

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
Third Regular Session



COMMITTEE REPORT NO. 220

Submitted by the Committee on the Welfare of Children on 06 SEP 2012

Re: House Bill No. 5557

Recommending its approval in substitution of House Bill Nos. 82, 646, 812, 832, 1080, 1565, 1604, 2129, 2177, 2280, 3268, 3293, 3397, 3582, 4447, 5728, and 6495

Sponsors: Representatives Aurora Enerio-Cerilles, Susan A. Yap, and Bernadette R. Herrera-Dy

Mr Speaker:

The Committee on the Welfare of Children to which were referred **House Bill No. 82** introduced by Reps. Susan A. Yap, Maria Carmen Zamora-Apsay, Cesar V. Samiento, Josephine Veronique R. Lacson-Noel, Augusto "Boboy" Syjuco, Lani Mercado-Bevilla, Czarina D. Umali, Rachel Marguerite B. Del Mar, Erico B. Aumentado, Thelma Z. Almario and Pedro P. Romualdo, entitled:

**"AN ACT
ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION CENTER
FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPECIAL
EDUCATION CENTERS IN BIG SCHOOL DIVISIONS FOR CHILDREN
WITH SPECIAL NEEDS, GUIDELINES FOR GOVERNMENT
FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT"**

House Bill No. 646 introduced by Reps. Juan Edgardo M. Angara, Augusto "Boboy" Syjuco and Salvador P. Cabaluna III, entitled:

**"AN ACT
PROVIDING FREE AND SUITABLE PUBLIC EDUCATION FOR
HANDICAPPED CHILDREN AND APPROPRIATING FUNDS
THEREFOR"**

House Bill No. 812 introduced by Reps. Augusto "Boboy" Syjuco and Imelda G. Calixto-Rubiano, entitled:

**"AN ACT
CREATING THE NATIONAL PROGRAM FOR FILIPINO GIFTED
CHILDREN AND SCIENCE-ORIENTED YOUTH, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES"**

House Bill No. 832 introduced by Reps. Pedro B. Acharon, Jr., Tomas V. Apacible, Mary Mitzi L. Cajayon, Emerenciana "Emmi" A. De Jesus and Marilyn L. Primicias-Agabas, entitled:

"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"

House Bill No. 1080 introduced by Rep. Bernadette R. Herrera-Dy, entitled:

"AN ACT

ESTABLISHING AT LEAST (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"

House Bill No. 1565 introduced by Reps. Eulogio "Amang" R. Magsaysay and Mary Mitzi L. Cajayon, entitled:

"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"

House Bill No. 1604 introduced by Reps. Danilo Ramon S. Fernandez and Maria Isabelle Beng' G. Climaco, entitled:

"AN ACT

ESTABLISHING A CENTER FOR FILIPINO GIFTED AND TALENTED CHILDREN AND APPROPRIATING FUNDS THEREFOR"

House Bill No. 2129 introduced by Reps. Winston "Winnie" Castelo and Lani Mercado-Revilla, entitled:

"AN ACT

ESTABLISHING SPECIAL EDUCATION CENTERS FOR CHILDREN WITH SPECIAL NEEDS IN EVERY LOCAL GOVERNMENT UNIT AND FOR OTHER PURPOSES"

House Bill No. 2177 introduced by Reps. Danilo Ramon S. Fernandez, Christopher S. Co. Rodel M. Batocabe, Alfredo Garbin, Jr. and Daryl Grace J. Abayon, entitled:

**"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"**

House Bill No. 2280 introduced by Reps. Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Florencio T. Miraflores, Eulogio "Amang" R. Magsaysay and Marcelino R. Teodoro, entitled:

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

House Bill No. 3268 introduced by Reps. Joseph Victor G. Ejercito, Rachel Marguerite B. Del Mar and Cinchona Cruz-Gonzales, entitled:

**"AN ACT
TO EXPAND AND REVITALIZE THE SPECIAL EDUCATION
PROGRAM FOR GIFTED AND HANDICAPPED CHILDREN AND
YOUTH IN THE PHILIPPINES"**

House Bill No. 3293 introduced by Reps. Imelda G. Calixto-Rubiano and Winston "Winnie" Castelo, entitled:

**"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"**

House Bill No. 3397 introduced by Reps. Raymond V. Palatino, Rachel Marguerite B. Del Mar, Luzviminda C. Ilagan, Antonio L. Tinio, Rafael V. Mariano, Carol Jayne B. Lopez and Emerenciana "Emmi" A. De Jesus, entitled:

