, supervision and technical assistance and human resource

1 training/SPED personnel enhancement programs, referral and placement procedures,
2 advisory services and other components of the special education program in his/her
3 jurisdiction. He/she shall also be responsible for the formation and supervision of
4 placement committee under his/her jurisdiction as well as in the resolution of
5 disagreements on placement and services.

6 The SPED teachers and school administrators managing special education
7 centers and special schools shall be assigned a salary grade which is three (3) salary
8 grades higher than that of a regular teacher and school administrator respectively.

9 SEC. 8. *Other Personnel of SPED Centers.* – One (1) educational
10 psychologist or psychometrician, one (1) physical therapist, one (1) occupational
11 therapist, one (1) speech and language therapist/speech correction teacher and one (1)
12 education supervisor for each city and province shall comprise the administrative core
13 and placement committee of the SPED unit in the area. They shall also be jointly
14 tasked to develop and maintain a data bank in special education in their respective
15 jurisdictions. The placement committee shall, among others, ensure that students with
16 disabilities are educated as close as possible to their homes and alongside their age-
17 appropriate peer groups, and that these students attend their local schools or travel the
18 shortest distance possible in the availment of educational services, in consultation
19 with, and active participation of, parents.

20 SEC. 9. *Itinerant SPED Teachers.* – Itinerant SPED teachers shall also be
21 appointed whenever necessary. He/she shall assist isolated or remote schools with
22 specialized equipment, individual programs, curriculum adjustment, teaching aids and
23 building modifications.

24 SEC. 10. *Authority of the Secretary of Education to Give Grants to, or Enter*
25 *Into Cooperative Arrangements for the Creation of SPED Centers.* – The Secretary

1 of Education is hereby authorized to give grants to, or enter into cooperative
2 arrangements or contracts with public or private non-profit agencies, institutions or
3 organizations for the establishment or creation of SPED centers for children with
4 special needs: *Provided*, That a grant made pursuant to this Section may be made only
5 for the following or similar programs:

6 (a.) technical assistance of SPED centers providing educational assistance for
7 CSNs;

8 (b.) pre-service or in-service training of professionals or related services
9 personnel preparing to serve or serving CSNs;

10 (c.) replication of successful innovative approaches to providing educational
11 or related services to CSNs;

12 (d.) facilitation of parental involvement in the education of their CSNs;

13 (e.) diagnosis and educational evaluation of CSNs at risk of being certified
14 CSNs;

15 (f.) consultative, counseling and training services for the families of CSNs;

16 (g.) familiarization of the municipality or city to be served by a SPED center
17 with the problems and potentialities of such children;

18 SEC. 11. *Provision for Continuing Research to Identify Special Needs of*
19 *CSNs.* – The Bureau by itself or in association with such organizations or institutions
20 as determined by the Secretary of the DepEd to be appropriate, shall undertake
21 continuing research to identify and design programs that shall meet the full range of
22 needs of the CSNs: *Provided*, That such continuing research shall also be used to
23 develop instructional techniques for use by the SPED Centers that will improve the
24 acquisition of CSNs of skills necessary for transition to independent living,
25 vocational training or competitive development: *Provided, finally*, That such

1 continuing research shall further be used to design physical education and therapeutic
2 recreation program for use by the Centers to increase the potential of CSNs for
3 community participation.

4 SEC. 12. *Student Assistance.* – The Bureau shall provide financial assistance
5 to economically marginalized but deserving students with special needs at the
6 elementary and secondary levels which may come in the form of scholarship grants,
7 transportation allowance, food allowance, board and lodging allowance, book
8 allowance, student loan programs, artistic and cultural tours, training programs,
9 subsidies and other incentives. Marginalized disabled persons and those coming from
10 indigenous communities shall be the priority in the grant of the aforesaid assistance.

11 Special equipment like wheelchair, crutches, special toilet and hygiene
12 requirements, hearing aids, eyeglasses, and such other assistive devices required by
13 the students to optimize education and participation in the educational process shall
14 also be provided for free and at discounted rates to deserving students and at very
15 affordable rates in general through a reasonable funding scheme that shall be designed
16 by the Bureau.

17 SEC. 13. *Medical Assistance.* – The Bureau shall prepare a scheme that will
18 ensure adequate and free medical assistance and intervention programs, including
19 those essential to the student or child's rehabilitation like therapy, psychometric
20 assessments, medical examinations and the like with government clinics, hospitals
21 and other health facilities. In case the medical services are not offered by the nearest
22 or accessible government clinics, hospitals and other health facilities, or cannot be
23 obtained by reason of critical immediacy or the need to obtain a more specialized or
24 advanced treatment, CSNs shall be entitled to a grant of twenty percent (20%)

1 discount from the services of private hospitals and clinics: *Provided*, that these private
2 hospitals and clinics may claim the cost as tax credit.

