

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. 50



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.

During the 15th Congress this bill was filed and approved on 3rd Reading by the House Plenary and was transmitted to the Senate for its consideration. Due to time constraints, however, no further action was taken on it. This bill is filed for the consideration of the 16th Congress.

Support for the enactment of this measure is earnestly requested.

A handwritten signature in cursive script, appearing to read "L. Villarica".

REP. LINABELLE RUTH R. VILLARICA

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AN ACT ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION 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:

SECTION 1. *Title.* - This Act shall be known as the "Special Education Act of 2013".

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 society and endeavors to include their needs as 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 of the 1987 Constitution (Section 13, Article II; Section 13, Article XIII; and Sections 1 and 2, paragraphs 1 and 3 of Presidential Decree No. 603 (*The Child and Youth Welfare Code*), Sections 12 to 14 of Republic Act. No. 7277 (*Magna Carta for the Disabled*), the State shall institutionalize an adequate and relevant educational program for every CSN through the establishment of SPED Centers and of the provision of vital support mechanisms for such. Thus, all CSN, in any degree of sensory, physically or intellectual disability or needs, will have the opportunity to be developed in the most enhancing environment consistent with the provision of a quality education that best meets their needs.

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

(a) To provide CSN access to basic education through the formal system and other alternatives delivery services in education;

(b) To facilitate integration of CSN with mainstream education;

(c) To facilitate integration of CSN fully develop their potentials towards self-sufficiency and become more effective partners in the affairs of the country;

(d) To ensure that CSN understand, appreciate and respect differences amongst groups and

members in society and also to understand the nature of society in which they live;

(e) To identify gifted and talented children from ages three (3) to sixteen (16);

(f) To provide the parents with information on the full continuum of SPED services and possible placement options for the rest of their children thus enable them to make informed choices and decisions;

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

(h) To enhance the role of parents, teachers and other caregivers as primary educators and caregivers as primary educators and caregivers of the children by equipping them with capabilities to identify, prevent, refer or intervene with the development disorders and disabilities of children;

(i) To involve private groups, local government units (LGUs) and national agencies other than the Department of Education (DepEd) in the education of CSN; and

(j) 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, these terms are defined as follows:

(a) *Disability* shall refer 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 and impairment; or

3) being regarded as having such an impairment.

(b) *Impairment* refers to 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* (PWD) refer to 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 persons with disabilities* refer to disabled persons who lack access to rehabilitate services and educational opportunities due to poverty, abandonment, illness and other forms of neglect. For purposes of this Act, the word "poor" refers to persons who have no means of livelihood or have incomes below poverty threshold as determined by the National Statistical Coordinating Board (NSCB);

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

1. *Gifted children and fast learners* are those capable of superior performance including those with demonstrated achievement or potential ability in one or more of the following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in the performing arts and psychomotor ability, or those individuals who consistently manifest the following cluster of traits: above average ability (including intelligence), high creativity (implies the developmental appreciation of innovative ideas) 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 the 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 having a low vision. Persons are blind if they has a visual capacity of 20/200 or less in a better eye after maximum correction. The low vision persons retain a 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. The deaf persons are one whose hearing are non-functional for ordinary purpose in life. The hard-of-hearing have a defective sense of hearing that is functional without a hearing aid;

5. *Children 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. *Children with orthopedic/physical handicap* are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs;

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

8. *Children 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. *Children with speech defects* are those whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to the thought conveyed;

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

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

(g) *Auxilliary aids and services* refer to services that are basically non-educationa, but enhance the the educational process of the child with special needs.

These include:

1. Therapy
2. Qualified Interpretation or other effective methods of delivering materials to individuals with hearing impairments;
3. Qualified Reading, tape tests or other effective methods of delivering materials to individuals with visual impairments;
4. Acquisition or modification of equipment or device; and
5. Other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability;

(h) *Special instructional materials* refer to 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* refers to 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 CSN;

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

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

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

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

SEC. 6. *SPED Centers in Regular Schools*. - At least one (1) SPED center of 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 a the resource center for the implementation of inclusive education that will accept all kinds of children on regular schools. It shall:

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

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

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

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

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

SEC. 7. *Other personnel of SPED Centers*. - The administrative core and placement committee of the SPED unit shall consist of:

- a. One (1) educational psychologist or psychometrician;
- b. One (1) physical therapist;
- c. One (1) occupational therapist;

- d. One (1) speech and language therapist/speech correction teacher; and
- e. One (1) education supervisor.

