

REPUBLIC OF THE PHILIPPINES  
**HOUSE OF REPRESENTATIVES**  
Quezon City, Metro Manila

**FIFTEENTH CONGRESS**  
First Regular Session

House Bill No. 3397

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Introduced by **Kabataan Party-List Rep. Raymond V. Palatino**

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**EXPLANATORY NOTE**

The Constitution, Article 2 provides:

Sec. 17. 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.

The Constitution, Article 14 also states that:

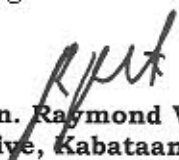
Sec. 1. The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

Like everyone else, children and youth with special needs have the right to participate and contribute to society. As such, it is the obligation of the State to ensure the equality of their access to social services and life-improvement opportunities, their full participation in decisions concerning their welfare, and the eventual possibility of their economic self-sufficiency. One important way to guarantee these rights and privileges is through education – specifically, special education (SPED).

Unfortunately, the reality that is the present state of special education in the country leaves much to be desired for concerned parents and children alike. A 1988 study conducted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) found that special education in the Philippines, although provided for in legislation, lacks basic funding to be able to properly address the needs of special children and youth. In particular, the study cited the lack of support for training of teachers and other personnel and the lack of diagnostic centers in various regions and schools to work hand in hand with the mainstreaming programs. The study also pointed out the need to attend to the indifference of school administrators to programs for children and youth with special needs.

Furthermore, the Department of Education points out that structural and staffing problems, along with low enrolment rates, continue to plague SPED in the country today. Despite positive learning outcomes of some children enrolled in SPED centers and schools, there is an acute need for the government to finally institutionalize a comprehensive measure to guarantee free and appropriate education for Filipino children and youth with special needs so as to ensure their full development as human beings and as citizens of the Republic.

Recognizing that children and youth with special needs are entitled to appropriate educational services, the urgent passage of this bill is earnestly sought.

  
**Hon. Raymond V. Palatino**  
**Representative, Kabataan Party-List**

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**AN ACT**  
**PROVIDING FOR FREE AND APPROPRIATE PUBLIC EDUCATION FOR FILIPINO**  
**CHILDREN AND YOUTH WITH SPECIAL NEEDS**

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

**SECTION 1.** *Short Title.* – This Act shall be known as the “Free Special Education 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 and youth with special needs to quality and appropriate education and to provide such education free of charge for them. The State recognizes their vital role in nation building and that directly addressing and solving 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 all affairs of the State. Towards this end and also pursuant to the mandate stated in Sec. 13 of Article 13 of the 1987 Constitution, Article 3 of P.D. 603, and Sections 12 to 14 of Republic Act No. 7277, the State shall institutionalize free and appropriate educational services for every Filipino child and youth with special needs through the establishment of Special Education (SPED) Centers and of other vital support mechanisms. Thus, all children and youth with special needs, irrespective of the degree of sensory, physical or

intellectual disability or needs, will have the opportunity to be educated in the most educationally encouraging and enhancing environment consistent with the provision of free and appropriate education that meets their needs.

**SECTION 3.** *Objectives.* – The objectives of the Free Special Education Act of 2010 are:

(A) To provide free and appropriate basic education to all Filipino children and youth with special needs namely the gifted or talented, the mentally retarded, the visually impaired, the hearing impaired, the orthopedically or physically handicapped, the learning disabled, the speech defective, the children with behavior problems, the children with autism, and those with the health problems through the formal educational system and other alternative delivery services in education;

(B) To ensure that children and youth with special needs 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 the affairs and concerns of the country;

(C) To ensure that children and youth with special needs understand, appreciate and respect differences amongst groups and members in society and also to understand the nature of society in which they live, and vice-versa, to ensure that the general public understands, appreciates and respects differences between themselves and children and youth with special needs;

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

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

(F) To involve local government units and national agencies other than the Department of Education (DepEd), as well as other sectors of society, in the education of children and youth with special needs;

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

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

(A) Disability shall mean –

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

(2) A record of such impairment;

(3) Being regarded as having such impairment.

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

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

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

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

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

(1) Mental characteristics;

- (2) Sensory abilities;
- (3) Neuromuscular or physical characteristics;
- (4) Social abilities;
- (5) Multiple handicaps; and/or

(6) Has a developmental lag to such as an extent that he requires modified school practices or special education services to develop to his or her maximum capability; they include person aged zero to twenty one (0-21) years old and may be as follows:

(a) 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 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 tasks commitment (related to a high degree of motivation) and those who by reason thereof, require services or activities not ordinarily provided by the school.

(b) The Mentally Handicapped or Mentally Retarded 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-direction, home living social skills, community use, self-direction, health and safety, functional academics, leisure and work.

(c) The Visually Impaired are those who are blind or have low vision. A person is blind if he/she has a visual capacity of 20/200 or less in a better eye after maximum correction. The low vision person retains a relative low degree of vision and can read only enlarged print or regular print under special conditions.

(d) The Hearing Impaired are those who are deaf or hard-of hearing. The deaf person is one whose hearing is non-functional for ordinary purposes in life. The hard-of hearing has a sense of hearing which although defective is functional with or without a hearing aid.

(e) Student or Children with Behavior Problems are those who cannot adjust to the socially accepted norms or behavior and, consequently disrupt their academic progress, the learning effort of their classmates and interpersonal relations.

(f) The Orthopedically Handicapped are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs.

(g) Special instructional materials means a textbook in Braille, large type or any other medium or any apparatus that conveys information to a student or otherwise contributes to the learning process.

(h) Basic Education consists of at least six (6) years of elementary education and at least four (4) of secondary education including pre-school education.

