

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

FIFTEENTH CONGRESS
Second Regular Session

House Bill No. 5728



Introduced by HON. LINABELLE RUTH R. VILLARICA
4TH DISTRICT, BULACAN

EXPLANATORY NOTE

Specialized educational services must be made available by the State to those who require differentiated techniques and facilities for learning.

Presently, however, an educational program for children with special needs has yet to be institutionalized and supported by the State. Once established, this will benefit all children regardless of the degree of sensory, physical or intellectual disability or need. Each will have an opportunity to be educated in a manner consistent with the provision of quality education. This will also provide them support for their welfare and development to ensure their full integration to society and facilitate their active participation in national development goals.

Support for the enactment of this measure is earnestly requested.

REP. LINABELLE RUTH R. VILLARICA

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Introduced by HON. LINABELLE RUTH R. VILLARICA
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AN ACT INSTITUTING INCLUSIVE EDUCATION THROUGH SPECIAL EDUCATION IN ALL PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS NATIONWIDE FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS AND ESTABLISHMENT OF THE BUREAU OF SPECIAL EDUCATION CREATING THE IMPLEMENTING MACHINERY THEREOF, PROVIDING GUIDELINES FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT 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 Act of 2012".

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to protect and promote the rights of children with special needs (CSN) 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 2, Section 13 of the 1987 Constitution, Article 2 of P.D. No. 603, Sections 12 to 14 of R.A. No. 7277, Article 24 of the UNCRPD, Convention on the Rights of the Child (CRC), the Salamanca Statement and Framework for Action on Special needs Education, Education for All (EFA) the State shall institutionalize an adequate and relevant educational program for every child with special needs through the establishment of SPED Centers and of their vital support mechanisms. Thus, all CSN, irrespective of the degree of sensory, physically or intellectual disability or need, will have the opportunity to be educated in the most educationally enhancing environment consistent with the provision of a quality education.

SEC. 3. *Objectives.* - The objectives of the Special Education Act are:

(a) To provide access to basic education among CYSN, namely the gifted and talented, children with developmental delays: those with intellectual disability, with visual impairment, with hearing impairment, with orthopedic impairment, with physical impairment, with learning disability, with speech defects, with behavior problems, with autism, and those with health problems through the formal system and other alternative delivery service in education;

(b) To ensure that CYSN 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 the CYSN understand, appreciate and respect differences among groups and members in society and also to understand the nature of society in which they live;

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

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

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

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

SEC. 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 or activities of such individual;

2) a record of such and impairment;

3) being regarded as having such an impairment.

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

(c) Handicap refers to a disadvantage of 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 gender of the individual;

(d) Persons with disabilities are those suffering from restrictions 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 persons who lack access to rehabilitate service 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 poverty threshold;

(f) Children and youth with special needs are the gifted and talented and those who are disabled, impaired and handicapped persons in need of special education as well as services for rehabilitation. He/she differs from the average child in 1) mental characteristics; 2) sensory abilities; 3) neuro-muscular or physical characteristics; 4) social; 5) multiple handicaps; and/or 6) has developmental lag to such an extent that requires modified school practices or special education services to develop to his maximum capability. They include persons aged 0 – 21 years old and may be as follows:

1. Gifted and talented children are those capable of superior performance and these include those with demonstrated achievements or potential ability in one or more of the following areas: general intellectual ability, special 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 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. The intellectually disabled are those who have substantial limitation in present functioning characterized by significant sub-average intellectual functioning, existing concurrently with the related limitation 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;

3. The visually impaired are those who are blind or having a low vision. A person is blind if he has a visual acuity of 20/200 or less in a better eye after maximum correction. The low vision person retains a relatively low degree of vision and can read only enlarged print or regular print under special conditions;

4. The hearing impaired are those who are deaf or hard-of-hearing. The deaf person is one whose hearing is functional for ordinary purpose in life. The hard-of-hearing has a sense of hearing which although defective is functional without a hearing aid;

5. Children and youth with behavior problems are those who cannot adjust to the socially accepted norms or behavior and consequently disrupt their academic progress, in the learning efforts of their classmates and interpersonal relations;