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

House Bill No. 3582 introduced by Reps. Rodolfo G. Biazon and Angelo B. Palmones, entitled:

**"AN ACT
TO EXPAND AND REVITALIZE THE SPECIAL EDUCATION
PROGRAM FOR GIFTED AND HANDICAPPED CHILDREN AND
YOUTH IN THE PHILIPPINES"**

House Bill No. 4447 introduced by Reps. Ma. Georgina P. De Venecia, Eufranio C. Eriguel, Mark A. Villar, Carol Jayne B. Lopez, Bernadette Herrera-Dy, Josephine Veronique Lacson Noel, and Maria Isabelle Climaco, entitled:

**"AN ACT
PROVIDING FOR THE ESTABLISHMENT OF CENTERS FOR
CHILDREN WITH AUTISM AND THOSE WITH HEARING AND
SPEECH IMPAIRMENT"**

House Bill No. 5728 introduced by Rep. Linabelle Ruth R. Villarica, entitled:

**"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 BUREAU OF
SPECIAL EDUCATION CREATING THE IMPLEMENTING
MACHINERY THEREOF, PROVIDING GUIDELINES FOR
GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES
AND SUPPORT FOR OTHER PURPOSES"**

and **House Bill No. 6495** introduced by Reps. Diosdado M. Arroyo, and Gloria M. Macapagal-Arroyo, entitled:

**"AN ACT
PROVIDING FOR THE CREATION OF MUNICIPAL SPECIAL
EDUCATION CENTERS FOR DEAF-MUTE AND BLIND CHILDREN
APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES"**

has considered the same and recommends that the attached House Bill No. 5547 entitled:

**"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), PROVIDING GUIDELINES THEREFOR, AND
FOR OTHER PURPOSES"**

be approved in substitution of **House Bill Nos. 82, 646, 812, 832, 1080, 1565, 1604, 2129, 2177, 2280, 3268, 3293, 3397, 3582, 4447, 5728, and 6495** with Reps. Yap (S.), Argara, Syjuco, Acharon Jr., Herrera-Dy, Magsaysay (E.), Fernandez, Castelo, Rodriguez(R.), Rodriguez (M.) Jr., Ejercito, Calixto-Rubiano, Palatino, Biazon, De Venecia, Villarica, Macapagal Arroyo (D.), Macapagal-Arroyo (G.), Apacible, Zamora-Apsay, Sarmiento (C.), Lacson-Noel, Co. Batocabe, Garbin Jr., Abayon, Mercado-Revilla,

Miraflores, Del Mar, Cruz-Gonzales, Umali (C.), Enerio-Cerilles, Gunigundo I, Aglipay, Ferriol, Catamco, Palmones, Ilagan, Cajayon, De Jesus, Tinio, Climaco, Mariano, Primicias-Agabas, Eriguel, Villar, Lopez (C.J.), Cabaluna III, Aumentado, Almario, Romualdo, and Teodoro as authors thereof.

Respectfully submitted,


AURORA ENERIO-CERILLES
Chairperson
Committee on the Welfare of Children

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Third Regular Session

HOUSE BILL NO. 6547

In substitution of House Bill Nos. 82, 646, 812, 832, 1080, 1565, 1604, 2129, 2177,
2280, 3268, 3293, 3397, 3582, 4447, 5728, and 6495

INTRODUCED BY REPRESENTATIVES YAP (S.), ANGARA, SYJOCO, ACHARON JR., HERRERA-DY, MAGSAYSAY (E.), FERNANDEZ, CASTELO, RODRIGUEZ (R.), RODRIGUEZ (M.) JR., EJERCITO, CALIXTO-RUBIANO, PALATINO, RIAZON, DE VENECIA, VILLARICA, MACAPAGAL-ARROYO (D.), MACAPAGAL-ARROYO (G.), APACIBLE, ZAMORA-APSAY, SARMIENTO (C.), LACSON-NOEL, CO. BATOCABE, GARBIN JR., ABAYON, MERCADO-REVILLA, MIRAFLORES, DEL MAR, CRUZ, GONZALES, UMALI (C.), ENERIO-CERILLES, GUNIGUNDO, AGLIPAY, FERRIO, CATAMCO, PALMONES, ILAGAN, CAJAYON, DE JESUS, TINIO, CLIMACO, MARIANO, PRIMICIAS-AGABAS, ERIGUEL, VILLAR, LOPEZ, CABALUNA III, ALUMENTADO, ALMARIO, ROMUALDO, and TEODORO