3 SEC. 14. *Nutritional Programs.* – The nutritional programs for CSNs shall be
4 supervised by the National Nutrition Council (NNC) and the Department of Health
5 (DOH) in coordination with the local government unit health officer.

6 SEC. 15. *Establishment of Specialized Day Care Centers.* – Day care centers
7 specially designed for pre-school children and their parents, where early identification
8 of disabilities and special needs and introductory educational and intervention
9 programs will be administered, shall also be established near or within existing SPED
10 centers or those that will be created by the Bureau with the support of the Department
11 of Social Welfare and Development (DSWD) and local government unit (LGU) in the
12 area. As far as practicable, existing day care centers and facilities shall be maximized.

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

18 SEC. 17. *Continuing Education and Assistance to Teachers/Instructors of*
19 *Students with Special Needs.* – The Bureau shall enhance the right of the
20 teachers/instructors to professional advancement and ensure that the teaching staff
21 will attract the best available talents through adequate remuneration, scholarship and
22 training grants, teacher exchange programs, incentives and allowances and other
23 means of securing job satisfaction and fulfillment as well as their long and stable
24 tenure in their respective posts. A similar program shall be designed for support

1 personnel like interpreters, psychologists, social workers and others also involved in
2 the education and rehabilitation of the child.

3 The Bureau shall identify at least one (1) leading institution or university in
4 Luzon, Visayas and Mindanao whose faculty is considered or regarded as highly
5 competent in the area of special education and where a uniform or standardized
6 curriculum for any post-graduate studies education program shall be designed to
7 benefit SPED teachers and other personnel of SPED centers. The manner of selection
8 of such institution shall be provided under the Implementing Rules and Regulations of
9 this Act.

10 SEC. 18. *Parent, Sibling and Caregiver Education.* – There shall be a formal
11 training and counseling program for parents, siblings and caregivers of CSNs for them
12 to acquire a working knowledge of special education, gain an understanding of the
13 psychology of children with special needs, be aware of their crucial role as educators
14 so that they maximize their knowledge and skills to attain the optimum development
15 of the potentials of the child.

16 SEC. 19. *Special Instructional Materials.* – Publishers shall grant to the
17 DepEd through the Special Services and Auxiliary Aids Division (SSAAD) the
18 authority to transcribe adopted instructional materials into Braille, large type and
19 audio-tape without penalty or payment of royalty. Furthermore, on or before the
20 second working day after the adoption of textbook titles by the DepEd, each publisher
21 of newly adopted instructional materials shall provide computerized files as specified
22 by the DepEd which may be copied and distributed upon request, to a school division
23 for instructional purposes.

24 Copies of these instructional materials shall be furnished without cost to either
25 the student or teacher who is blind or visually impaired. The materials are to be

1 loaned to the public school district and are to be returned to SSAAD when no longer
2 needed.

3 **SEC. 20. *Incentives to Private Sector Participation.*** – Partnership between
4 the government and private institutions catering to the needs of students/children with
5 special needs shall be encouraged. All profits and income generated by the Special
6 Education Center derived from its fundamental function as an educational institution
7 shall be exempt from income tax. Any donation, contribution, bequest and grant
8 which may be made to the center shall be exempt from donor's tax and the same shall
9 be considered as allowable deduction from the Gross Income in the computation of
10 the Income Tax of the donor in accordance with the provisions of the National
11 Internal Revenue Code of 1997, as amended: *Provided*, That such donations shall not
12 be disposed of, transferred or sold. Economic, technical and cultural books and/or
13 publications shall be imported duty-free upon certification by the Department of
14 Education that such imported books and/or publications are for economic, technical,
15 vocational, scientific, philosophical, historical or cultural purposes, in accordance
16 with the provisions of the tariff and customs code, as amended.

17 **SEC. 21. *Local Government Unit Participation.*** – The local government units
18 (LGUs) shall be responsible for the:

19 A. Provision of buildings or centers which are PWD-friendly and sites
20 where there are no existing school facilities that will house the special
21 education of children/students with special needs, as well as the
22 establishment of day care centers as mentioned in Sec. 15;

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

1 C. Identification, coordination and the tapping of public or private volunteers
2 and private organizations, national or international, for information
3 dissemination campaigns, funding programs and other projects to augment
4 the funding 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
7 needs in their respective localities to be determined by the Bureau, in
8 coordination with the Department of Budget and Management (DBM) and
9 the Department of Finance (DOF).

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

18 SEC. 23. *Appropriations.* - The Secretary of the DepEd shall immediately
19 include in the DepEd program the implementation of this Act, the funding of which
20 shall be included in the Annual General Appropriations Act.

21 SEC. 24. *Implementation.* - The DepEd through the BSPED in coordination
22 with the DILG, DOH, DOF, CWC and National Council on Disability Affairs
23 (NCDA), shall promulgate and issue the necessary guidelines for the creation and
24 operation of SPED Centers within sixty (60) days after the effectivity of this Act.