

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

House Bill No. 1565

Introduced by Rep. Eulogio "Amang" R. Magsaysay

EXPLANATORY NOTE

Based on the latest estimates of the Department of Education (DepEd), there are now 5.49 million CSNs (children with special needs) in the Philippines or thirteen percent (13%) of the total children population. Of this number, an estimated 4.2 million were PWDs (persons with disabilities) while 1.27 million were gifted.

The 1987 Philippine Constitution in Section 1 of Article 14 states that: *"The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all".*

Moreover, Section 17, Article 2 of the Constitution also provides that: *"The State shall 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".*

With the aforementioned constitutional provisions, our government is expected to commit itself in advancing the right to education of every Filipino, to the fullest, and at all costs.

Set at the context of distinctive circumstances, the education of special children requires such a greater commitment. It calls for the establishment and maintenance of special education centers, requiring the expertise and dedication of trained staff, full participation of the stakeholders, proper acquisition of supplies and materials, effective installation of other auxiliary aids and services, and adequate budgetary support.

The legislative intent of this bill is timely and relevant as it seeks to provide an ultimate response to critical needs of the now huge number of Filipino special children. In its recent press release, the Department of Education cited that, of the 5.49 million estimated number of children with special needs (CSNs) in the Philippines, only two percent (2%) of them are able to get support from our government, unlike in other countries where they get 100% state support.

Under the bill, at least one (1) Special Education Center in every school division of the country shall be instituted. It mandates for the creation of a new Bureau of Special Education along with existing bureaus of elementary, secondary, and alternative learning. The new Bureau will be tasked to formulate an appropriate curriculum and developmentally suited programs to achieve functional literacy for all children with special needs. It also mandates a scheme for financial and medical assistance, including nutritional programs, to poor but deserving children with special needs. Furthermore, the bill draws up the

incentives to private sector, as well as the responsibilities of the local government units (LGUs), as regards to their participation in the education, full development of talents, skills and abilities, and rehabilitation of children with special needs.

Ultimately, our investments in special education may redound to the benefit of society, as this measure can very well help these children excel in their respective fields, thus becoming significant contributors to the growth of our nation.

Hence, the immediate approval of this measure is earnestly sought.

A handwritten signature in dark ink, appearing to be 'E. Magsaysay', with a long, sweeping horizontal line extending to the right.

EULOGIO "AMANG" R. MAGSAYSAY

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Introduced by Rep. Eulogio "Amang" R. Magsaysay

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:

SECTION 1. *Title.* – This Act shall be known as the "Special Education (SPED) Act of 2010".

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

It is also the policy of the State to give full support for their welfare and development to ensure their full integration to society as well as to facilitate their active participation in the affairs of the State. Towards this end and also pursuant to the mandate stated in Section 13, Article II; Section 13, Article XIII; Section 1 and Section 2, paragraphs 1 and 3, Article XIV of the 1987 Constitution; Article 3 of Presidential Decree No. 603 (The Child and Youth Welfare Code); and Sections 12 to 14 of Republic Act No. 7277 (Magna Carta For The Disabled), the State shall institutionalize an adequate and relevant educational program for every child with special needs through the establishment of Special Education (SPED) centers and of their vital support mechanisms. Thus, all CSNs,

irrespective 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 that best meets their needs.

SECTION 3. Objectives. – The objectives of the SPED Act of 2010 are:

(a) To provide access to basic education among CSNs, namely: the gifted/talented, students/children with mental retardation/intellectual disability, with visual impairment, with hearing impairment, with orthopedic/physical handicap, with learning disability, with speech defect, with behavior problems, with autism and those with health problems through the formal system and other alternative delivery services in education;

(b) To ensure that CSNs fully develop their abilities, talents, interests and all aspects of their development to become more responsible for their lives and more effective partners in all of the affairs and concerns of the country;

(c) To ensure that CSNs 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, caregivers, learning facilitators and 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/child 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 CSNs; and

(g) To effectuate significant and positive changes in community attitudes towards disability or special giftedness/talents and the need to provide special education, care and other needs of CSNs.