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 (CSN), PROVIDING GUIDELINES THEREFOR, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* This Act shall be known as the "*Special Education*
2 *(SPED) Act of 2012.*"

3 SEC. 2. *Declaration of Policy.* It is hereby declared the policy of the State to
4 protect and promote the rights of children with special needs (CSN) to quality
5 education and to take appropriate steps to make such education accessible to them.
6 The State recognizes their vital role in society and endeavors to include their needs as
7 integral part of national development strategies.

8 It is also the policy of the State to give full support for their welfare and
9 development, ensure their full integration in society, as well as facilitate their native

1 participation in the affairs of the State. Towards this end and also pursuant to the
2 mandate stated in the *1987 Constitution* (Section 13, Article II; Section 13, Article
3 XIII; and Sections 1 and 2, paragraphs 1 and 3, Article XIV), Article 3 of Presidential
4 Decree No. 603 (*The Child And Youth Welfare Code*) and Sections 12-14 of Republic
5 Act No. 7277 (*Magna Carta For The Disabled*), the State shall institutionalize an
6 adequate and relevant educational program for every CSN through the establishment
7 of SPED Centers and the provision of vital support mechanisms for such. Thus, all
8 CSN, in any degree of sensory, physical or intellectual disability or needs, shall have
9 the opportunity to be developed in the most enhancing environment consistent with
10 the provision of a quality education that best meets their needs.

11 SEC. 3. *Objectives.* The objectives of the *SPED Act of 2012* are:

- 12 a. To provide CSN access to basic education through the formal system; and
13 other alternative delivery services in education;
- 14 b. To facilitate integration of CSN with mainstream education;
- 15 c. To ensure that CSN fully develop their potentials towards self sufficiency
16 and become more effective partners in the affairs of the country;
- 17 d. To ensure that CSN understand, appreciate and respect differences amongst
18 groups and members in society and also to understand the nature of
19 society in which they live;
- 20 e. To identify gifted and talented children from ages three (3) to sixteen (16);
- 21 f. To provide the parents with information on the full continuum of SPED
22 services and possible placement options for their children thus enable
23 them to make informed choices and decisions;
- 24 g. To enhance the role of parents, teachers and other caregivers as primary
25 educators and caregivers of the children by equipping them with

- capabilities to identify, prevent, refer or intervene with the developmental disorders and disabilities of children;
- h. To involve private groups, local government units (LGUs) and national agencies other than the Department of Education (DepEd) in the education of CSN; and
- i. To create significant and positive changes in community attitudes towards disability and the need to provide special education and proper care for CSN.

SEC. 4. *Definition of Terms.* - For purposes of this Act, the following terms are defined:

a. *Disability* refers to any of the following:

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; or

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 of an individual, resulting from an impairment or a disability, that limits or prevents the function or activity that is considered normal given the age and gender 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.

1 e. *Marginalized/disadvantaged persons with disabilities* refer to disabled
2 persons who lack access to rehabilitative services and educational
3 opportunities due to poverty, abandonment, illness and other forms of
4 neglect. For purposes of this Act, the word "poor" refers to persons who
5 either have no means of livelihood or have incomes below the poverty
6 threshold as determined by the National Statistics Coordinating Board
7 (NSCB);

8 f. *Children with special needs (CSN)* refer to those who are gifted or are fast
9 learners; and those who are disabled, impaired or handicapped and in need
10 of special education as well as services for rehabilitation. They differ from
11 the average children in mental characteristics, sensory abilities,
12 neuromuscular or physical characteristics, and social attributes, to such an
13 extent that requires the use of modified school practices or special
14 education services to develop them to maximum capability. They may be
15 classified as follows;

- 16 1. *Gifted children and fast learners* are those capable of superior
17 performance including those with demonstrated achievement or
18 potential ability in one or more of the following areas: general
19 intellectual ability, specific academic aptitude, creative or
20 productive thinking ability, leadership ability, ability in the
21 visual or performing arts and psychomotor ability, or those
22 individuals who consistently manifest the following cluster of
23 traits: above average ability (including intelligence), high
24 creativity (implies the developmental appreciation of
25 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. *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.

