

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 2177

Introduced by Honorable Danilo Ramon S. Fernandez

EXPLANATORY NOTE

This bill seeks to establish at least one (1) special education (SPED) center for each school division and at least three (3) SPED centers for bigger school divisions in the Philippines.

Section 1, Article 14 of the 1987 Constitution 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.*" Clearly, it is the policy of the Government to promote the rights of every individual to relevant quality education regardless of sex, age, creed, socio-economic status, physical and mental condition, social or ethnic origin, political and other affiliation. The State shall therefore promote and maintain equality of access to education as well as the enjoyment of benefits of education by all its citizens.

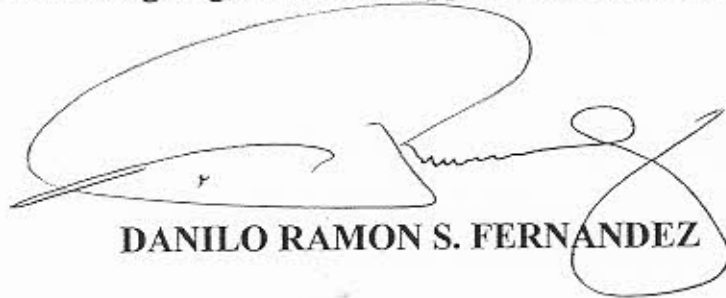
Every child and youth with special needs include those who are gifted with advance knowledge and skills on one hand and the physically and mentally impaired and handicapped persons on the other. They have a right to an educational program that is suitable to their needs. They need education and training different from those given to ordinary children. They need special programs that will further enhance mental and physical capacity to make these beneficial to them and to their family and community.

The Department of Education (DepEd) reported that as of School Year 2004-2005, there are 79,118 children with disabilities in the Philippines. Among the disabilities of these children are hearing impairment, visual impairment, mental retardation, behavioral problem, orthopedic handicap, autism, speech defects, chronic illness, and cerebral palsy. Dismally, there are only 2,149 schools offering programs for special education and most of these schools are privately owned institutions. The

DepEd reported that only 4.8% of children with special needs are given appropriate educational service, leaving 95.2% of these children lacking in educational needs.

In addressing the situation, the bill proposes the establishment of special education centers in all school divisions to be able to provide accessible services for children with special needs. These centers will administer special education that takes into account the distinct needs of both mentally and physically challenged and gifted children through a systematic and deliberate process.

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



DANILO RAMON S. FERNANDEZ

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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 FOR THE PURPOSE THE BUREAU OF SPECIAL EDUCATION AND APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES

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

SECTION 1. *Short Title.* — This Act shall be known as the “*Special Education (SPED) Act.*”

SEC. 2. *Declaration of Policies.* — 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, the State shall institutionalize an adequate and relevant educational program for every child with special needs through the following vital support mechanisms.

- a) Provide access to basic education among CSNs, namely: the gifted and talented, students or children with mental retardation or intellectual disability, with visual impairment, with hearing impairment, with orthopedic or 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) 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) Ensure that CSNs understand, appreciate and respect differences amongst groups and members of society and also to understand the nature of society in which they live;
- d) 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) Equip the parents, caregivers 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 or 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) Involve private groups, local government units and national agencies other than the Department of Education (DepEd) in the education of CSNs; and
- g) Effectuate significant and positive changes in community attitudes towards disability and the need to provide special education, care and other needs of CSNs.

SEC. 3. *Definition of Terms.* – As used in this Act:

- 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)"* refer 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 or disadvantaged persons with disabilities"* refer 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"* refer 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 (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:

1. *"Gifted children and fast learners"* who are capable of superior performance which 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 development 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;
2. *"Students or children with mental retardation or intellectual disability"* 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;
3. *"Students or children with visual impairment"* are those who are partially sighted, who have low vision, legally blind or totally blind. Partially sighted indicates some type of visual problem has

resulted in a need for special education. The low vision applies to all individuals with sight who are unable to read the newspaper at a normal viewing distance even with the aid of eyeglasses or contact lenses. They use a combination of vision and other services to learn, although they may require adaptation in lighting or the size of print and, sometimes, braille. Persons are legally blind who has less than 20/200 vision in the better eye or a very limited field of vision (20 degrees at its widest point). Totally blind students learn via braille or other non-visual media;

4. *"Students or children with hearing impairment* whose hearing are non-functional for ordinary purposes in life or hard-of-hearing whose sense of hearing, although defective, is functional with or without a hearing aid;
5. *"Students or children with behavior problems"* 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;
6. *"Students or children with orthopedic or physical handicap"* are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs;
7. *"Students or children with special health problems"* are those who have health conditions that tend to keep children out-of-school or those with chronic or debilitating illness like cardiac (heart)

diseases, asthma, diabetes, tuberculosis and other respiratory ailments, carcinoma, epilepsy, malnutrition and others;