They shall also be jointly tasked to develop and maintain a data bank in special education in their respective jurisdictions. The placement committee shall, in consultation with and active participation of parents 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 to avail of educational services.

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

SEC. 9. *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 CSN or for programs such as the following:

- (a) Technical assistance of SPED Centers;
- (b) Training of professionals or related services personnel who are preparing to serve or are serving CSN;
- (c) Replication of successful innovative approaches to providing educational or related services to CSN;
- (d) Facilitation of parental involvement in the education of their CSN;
- (e) Diagnosis and educational evaluation of CSN;
- (f) Consultative, counseling and training services for the families of CSN; or
- (g) Familiarization of the municipality or city being served by a SPED Center with the problems and potentialities of such children.

SEC. 10. *Continuing Research to Identify Needs of CSN.* - The DepEd by itself or in association with such organizations or institutions shall undertake continuing research to identify and design programs that shall meet the full range of needs of the CSN: *Provided*, That such continuing research shall also be used to develop instructional techniques for use by the SPED Centers towards improving the CSN acquisition of skills necessary for transition to independent living, vocational training or competitive development: *Provided, further*, That such continuing research shall further be used to design physical education and therapeutic recreation program for use by the Centers to increase the potential of CSN for community participation.

SEC. 11. *Student Assistance.* - The DepEd shall provide financial assistance to economically marginalized but deserving students with special needs at the elementary and secondary levels, which may come in the form of scholarship grants; allowances for transportation, food, lodging,

books; student loan programs; artistic and cultural tours; training and programs; subsidies; and other incentives. Marginalized or disadvantaged persons with disabilities and those coming from indigenous communities shall be the priority in the grant of the aforesaid assistance.

Special equipment like wheelchairs, crutches, special toilet and hygiene requirements, hearing aids, eyeglasses and such other assistive devices required by the students 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 DepEd.

SEC. 12. *Medical Assistance.* - The DepEd 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 the medical service are not offered by the nearest or accessible government health facility, or cannot be obtained by reason of critical immediacy, or needs a more specialized or advance treatment, CSN shall be entitled to twenty percent (20%) discount from the services of any private hospital or clinics, *Provided*, That these private hospitals and clinics may claim the cost of as tax credit.

SEC. 13. *Nutritional Programs.* - The nutritional programs of CSN shall be supervised by the National Nutrition Council (NNC) and the Department of Health in coordination with the local government unit health officer.

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

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

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

DepEd shall enhance the right 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 allowances 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 child.

SEC. 17. *Parent, Sibling and Caregiver Education.* - There shall be a formal training and counseling program for parents, sibling and caregivers of CSN for them to acquire a working knowledge of special education, gain an understanding of the psychology of CSN, be aware of their

crucial role as educators so that they maximize their knowledge and skills for optimum development of the potential of the child.

SEC. 18. *Special Instructional Materials.* - Publishers shall grant to the DepEd 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 upon request to a school division for instructional purposes.

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

SEC. 19. *Incentives to Private Sector Participation.* - Partnership between the government and private institutions catering to the needs of CSN shall be encouraged. All profits and income generated by the SPED Center derived from its fundamental function as an educational institution shall be exempt from donor's tax and the same shall be considered as allowable deduction from the gross income in the computation of the income tax of the donor in accordance with the provisions of the *National Internal Revenue Code of 1997*, as amended: *Provided*, That such donations shall not be disposed of, transferred or sold. Economic, technical and cultural books and/or publications shall be imported duty-free upon certification by the DepEd that such imported books and/or publications are for economic, technical, vocational, scientific, philosophical, historical or cultural purposes in accordance with the provisions of the *Tariff and Customs Code*, as amended.

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

(a) Provision of building or centers which are CSN-friendly and sites where there are no existing school facilities that may be used the special education of the CSN as well as the establishment of day care centers pursuant to Section 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 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) 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 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 Department of Education (DepEd). The DepEd, in collaboration with the Department of Health (DOH), Department of Labor and Employment (DOLE), shall also disseminate materials and information concerning effective

practices in working with, training and education of 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, CWD and the National Council on Disability Affairs (NCDA), shall promulgate and issue the necessary guidelines for the creation and operation of the SPED Centers within sixty (60) days after the effectivity of this Act.

SEC. 24. *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. 25. *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. 26. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,