3. *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 print under special conditions.

4. *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 a defective sense of hearing that is functional with or without a hearing aid.

5. *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.

- 1 6. *Children with orthopedic/physical handicap* are those whose
2 impairment permanently or temporarily interferes with the
3 normal functions of the joints, muscles or limbs.
- 4 7. *Children with special health problems* are those who have
5 health conditions that tend to keep children out-of-school or
6 those with chronic and/or debilitating illnesses such as cardiac
7 (heart) diseases, asthma, diabetes, tuberculosis and other
8 respiratory ailments, carcinoma, epilepsy, malnutrition and
9 others.
- 10 8. *Children with learning disabilities* are those who although
11 normal in sensory, emotional and intellectual abilities exhibit
12 disorders in perception, listening, thinking, reading, writing,
13 spelling or arithmetic. They have such conditions as perceptual
14 handicap, brain injury, minimal brain dysfunction, dyslexia or
15 developmental aphasia.
- 16 9. *Children with speech defects* are those whose speech differs
17 from the average so far as to draw unfavorable attention to the
18 manner of speaking rather than to the thought conveyed.
- 19 10. *Children with autism* are those with developmental disabilities,
20 the onset of which occurs before thirty (30) months of age and
21 which is marked by disturbance in development, language and
22 relationship with persons, activities and objects and which may
23 coexist with intellectual disability and epilepsy. Children
24 afflicted with this disorder have perceptual, cognitive,
25 communication and social difficulties which change over time.

1 11. *Children with multi-handicaps* are those with more than one
2 disability such as the deaf-blind or those diagnosed with
3 autism and intellectual disability.

4 g. *Auxiliary aids and services* refer to services that are basically non-
5 education, but enhance on the education process of the child with special
6 needs. These include:

- 7 1. Therapy;
- 8 2. Qualified Interpretations or other effective methods of
9 delivering materials to individuals with hearing impairments.
- 10 3. Qualified Reading, taped tests or other effective methods of
11 delivering materials to individuals with visual impairments;
- 12 4. Acquisition or modification of equipment or devices; and
- 13 5. Other similar services and actions or all types of aids and
14 services that facilitate the learning process of people with
15 mental disability.

16 h. *Special instructional materials* refer to textbooks in Braille, large type or
17 any other medium or any apparatus that convey information to a student or
18 otherwise contributes to the learning process.

19 i. *Private sector participation* refers to all forms of indispensable, substantial
20 and meaningful participation of private individuals, partnerships, groups or
21 entities, community-based organizations or non-governmental
22 organizations in the delivery of educational and rehabilitative services for
23 students and CSN.

24 j. *Basic Education* refers to kindergarten, at least six (6) years of elementary
25 education and at least four (4) years of secondary education.

1 k. *Special Education* refers to basic education that takes into account the
2 special needs of both disabled children and gifted children. This is a
3 systematic and deliberate process that enables CSN to achieve functional
4 literacy and the highest level of their individual potential and capacity. It
5 is also defined as that type of education tailored to meet the needs of
6 children who cannot profit because of or exceptional abilities. SPED is
7 geared towards integration of CSN with mainstream education; and

8 l. *Functional literacy* refers to the level of literacy necessary for the student
9 or child to become a useful citizen and effective member of society.

10 SEC. 5, *Coverage*. – This Act shall cover all students and children with special
11 needs (CSN) nationwide.

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

16 The SPED Center shall function as the resource center for the implementation
17 of inclusive education that will accept all kinds of children on regular schools. It
18 shall:

- 19 a. support CSN to be integrated included in regular schools;
- 20 b. conduct school-based training of CSN;
- 21 c. produce appropriate teaching materials for CSN; and
- 22 d. conduct assessment of CSN.

23 It shall also be the responsibility of the SPED Centers to assist, facilitate, and
24 monitor the transfer/admission of qualified children with disabilities to post-
25 secondary or tertiary education institutions.

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

5 Regular teachers currently handling special education of CSN shall henceforth
6 be classified as SPED teachers.

7 There shall be an assistant principal for each SPED Center who shall
8 administer and supervise the alternative educational programs; early intervention
9 programs; monitoring, supervision, and provision of technical assistance, training,
10 and enhancement programs to SPED personnel; referral and placement procedures;
11 and oversee the other components of the special education program. The assistant
12 principal shall also be responsible for the formation and supervision of placement
13 committee as well as in the resolution of disagreements on placement and services.