6. The orthopedically handicapped are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs;

7. Children and youth with special health problems are those who have health conditions that tend to keep children out-of-school or those with chronic and/or illnesses such as cardiac (heart) diseases, asthma, diabetes, tuberculosis and other respiratory ailments, carcinoma, epilepsy, malnutrition and others;

8. Children and youth with learning disabilities are those whose although normal in sensory, emotional and intellectual abilities exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic. They have such condition as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia;

9. The speech impaired are those whose speech differs from the average as far as to draw unfavorable attention to the manner of speaking rather than the thought conveyed;

10. Persons with autism are those with developmental disabilities, having onset before 30 months of age which is marked by disturbance in development, language and relationship with persons, activities and objects and which may co-exist with intellectual disability and epilepsy. Children afflicted with this disorder have perceptual cognitive communication and social difficulties which change over time.

(g) Auxilliary aids and services are services that are basically non-educational but impinge on the educational process of the child with special needs.

These include:

1. therapy
2. qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
3. qualified readers, tape tested or other effective methods of delivering materials to individuals with hearing impairments;
4. acquisition or modification of equipment or device;
5. other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability;

(h) Augmentative and alternative communication devices are special instructional materials like a textbook in Braille, large type or any other medium or any apparatus that conveys information to student or otherwise contributes to the learning process;

(i) Private sector participation encompasses all forms of indispensable, substantial and meaningful participation of private individuals, partnership, groups or entities, community-based organizations or non-governmental organizations in the delivery of educational and rehabilitative services for students and children with special needs;

(j) Basic education consists of at least six (6) years of elementary education and at least four (4) of secondary education including early years of education;

(k) Special education is basic education that takes into account the special needs of both the disabled children and the gifted and talented 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 the type of education tailored to meet the needs of children who cannot profit because of disabilities or exceptional abilities.

(l) Functional literacy is the level of literacy necessary for the children and youth to become useful citizens and effective members of the society.

SEC. 5. *Coverage.* - This Act shall cover students, children and youth with special needs nationwide.

SEC. 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 in the formulation and administration of an appropriate curriculum and developmentally-suited programs to primarily achieve functional literacy of the children and youth with special needs and ensure their assimilation to society. The full continuum of educational services shall also be made available by the bureau to those CSN below school age through regular home visits, consultations, day care activities and any other properties medium or program.

The Philippine Printing House for the Blind under the existing organizational structure of the DepEd shall become part of the CYDD.

BSPED 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.

The division chiefs shall serve as heads for the (1) Gifted and Talented Children and Youth Division (GCYD); and (2) Children and Youth with Disabilities Division (CYDD) 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 in the formulation, implementation and improvement of the framework and components of the special education program.

SEC. 7. *SPED Centers in Regular Schools.* - 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.

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 children and youth with special needs integrated and included in regular schools and b) assist in the conduct of school-based training; c) produce appropriate teaching materials, and d) conduct of assessment of children and youth with special needs.

Each SPED Center shall have at least the following staff who shall have qualifications as to DepEd standards. They will have a starting salary classification of Grade 13:

- 1 SPED teacher for the gifted and talented;
- 1 SPED teacher for children and youth with intellectually disabled;
- 1 SPED teacher for children and youth with visual impairment;
- 1 SPED teacher for children and youth with hearing impairment;
- 1 SPED teacher for children and youth with autism;
- 1 SPED teacher for children and youth with learning disabilities;
- 1 SPED teacher for children and youth with behavioral problems.

SPED teachers should work cooperatively with regular teachers.

There shall be an assistant principal for each SPED Center. He/she shall administer and supervise the alternative education program, 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 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 disagreement on placement and services.

SEC. 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, 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 database in special education in their respective jurisdiction. 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 distance possible in the avilment of educational services, in consultation with, and active participation of parents.

SEC. 9. *Itenerant/Mobile SPED Teachers.* - Itenerant/Mobile 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.