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

(a) "Disability" refers to: (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical function of an individual or activities of such individual; (2) a record of such an impairment; and (3) being regarded as having such an impairment.

(b) "Impairment" refers to 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 function or activity that is considered normal, given the age and sex of the individual.

(d) "Persons with disabilities (PWD)" refers to 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 persons with disabilities" refers to disabled persons 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" refers to persons who either have no means of livelihood or have incomes below the poverty threshold as determined by the National Statistics Coordinating Board (NSCB).

(f) "Children and youth with special needs" refers to those who are gifted and are fast learners; and those who are disabled, impaired and handicapped and in need of special education as well as services for rehabilitation. They differ from the average children in: (1) mental characteristics; (2) sensory abilities; (3) neuromuscular or physical characteristics; (4) social attributes; (5) multiple handicaps; and/or (6)

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 zero to twenty-one (0-21) years and may be classified as follows:

(i) "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), 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.

(ii) "Students/Children with mental retardation/intellectual disability" are those who have substantial limitation in present functioning characterized by significant sub-average intellectual functioning, existing concurrently with related limitations in two or more of the applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.

(iii) "Students/Children with visual impairment" are those who are blind or have low vision. Persons are blind if they have visual capacity of 20/200 or less in the better eye after maximum correction. The low vision persons retain relatively low degree of vision and can read only enlarged print or regular or regular print under special conditions.

(iv) "Students/Children with hearing impairment" are those who are deaf or hard-of-hearing. Deaf persons are those whose hearing are

non-functional for ordinary purposes in life. The hard-of-hearing have sense of hearing which, although defective, is functional with or without a hearing aid.

(v) "Students/Children with behavior problems" are those who cannot adjust to the socially accepted norms of behavior and, consequently disrupt their academic progress, the learning efforts of their classmates and interpersonal relations.

(vi) "Students/Children with orthopedic/physical handicap" are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs.

(vii) "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.

(viii) "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.

(ix) "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.

(x) "Students/Children with autism" are those with developmental disabilities, having onset before thirty (30) months of age which is marked by disturbance in development, language and relationship with persons, activities and objects and which may coexist with intellectual disability and epilepsy. Children afflicted with this disorder have perceptual, cognitive, communication and social

difficulties which change over time.

(xi) "Students/Children with multi-handicaps" are those with more than one disability such as the deaf-blind, those with autism and with intellectual disability and others.

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

- (i) Therapy;
- (ii) Qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
- (iii) Qualified readers, taped texts or other effective methods of delivering materials to individuals with visual impairments;
- (iv) Acquisition or modification of equipment or devices; and
- (v) Other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability.

(h) "Special instructional materials" refers to textbooks in Braille, large type or any other medium or any apparatus that convey information to a student or otherwise contributes to the learning process.

(i) "Private sector participation" refers to all forms of indispensable, substantial and meaningful participation of private individuals, partnerships, groups or entities, community-based organizations or nongovernmental organizations in the delivery of educational and rehabilitative services for students and CSNs.

(j) "Basic education" refers to at least six (6) years of elementary education and at least four (4) years of secondary education including pre-school education.

(k) "Special education" refers to basic education that takes into account the special needs of both disabled children and gifted children that require 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. The trend in SPED is towards integration with the education of normally-abled children.

(l) "Functional literacy" refers to the level of literacy necessary for the student or child to become a useful citizen and effective member of the society.

(m) learning facilitator – is the key-learning support person who is responsible for supervising/facilitating the learning process and activities of the learner.

(n) SPED center – is a physical space to house learning resources and facilities of a learning program for CSNs. It is a venue for a face-to-face learning activities and other learning opportunities for SPED development and improvement of the CSNs quality of life.

SECTION 5. Coverage. – This Act shall cover all students and CSNs nationwide.

SECTION 6. Creation of the Bureau of Special Education. – To attain the objectives of this Act, the Bureau of Special Education (BSPED), hereinafter referred to as the Bureau, is hereby created to institutionalize and govern special education in the Philippines. The Bureau is primarily tasked with 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 CSNs below school age through regular home visits, consultations, day care activities and any proper medium or program.