14 SEC. 7. *Other Personnel of SPED Centers.* – The administrative core and
15 placement committee of the SPED unit shall consist of;

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

21 They shall also be jointly tasked to develop and maintain a data bank in
22 special education in their respective jurisdictions. The placement committee shall, in
23 consultation with and active participation of parents among others, ensure that
24 students with disabilities are educated as close as possible to their homes and

1 alongside their age-appropriate peer groups, and that these students attend their local
2 schools or travel the shortest distance to avail of educational services..

3 SEC. 8. *Itinerant SPED Teachers.* – Itinerant SPED teachers shall also be
4 appointed whenever necessary. They shall assist isolated or remote schools with
5 specialized equipment, individual programs, curriculum adjustment, teaching aids and
6 building modifications.

7 SEC. 9. *Authority of the Secretary of Education to Give Grants to, or Enter*
8 *Into Cooperative Arrangements for the Creation of SPED Centers.* – The Secretary of
9 Education is hereby authorized to give grants to, or enter into cooperative
10 arrangements or contracts with public or private non-profit agencies, institutions or
11 organizations for the establishment or creation of SPED centers for CSN or for
12 programs such as the following:

- 13 a. Technical assistance to SPED centers;
- 14 b. Training of professionals or related services personnel who are preparing
15 to serve or are serving CSN;
- 16 c. Replication of successful innovative approaches in providing educational
17 or related services to CSN;
- 18 d. Facilitation of parental involvement in the education of their CSN;
- 19 e. Diagnosis and educational evaluation of CSN;
- 20 f. Consultative, counseling and training services for the families of CSN; or
- 21 g. Familiarization of the municipality or city being served by a SPED center
22 with the problems and potentialities of such children

23 SEC. 10. *Continuing Research to Identify Needs of CSN.* – The DepEd by
24 itself or in association with organizations or institutions shall undertake continuing
25 research to identify and design programs that shall meet the full range of needs of the

1 CSN: *Provided*, That such continuing research shall also be used to develop
2 instructional techniques for use by the SPED Centers towards improving CSN
3 acquisition of skills necessary for their transition to independent living, vocational
4 training or competitive development: *Provided, further*, That such continuing research
5 shall further be used to design physical education and therapeutic recreation program
6 for use by the Centers to increase the potential of CSN for community participation.

7 SEC. 11. *Student Assistance*. – The DepEd shall provide financial assistance
8 to economically marginalized but deserving students with special needs at the
9 elementary and secondary levels which may come in the form of scholarship grants;
10 allowances for transportation, food, lodging, and books; student loan programs;
11 artistic and cultural tours; training programs; subsidies; and other incentives.
12 Marginalized or disadvantaged persons with disabilities and those coming from
13 indigenous communities shall be the priority in the grant of the aforesaid assistance.

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

20 SEC. 12. *Medical Assistance*. – The DepEd shall prepare a scheme that will
21 ensure adequate and free medical assistance and intervention programs, including
22 those essential to the student or child's rehabilitation like therapy, psychometric
23 assessments, medical examinations and the like with government clinics, hospitals
24 and other health facilities. In case the medical service is not offered by the nearest or
25 accessible government health facility, or cannot be obtained by reason of critical

1 immediacy, or needs a more specialized or advanced treatment, CSN shall be
2 entitled to twenty percent (20%) discount from the services of any private hospital
3 or clinic: *Provided*, That these private hospitals and clinics may claim the cost as tax
4 credit.

5 SEC. 13. *Nutritional Programs.* – The nutritional programs for CSN shall be
6 supervised by the National Nutrition Council (NNC) and the Department of Health
7 (DOH) in coordination with the LGU health officer.

8 SEC. 14. *Establishment of Specialized Day Care Centers.* – Day care centers
9 specially designed for pre-school children and their parents, where early identification
10 of disabilities and special needs and introductory educational and intervention
11 programs will be administered, shall also be established near or within existing SPED
12 centers or those that will be created by the DepEd with the support of the Department
13 of Social Welfare and Development (DSWD) and LGU in the area. As far as
14 practicable, the use of existing day care centers and facilities shall be maximized.