8. *"Students or children with learning disabilities"* who although normal in sensory, emotional and intellectual abilities, exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic or who have such conditions as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;
9. *"Students or children with speech defects"* whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to the thought conveyed;
10. *"Students or children with autism"* whose developmental disabilities, having onset before thirty (30) months of age, are marked by disturbance in development, language and relationship with persons, activities and objects which may coexist with intellectual disability and epilepsy or children afflicted with perceptual, cognitive, communication and social difficulties which change over time; and
11. *"Students or children with multi-handicaps"* who have more than one disabilities such as the deaf-blind, those with autism and with intellectual disabilities.

g) *"Special instructional materials"* refer 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;

- h) “*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 education and rehabilitative services for students and CSNs;
- i) “*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;
- j) “*Special education*” refers to basic education that takes into account the special needs of both disabled children and gifted children requiring 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, and defined as the type of education tailored to meet the needs of children who cannot profit because of disabilities or exceptional abilities towards integration with the education of normally-abled children; and
- k) “*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.

SEC. 4. *Bureau of Special Education.* – To attain the objectives of this Act,

the Bureau of Special Education, hereinafter referred to as the BSPED, is hereby created to institutionalize and govern special education in the Philippines. The BSPED is primarily tasked with the formulation and administration of an appropriate curriculum and developmentally-suited programs to primarily achieve functional literacy of the students or children with special needs and ensure their integration to society. The full continuum of educational services shall also be made available by the BSPED 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 Secretary of Education and shall be headed by a director and assisted by an assistant director.

There shall be three (3) division chiefs who shall serve as heads for the following: 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.

SEC. 5. *SPED 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 or included in regular schools; b) assist in the conduct of school-based training; c) produce appropriate teaching materials; and d) conduct assessment of CSNs. It shall also be the responsibility of the SPED centers to assist and facilitate the transfer or 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 or handicap and mental giftedness.

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

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

services.

The SPED teachers and school administrators 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 administrator respectively.

SEC. 6. *Other Personnel.* – The administrative core and placement committee of the SPED unit for each city and province shall comprise:

- a) One (1) educational psychological or psychometrician;
- b) One (1) physical therapist;
- c) One (1) occupational therapist;
- d) One (1) speech and language therapist or 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.

SEC. 7. *Itinerant SPED Teachers.* – Itinerant SPED teachers shall also be appointed whenever necessary. They shall assist isolated or remote schools with specialized equipment, individual programs, curriculum adjustment, teaching aids and building modifications.

SEC. 8. *Grants or Cooperative Arrangements.* – 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. 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.

SEC. 9. *Continuing Research.* – The BSPED 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. The continuing research shall 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. It shall also be used to design physical education and therapeutic recreation program for use by the centers to increase the potential of CSNs for community participation.

SEC. 10. *Student Assistance.* – The BSPED 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 wheelchairs, crutches, special toilet and hygiene requirements, hearing aids, eyeglasses, and such other assistive devices needed 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.

SEC. 11. *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 therapies, 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.

SEC. 12. ***Nutritional Programs.*** – The nutritional programs for CSNs shall be supervised by the National Nutrition Council and the Department of Health (DOH) in coordination with the local government unit (LGU) health officer.

SEC. 13. ***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.

SEC. 14. ***Recreational and Artistic Opportunities.*** – The Bureau shall institute a program for students 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 their leisure hours and for the advancement of their physical, mental, social and cultural development.

SEC. 15. ***Continuing Education and Assistance.*** – The Bureau shall enhance the right of the teachers or 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 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.

SEC. 16. *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.

SEC. 17. *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 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.

SEC. 18. *Incentives to Private Sector.* – Partnership between the government and private institutions catering to the needs of students or children with special needs shall be encouraged. All profits and income generated by the SPED center derived from its fundamental function as an education 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 or publications shall be imported duty-free upon certification by the DepEd that such imported books or publications are for the use of the CSNs and their schools, in accordance with the provisions of the Tariff and Customs Code, as amended.

SEC. 19. *Local Government Unit (LGU) Participation.* – The LGUs shall be responsible for the following:

- 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 or children with special needs, as

well as the establishment of day care centers as mentioned in Section 13;

- b) Organization of one (1) parent-teacher association in every school in their respective jurisdictions offering special education to students or 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 or 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).

SEC. 20. *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, 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, shall also disseminate materials and information concerning effective practices in working with, training and

educating CSNs.

SEC. 21. *Appropriations.* – The amount necessary for the initial implementation of this Act shall be charged against the current appropriations of the Department of Education. Thereafter, such sum as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 22. *Implementation.* – The DepEd, through the BSPED, in coordination with the DILG, the DOH, the CWC and the National Council on Disability Affairs, 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.

SEC. 23. *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.

SEC. 24. *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.

SEC. 25. *Effectivity.* – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in two (2) national newspapers of general circulation.

Approved,