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

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

**SECTION 5. Coverage.** – This Act shall cover students and children and youth with special needs nationwide.

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

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

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

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

**SECTION 7.** *SPED Centers in Regular Schools.* –

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

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

- (1) Support children with special needs integrated or included in regular schools;

- (2) Assist in the conduct of school-based training;
- (3) Produce appropriate teaching materials, and
- (4) Conduct regular assessment of children with special needs.

(C) Each SPED Center shall have the following staff who shall have a (3) starting salary 20 classification of Grade 13:

- (1) 1 SPED teacher for the Mentally Gifted;
- (2) 1 SPED teacher for the Mentally Retarded/Handicapped;
- (3) 1 SPED teacher for the Visually Impaired;
- (4) 1 SPED teacher for the Hearing Impaired;
- (5) 1 SPED teacher for the Autistic Children;
- (6) 1 SPED teacher for the Learning Disabled;
- (7) 1 SPED teacher for children with behavior problems.

(D) Regular teachers currently handling special education of children with special needs shall henceforth be classified as SPED teachers with the same salary grade classification as mentioned in the preceding paragraph. They shall also be entitled to additional compensations awarded to SPED teachers.

(E) There shall be an assistant principal 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 trainings/ SPED personnel enhancement programs, referral and placement procedures, advisory services and other components of the special education program in his/her jurisdiction. He/she shall also be responsible for the formation and supervision of placement committee under his/her jurisdiction as well as in the resolution of disagreements on placement and services.

**SECTION 8.** *Other Personnel of SPED Centers.* – One educational psychologist or psychometrician, one social worker, one education supervisor and one medical health officer for each city and province shall be appointed who, among other responsibilities, shall comprise the administrative core and placement committee of the SPED unit in the area. 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 and on a needs basis. He/she shall assist isolated or remote schools with specialized equipment, individual programs, curriculum adjustment, teaching aids and building modifications.

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

**SECTION 11.** *Assistance for Students' Auxiliary Needs.* – The Bureau shall ensure any additional financial assistance outside tuition or matriculation to students with special needs at the elementary and secondary levels including any post-secondary or tertiary education which may come in the form of transportation allowance, food allowance, board and lodging allowance, book allowance, artistic and cultural tours, training and programs, 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 the like by the students to optimize education and participation in the educational process shall also be provided for free to students.

**SECTION 12. *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 needs 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, they can avail for no additional charges of the services of private clinics, hospitals and other specialized agencies through tax incentives. For this purpose, health care insurance programs shall be instituted by the Bureau.

**SECTION 13. *Nutritional Programs.*** – The nutritional programs for Children and youth with special needs shall be supervised by the National Nutrition Council and the Department of Health in coordination with the local government unit health officer.

**SECTION 14. *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 and local government unit in the area. As far as practicable, existing day care centers and facilities shall be maximized.

**SECTION 15. *Recreational and Artistic Opportunities.*** – The Bureau shall institute a program for students or children with special needs to afford them full opportunities for

recreation and activities, individual as well social, for the use of their leisure hours for the advancement of their physical, mental, social and cultural development.

**SECTION 16.** *Continuing Education and Assistance to Teachers/ Instructors of Students with Special Needs.* – The Bureau shall enhance the right of the teachers and instructors to professional advancement and ensure that the teaching staff will attract the best available talents through adequate remuneration, scholarship and training grants, teacher exchange programs, incentives and allowances and other means of securing job satisfaction and fulfillment as well as their long and stable tenure in their respective posts. A similar program shall be designed for support personnel like interpreters, psychologists, social workers and others also involved in the education and rehabilitation of the child.

**SECTION 17.** *Parent, Sibling and Caregiver Education.* – There shall be a free formal training and counseling program for parents, siblings and caregivers for them to acquire a working knowledge of special education, gain an understanding of the psychology of children with special needs, be aware of their crucial role as educators and gain knowledge and skills on how each parent, sibling, or caregiver could maximize his/her services for the optimum development of the potentials of the child.

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

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

**SECTION 19. *Local Government Unit Participation.*** – The local government units shall be responsible for the:

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

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

(C) 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 and the Department of Finance.

**SECTION 20. *Public Information, Education and Communication.*** – Nationwide information dissemination campaign on the prevention, early identification and intervention programs for children with special needs shall be intensified. This shall be the joint responsibility of the Philippine Information Agency (PIA), Council for the Welfare of Children (CWC) and the Department of Education (DepEd). The DepEd, in collaboration with the Department of Health (DOH) and Department of Labor and Employment (DOLE), shall also disseminate materials and information concerning effective practices working with, training and educating Children and youth with special needs.

**SECTION 21. *Appropriations.*** – For the implementation of this Act, the amount of Six Hundred Million Pesos (P600,000,000.00) per year for five (5) consecutive years is hereby appropriated for the SPED program to be included in the General Appropriation Act.

A supplementary appropriation in the amount of Twenty Million Pesos (P20,000,000.00) to be sourced from the President Social Fund, and the Philippine Gaming Corporation shall be provided to BSE as a reserve fund for every year of operation immediately upon arrival of this Act. This shall be used exclusively to augment funding for auxiliary aids and services.

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

**SECTION 22. *Implementation.*** – The Department of Education through the Bureau of Special Education, in coordination with the Department of the Interior and Local Government, Department of Health, Department of Finance, Council for the Welfare of Children, and National Council for the Welfare of Disabled Persons, 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 23. *Separability Clause.*** – If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

**SECTION 24. *Repealing Clause.*** – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provision of this Act is hereby repealed, modified or amended accordingly.

**SECTION 25. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,