15 SEC. 15. *Recreational and Artistic Opportunities.* The DepEd shall institute
16 a program for CSN that will afford them full opportunities for safe and wholesome
17 recreation and activities, individual as well as social, for optimal use of their leisure
18 hours and for the advancement of their physical, mental, social and cultural
19 development.

20 SEC. 16. *Remuneration and Benefits.* – The SPED teachers and school
21 administrators managing SPED centers and special schools shall be assigned a salary
22 grade that is three (3) salary grades higher than that of a regular teacher and school
23 administrator, respectively.

24 The DepEd shall enhance the right of the teachers/instructors to professional
25 advancement and ensure that the teaching staff will attract the best available talents

1 through adequate remuneration, scholarship and training grants, teacher exchange
2 programs, incentives and allowances and other means of securing job satisfaction and
3 fulfillment as well as their long and stable tenure in their respective posts. A similar
4 program shall be designed for support personnel like interpreters, psychologists,
5 social workers and others also involved in the education and rehabilitation of the
6 child.

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

14 SEC. 17. *Parent, Sibling and Caregiver Education.* - There shall be a formal
15 training and counseling program for parents, siblings, and caregivers of CSN for
16 them to acquire a working knowledge of special education, gain an understanding of
17 the psychology of CSN, and be aware of their crucial role as educators so that they
18 maximize their knowledge and skills for optimum development of the potentials of
19 the child.

20 SEC. 18. *Special Instructional Materials.* - Publishers shall grant the DepEd
21 the authority to transcribe adopted instructional materials into Braille, large type and
22 audio-tape without penalty or payment of royalty. Furthermore, on or before the
23 second (2nd) working day after the adoption of textbook titles by the DepEd, each
24 publisher of newly adopted instructional materials shall provide computerized files as

1 specified by the DepEd which may be copied and distributed upon request, to a school
2 division for instructional purposes.

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

6 SEC. 19. *Incentives to Private Sector Participation.* – Partnership between the
7 government and private institutions catering to the needs of CSN shall be encouraged.

8 All profits and income generated by the SPED Center derived from its fundamental
9 function as an educational institution shall be exempt from income tax. Any donation,
10 contribution, bequest and grant which may be made to the center shall be exempt
11 from donor's tax and the same shall be considered as allowable deduction from the
12 gross income in the computation of the income tax of the donor in accordance with
13 the provisions of the *National Internal Revenue Code of 1997*, as amended: *Provided,*

14 That such donations shall not be disposed of, transferred or sold. Economic, technical
15 and cultural books and/or publications shall be imported duty-free upon certification
16 by the DepEd that such imported books and/or publications are for economic,
17 technical, vocational, scientific, philosophical, historical or cultural purposes, in
18 accordance with the provisions of the tariff and customs code, as amended.

19 SEC. 20. *Local Government Unit Participation* The LGUs shall be
20 responsible for the following:

- 21 a. Provision of buildings or centers which are CSN-friendly and sites where
22 there are no existing school facilities that may be used for the special
23 education of CSN, as well as the establishment of day care pursuant to
24 Sec. 15 hereof;

- b. Organization of one (1) parent-teacher association for CSN in every school offering special education in their respective jurisdictions;
- 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 CSN in their respective localities to be determined by the DepEd, in coordination with the Department of Budget and Management (DBM) and the Department of Finance (DOF).

SEC. 21. *Public Information, Education and Communication.* – A nationwide information dissemination campaign on the prevention, early identification and intervention programs for CSN shall be intensified. This shall be the joint responsibility of the Philippine Information Agency (PIA), Council for the Welfare of Children (CWC) and the DepEd. The DepEd, in collaboration with the DOH and Department of Labor and Employment (DOLE), shall also disseminate materials and information concerning effective practices in working with, training and educating CSN.

SEC. 22. *Appropriations.* – The Secretary of the DepEd shall immediately include in the Department's programs the implementation of this Act, the funding of which shall be included in the *Annual General Appropriations Act*.

SEC. 23. *Implementing Rules and Regulations.* – The DepEd, in coordination with the DSWD, DILG, DOH, DOF, BIR, CWC and 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.

1 SEC. 24. *Separability Clause* . If for any reason, a provision or part hereof is
2 declared invalid, other provisions not affected thereby shall remain in full force and
3 effect.

4 SEC. 25. *Repealing Clause.* All laws, decrees, executive orders, rules and
5 regulations contrary or inconsistent with the provisions of this Act are hereby repealed
6 or modified accordingly.