The BSPED shall function as a regular bureau of the DepED under the direct supervision of the Department Secretary and shall be headed by a director and assistant director.

Three (3) division chiefs shall serve as heads for the: (a) Gifted Children Division (GCD); (b) Children with Disabilities Division (CDD); and (c) Special Services and Auxiliary Aids Division (SSAAD), and whose staff shall be equitably distributed in accordance with the current needs and concerns of their respective divisions. They shall assist the director in the formulation, implementation and improvement of the framework and components of the SPED program.

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

SECTION 7. *SPED Centers in Regular Schools.* – At least one (1) 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.

The SPED center shall function as the resource center for the implementation of inclusive education that will accept all kinds of children in regular schools. It shall: (a) support CSNs to be integrated/included in regular schools; (b) assist in the conduct of school-based training; (c) produce appropriate teaching and/or instructional materials; and (d) conduct assessment of CSNs. It shall also be the responsibility of the SPED centers to assist and facilitate the transfer/admission of qualified children with disabilities to post-secondary or tertiary education institutions and monitor the same.

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

Regular teachers currently handling special education of CSNs shall henceforth be classified as SPED teachers.

There shall be an assistant head for each SPED center. He/She shall administer and supervise the alternative educational programs, early intervention programs, monitoring, supervision and technical assistance and human resource training/SPED personnel enhancement programs, referral and placement procedures, advisory services and other components of the SPED program in his/her jurisdiction. He/She shall also be responsible for the formation and supervision of a placement committee under his/her jurisdiction as well as in the resolution of disagreements on placement and services.

The SPED teachers and school heads managing SPED centers and special schools shall be assigned a salary grade which is three (3) salary grades higher than that of a regular teacher and school head, respectively.

SECTION 8. *Other Personnel of SPED Centers.* – The administrative core and placement committee of the SPED unit for each city and province shall comprise:

- (a) One (1) educational psychologist or psychometrician;
- (b) One (1) physical therapist;
- (c) One (1) occupational therapist;
- (d) One (1) speech and language therapist/speech correction teacher;
- and
- (e) One (1) education supervisor.

They shall also be jointly tasked to develop and maintain a data bank in special education in their respective jurisdictions. The placement committee shall, among others, ensure that students with disabilities are educated as close as possible to their homes and alongside their age-appropriate peer groups, and that these students attend their local schools or travel the shortest distance possible in the availment of educational services, in consultation with, and active participation of parents.

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

SECTION 10. *Authority of the Secretary of Education to Give Grants to, or Enter Into Cooperative Arrangements for the Creation of SPED Centers.* – The Secretary of Education is hereby authorized to give grants to, or enter into cooperative arrangements or contracts with public or private non-profit agencies, institutions or organizations for the establishment or creation of SPED centers for CSNs: *Provided*, That a grant made pursuant to this section may be made only for the following or similar programs:

- (a) Technical assistance of SPED centers providing educational assistance for CSNs;
- (b) Pre-service or in-service training of professionals or related services of personnel preparing to serve or serving CSNs;
- (c) Replication of successful innovative approaches in providing educational or related services to CSNs;
- (d) Facilitation of parental involvement in the education of their CSNs;
- (e) Diagnosis and educational evaluation of CSNs at risk of being certified CSNs;
- (f) Consultative, counseling and training services for the families of CSNs; and
- (g) Familiarization of the municipality or city to be served by a SPED center with the problems and potentialities of such children.

SECTION 11. *Provision for Continuing Research to Identify Special Needs of CSNs.* – The Bureau by itself or in association with such organizations or institutions as determined by the Secretary of the DepED to be appropriate, shall undertake continuing research to identify and design programs that shall meet the full range of needs of CSNs: *Provided*, That such continuing research shall also be used to develop instructional techniques for use by the SPED centers that will improve the acquisition of CSNs of skills necessary for transition to independent living, vocational training or competitive development: *Provided, further*, That such continuing research shall further be used to design physical education and therapeutic recreation program for use by the centers to increase the potential of CSNs for community participation.