SEC. 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 arrangement or contracts with public or private non-profit agencies, institutions or organization for the establishment or creation of SPED Centers for children and youth with special needs: *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 children with special needs (CSN);

(b) Pre-service or in-service training of professionals or related services personnel preparing to serve or serving CSN;

(c) Replication of successful innovative approaches to providing educational or related services to CSN;

(d) Facilities of parental involvement in the education of their CSN;

(e) Diagnosis and educational evaluation of CSN at risk of being certified CSN;

(f) Consultative, counseling and training services for the families of CSN;

(g) Familiarization of the municipality or city to be served by a SPED Center with the problems and potentialities of such children.

SEC. 11. *Provision for Continuing Research to Identify Special Needs of CYSN.* - The Bureau of Special Education (BSPED) by itself or in association with such organizations or institutions as are determined by the DepEd Secretary to be appropriate, 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 CSN's acquisition of 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 recreation program for use by the Center to increase the potential of CSN for community participation.

SEC. 12. *Student Assistance.* - The Bureau shall provide financial assistance to economically marginalized but deserving students with special needs at the elementary and secondary levels, including any post secondary or tertiary education 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 and 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.

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

SEC. 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's or child's rehabilitation like therapy, psychometric assessments, medical examinations and the like, with government clinics, hospitals and other health facilities. In case 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 advance treatment, they can avail of the services of the private clinics, hospitals and other specialized agencies through tax incentives. For this purpose, as far as practicable or on a case-to-case basis, as may be determined by the Bureau, health care insurance programs may be instituted.

SEC. 14. *Nutritional Programs.* - The nutritional programs of CSN shall be supervised by the National Nutrition Council and the Department of Health in coordination with the local government unit health officer.

SEC. 15. *Establishment of Child Development Center.* - Child Development Care Centers especially designed for pre-school children and their parents, where early identification of disabilities and special needs and early learning intervention will be administered, shall also be established near or within SPED Centers or those that will be created by the bureau with the support of the local government units in the area. As far as practicable, existing day care centers and facilities shall be maximized.

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

SEC. 17. *Continuing Education and Assistance to Teachers or Instructors of Children and Youth with Special Needs.* - The Bureau shall enhance the gift of the teachers/instructors to professional advancement and ensure that the teaching staff attract the best available talents through adequate remuneration, scholarship and training grants; teacher exchange programs, incentives and allowance and other means of securing job satisfaction and fulfillment as well as their lone and stable tenure in their respective posts. A similar program shall be designed for support personnel like interpreters, psychologists, social workers and others involved in the education and rehabilitation of the children and youth.

SEC. 18. *Parent, Sibling and Caregiver Education.* - There shall be a formal training and counseling program for parents, sibling 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 potential of the children and youth.

SEC. 19. *Special Instructional Materials.* - Publishers shall grant to the DepEd BSPED the authority to transcribe adopted instructional materials to 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 BSPED when no longer needed.

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

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

(a) Provision of building 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 Section 15;

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

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

(d) Provisions of counterpart funds for the training and seminars of parents and teachers and nutritional programs for the children and youth 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. 22. *Public Information, Education and Communication.* - A nationwide information dissemination campaign on 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), Department of Labor and Employment (DOLE) and the local government unit (LGU) shall also disseminate materials and information concerning effective practices in working with, training and education of CYSN.

SEC. 23. *Appropriations.* - To implement the provisions of this Act, the amount of six hundred million pesos (Php 600,000,000.00) per year for five (5) consecutive years is hereby appropriated for the SPED program to be included in the General Appropriations Act.

A supplementary appropriation in the amount of twenty million pesos (Php 20,000,000.00) to be sourced from the President's Social Fund and the Philippine Amusement and Gaming Corporation (PAGCOR) shall be provided to BSPED as a reserve fund for every year of operation, immediately upon approval 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, LGU CWC and the National Council for Disability Affairs shall also be included in their respective annual budget in the General Appropriations Act.

SEC. 24. *Implementation.* - The Department of Education through the Bureau of Special Education, in coordination with the Department of the Interior and Local Government, local government unit, Department of Health, Department of Finance, Council for the Welfare of Children, Early Childhood Care and Development Council, and the National Council for Disability Affairs shall promulgate and issue the necessary implementing guidelines for the creation and operation of the SPED Centers within sixty (60) days after the effectivity of this Act.

SEC. 25. *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.

SEC. 26. *Repealing Clause.* - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rules and regulations contrary to or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

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

Approved,