7 SEC. 26. *Effectivity.* – This Act shall take effect fifteen (15) days after its
8 publication in two (2) newspapers of general circulation.

Approved

HOUSE OF REPRESENTATIVES COMMITTEE AFFAIRS DEPARTMENT

FACT SHEET

House Bill No. 5542
(As Reported Out)

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), PROVIDING GUIDELINES THEREFOR, AND FOR OTHER PURPOSES

Introduced By: REPS. SUSAN A. YAP, JUAN EDGARDO M. ANGARA, AUGUSTO "BOBOY" SYJUCO, PEDRO B. ACHARON, JR., BERNADETTE R. HERRERA-DY, EULOGIO "AMANG" R. MAGSAYSAY, DANILO RAMON S. FERNANDEZ, WINSTON "WINNIE" CASTELO, RUFUS B. RODRIGUEZ, MAXIMO B. RODRIGUEZ, JR., JOSEPH VICTOR G. EJERCITO, IMELDA G. CALIXTO-RUBIANO, RAYMOND V. PALATINO, RODOLFO G. BIAZON, MA. GEORGINA P. DE VENECIA, LINABELLE RUTH R. VILLARICA, DIOSDADO MACAPAGAL ARROYO, GLORIA M. MACAPAGAL-ARROYO, TOMAS V. APACIBLE, MA. CARMEN ZAMORA-APSAY, CESAR V. SARMIENTO, JOSEPHINE VERONIQUE R. LACSON-NOEL, CHRISTOPHER S. CO, RODEL M. BATOCABE, ALFREDO GARBIN, JR., DARYL GRACE J. ABAYON, LANI MERCADO-REVILLA, FLORENCIO T. MIRAFLORES, RACHEL MARGUERITE B. DEL MAR, CINCIONA CRUZ-GONZALES, CZARINA D. UMALI, AURORA ENERIO-CERILLES, MAGTANGGOL T. GUNIGUNDO I, EMMELINE Y. AGUIPAY, ABIGAIL C. FAYE FERRIOL, NANCY A. CATAMCO, ANGELO B. PALMONES, LUZVIMINDA C. ILAGAN, MARY MITZI L. CAJAYON, EMERENCIANA A. DE JESUS, ANTONIO L. TINIO, MARIA ISABELLE G. CLIMACO, RAFAEL V. MARIANO, MARLYN L. PRIMICIAS-AGABAS, EUFRANIO C. ERIGUEL, MARK A. VILLAR, CAROL JAYNE B. LOPEZ, SALVADOR P. CABALUNA III, ERICO B. AUMENTADO, THELMA Z. ALMARIO, PEDRO P. ROMUALDO, and MARCELINO R. TEODORO

*Committee Referral: COMMITTEE ON THE WELFARE OF CHILDREN
Committee Chairperson: HON. AURORA ENERIO-CERILLES*

OBJECTIVES:

- To provide children with special needs (CSN) access to basic education;
- To ensure that CSN fully develop their abilities, talents, interests and all aspect of their development to become more responsible for their lives and more effective partners in all the affairs of the state;

- To inform and equip parents, caregivers and teachers with the capabilities to identify, prevent, refer and intervene with the disabilities of children and their developmental disorders; and
- To involve private groups, local government units and national agencies in the education of CSN.

KEY PROVISIONS:

- Defines CSN as those who are gifted and those who are handicapped;
- Establishes at least one special education (SPED) center for each school division and at least three (3) SPED centers in big school divisions where there are no existing SPED centers;
- Mandates full continuum of educational services by DepEd to those CSN below school age through regular home visits, consultations, day care activities and any other proper medium or program;
- Enhances the right of teachers and support personnel to professional advancement through adequate remuneration, scholarship and training grants and other incentives;
- Provides financial assistance to economically marginalized but deserving CSN at the elementary and secondary levels;
- Ensures adequate and free medical assistance and intervention programs for CSN;
- Grants incentives to private institutions catering to the needs of CSN; and
- Mandates local government units to be responsible for the provision of CSN-friendly sites and counterpart funds for training and seminars of parents and teachers in their respective localities.

RELATED LAWS:

- R.A. No. 7277 – *Magna Carta for Disabled Persons*
- P.D. 603 – *Child and Youth Welfare Code*
- Sec. 13, Article II, Article XIII and Article XIV- *1987 Philippine Constitution*