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

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

SECTION 13. *Medical Assistance.* – The Bureau shall prepare a scheme that will ensure adequate and free medical assistance and intervention programs, including those essential to the student or child's rehabilitation like therapy, psychometric assessments, medical examinations and the like with government clinics, hospitals and other health facilities. In case the medical services are not offered by the nearest or accessible government clinics, hospitals and other health facilities, or cannot be obtained by reason of critical immediacy or the need to obtain a more specialized or advanced treatment, CSNs shall be entitled to a grant of twenty percent (20%) discount from the services of private hospitals and clinics: *Provided*, That these private hospitals and clinics may claim the cost as tax credit.

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

SECTION 15. *Establishment of Specialized Day Care Centers.* – Day care centers specially designed for pre-school children and their parents, where

early identification of disabilities and special needs and introductory educational and intervention programs will be administered, shall also be established near or within existing SPED centers, or those that will be created by the Bureau with the support of the Department of Social Welfare and Development (DSWD) and the LGU 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/children with special needs to afford them full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his/her 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/learning facilitators 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 who are also involved in the education and rehabilitation of the child.

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

SECTION 18. *Parent, Sibling and Caregiver Education.* – There shall be a formal training and counseling program for parents, siblings and caregivers of CSNs, for them to acquire a working knowledge of special education, gain an

understanding of the psychology of CSNs, be aware of their crucial role as educators so that they maximize their knowledge and skills to attain the optimum development of the potentials of the child.

SECTION 19. *Special Instructional Materials.* – Publishers shall grant to the DepED, through the SSAAD, the authority to transcribe adopted instructional materials into Braille, large-type and audio-tape without penalty or payment of royalty. Furthermore, on or before the second (2nd) 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, upon request, to a school division 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 district 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 students/children with special needs shall be encouraged. All profits and income generated by the SPED center derived from its fundamental function as an educational institution shall be exempt from income tax. Any donation, contribution, bequest and grant which may be made to the center shall be exempt from the donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor, in accordance with the provisions of the National Internal Revenue Code of 1997, as amended: *Provided*, That such donations shall not be disposed of, transferred or sold. Economic, technical and cultural books and/or publications shall be imported duty-free upon certification by the DepED that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes, in accordance with the provisions of the Tariff and Customs Code, as amended.

SECTION 21. *Local Government Unit (LGU) Participation.* – The LGUs shall be responsible for the:

- (a) Provision of buildings or centers which are PWD-friendly and sites where there are no existing school facilities that will house the special education of students/children with special needs, as well as the establishment of day care centers as mentioned in Section 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;
- (c) Identification, coordination and the tapping of public or private volunteers and private organizations, national or international, for information dissemination campaigns, funding programs and other projects to augment the funding for SPED programs and equipment, among others; and
- (d) Provision of counterpart funds for the training and seminars of parents and teachers and nutritional programs for the students/children with special needs in their respective localities to be determined by the Bureau, in coordination with the Department of Budget and Management (DBM) and the Department of Finance (DOF).

SECTION 22. *Public Information, Education and Communication.* – A nationwide information dissemination campaign on the prevention, early identification and intervention programs for CSNs shall be intensified. This shall be the joint responsibility of the Philippine Information Agency (PIA), the Council for the Welfare of Children (CWC), and the DepED. The DepED, in collaboration with the DOH and the Department of Labor and Employment (DOLE), shall also disseminate materials and information concerning effective practices in working with, training and educating CSNs.

SECTION 23. *Appropriations.* – The Secretary of the DepED shall immediately include in the Department's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SECTION 24. *Implementation.* – The DepED, through the BSPED, in coordination with the DILG, the DOH, the DOF, the CWC and the National Council on Disability Affairs (NCDA), shall promulgate and issue the necessary guidelines for the creation and operation of SPED centers within sixty (60) days after the effectivity of this Act.

SECTION 25. *Separability Clause.* – If, for any reason, any provision or part hereof is declared invalid, other provisions not affected thereby shall remain in full force and effect.

SECTION 26. *Repealing Clause.* – All laws, decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 27. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in any newspaper of general circulation.

Approved,