

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

SIXTEENTH CONGRESS
First Regular Session

House Bill No. _____

557



Introduced by **Representative Emmeline Y. Aglipay, DIWA Party-list**

EXPLANATORY NOTE

Ensuring the health, happiness, and full development of the nation's children is the paramount duty of every Filipino, as well as the State. However, certain categories of children -- such as the gifted, and the disabled -- have needs that are unique and distinct from those of other children, and as such, it is imperative that the government provide the proper and particular infrastructure in order that these Children with Special Needs be identified, and nurtured to their full potential.

This bill, in line with the bills filed in the 15th Congress that were consolidated into House Bill no. 6547, seeks the creation of Special Education Centers that will serve as the front line in the government's efforts to ensure that our children have no needs left unmet, no matter how special those needs may be.

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Introduced by **Representative Emmeline Y. Aglipay, DIWA Party-list**

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 Republic of the Philippines in Congress assembled:

SECTION 1. Short Title. - This Act shall be known as the "Special Education (SPED) Act of 2013."

SECTION 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, ensure their full integration in society, as well as facilitate their active participation in the affairs of the State. Towards this end, and also pursuant to the 1987 Constitution (Section 13, Article II; Section 13, Article XIII; and Sections 1 and 2, paragraphs 1 and 3, Article XIV), Article 3 of Presidential Decree No. 603 (The Child and Youth Welfare Code) and Sections 12, 13 and 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 the provision of vital support mechanisms for the said program. Thus, all CSN, at any degree of sensory, physical or intellectual disability or needs, shall have the opportunity to develop in an environment that is most consistent with the provision of a quality education that meets their needs.

SECTION 3. Definition of Terms. - For purposes of this Act, the following terms are defined:

(a) *Disability* is the way in which an impairment restricts the actions or abilities of a person, a restriction or lack (resulting from an impairment, as defined below) of ability to perform an activity in the manner, or within the range, considered normal for a human being within an identical context, considering factors such as age and gender. Impairments are disturbances at the level of the organ which include defects in or loss of a limb, organ or other body structure, as well as defects in or loss of a mental function

(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 (depending on age, sex and social and cultural factors) for that individual.

(d) *Persons with disabilities (PWD)* refer to those suffering from disabilities as defined above, including those who have long-term physical, mental, intellectual or sensory impairments which, in interaction with various attitudinal and environmental barriers, hinders their full and effective participation in society on an equal basis with others.

(e) *Marginalized/disadvantaged persons with disabilities* refer to disabled persons who lack access to rehabilitative services and educational opportunities due to poverty, abandonment, illness, or other reasons beyond their control. For purposes of this Act, the word “poverty” refers to the state of persons who either have no means of livelihood, or have incomes below the poverty threshold as determined by the National Statistics Coordinating Board (NSCB).

(f) *Children with special needs (CSN)* refer to those who are gifted or are fast learners; as well as those who are disabled, impaired or handicapped and in need of special education, and/or services for rehabilitation. They differ from the average children in mental characteristics, sensory abilities, neuromuscular or physical characteristics and 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 (1) or more of the following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in the visual or performing arts and psychomotor ability; or those individuals who consistently manifest the following cluster of traits: above average ability (including intelligence), high creativity (implies the 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 schools;

(2) *Children with intellectual disability* are children who have a significantly reduced ability to understand new or complex information, and/or to learn and apply new skills, often leading to a reduced ability to cope independently;

(3) *Children with visual impairment* are those who are blind or have low vision. Persons are blind if, after maximum correction, they have visual acuity of 20/200 or less in the better eye, or a visual field that is limited to only 20 degrees. Low vision refers to persons who are unable to read, at normal distance, the size of print found in everyday material, such as newspapers, even with the aid of eyeglasses or contact lenses;

(4) *Children with hearing impairment* are those who are deaf or hard-of-hearing. A person who, without amplification, cannot detect sound at an amplitude of 20 decibels in a frequency range of from 800 to 1,800 vibrations per second is said to be hard of hearing. Deaf persons are those whose hearing is nonfunctional for ordinary purposes in life, even in the presence of amplification;

(5) *Children with behavior problems* are those who act in a severely disruptive manner that is not in line with their age or state of development, such that it may be characterized as pathological, and severely detracts from the learning efforts of their classmates, and their 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, carcinomas, epilepsy, malnutrition and others;

(8) *Children with learning disabilities* are those who, although normal in sensory, emotional and intellectual abilities, exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic. They have such conditions as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia or 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 a developmental disability that significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Children afflicted with this disorder have perceptual, cognitive, communication and social needs which change over time; and

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

(g) *Auxiliary aids and services* refer to services that are basically noneducational, but enhance the education process of the child with special needs. These include:

(1) Therapy;

(2) Qualified interpretations or other effective methods of delivering materials to individuals with hearing impairments;

(3) Qualified reading, taped tests or other effective methods of delivering materials to individuals with visual impairments;

- (4) Acquisition or modification of equipment or devices; and
- (5) Other similar services and actions or all types of aids and services that facilitate the learning process of CSN.

(h) *Special instructional materials* refer to textbooks in Braille, large type, or any other medium or any apparatus that conveys information to a 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, partnerships, groups or entities, community-based organizations or nongovernmental organizations, in the delivery of educational and rehabilitative services for students and CSN.

(j) *Basic education* refers to kindergarten, at least eight (8) 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 disabled children and gifted children. This is a systematic and deliberate process that enables CSN to achieve functional literacy and the highest level of their individual potential and capacity. It is also defined as that 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.

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

SECTION 4. Coverage. - This Act shall cover all students and CSN nationwide.

SECTION 5. SPED Centers in Regular Schools. - At least one (1) SPED center for each school division and at least three (3) SPED centers in big school divisions shall be established in regular schools, where there are no existing SPED centers. These SPED centers shall be administered by the principal of the regular school.

Each SPED center shall function as the resource center for the implementation of inclusive education programs that will enable regular schools to adapt to the needs of CSN. They shall:

- (a) Support the integration/inclusion of CSN in regular schools;
- (b) Conduct school-based training of CSN;
- (c) Produce appropriate teaching materials for CSN; and
- (d) Conduct assessments 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 education institutions.

Each SPED center shall have specialized teachers (SPED teachers) who have the training to handle children and youth with particular special needs, who may include, but shall not be limited to, the types of children included in the definition of CSN in Section 4.

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

There shall be a SPED Supervisor 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 SPED Supervisor shall also be responsible for the formation and supervision of the placement committee, as well as in the resolution of disagreements on placement and services.

SECTION 6. 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 on special education in their respective jurisdictions. The placement committee, in consultation with and active participation of parents, among others, shall 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.

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

SECTION 8. 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 arrangements or contracts with public or private nonprofit agencies, institutions or organizations for the establishment or creation of SPED centers for CSN or for programs such as the following:

- (a) Technical assistance to 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 in 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.

SECTION 9. Continuing Research to Identify Needs of CSN. - The DepED by itself or in association with 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 CSN acquisition of skills necessary for their transition to independent living, vocational training, or competitive development: Provided, further, that such continuing research may 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.

SECTION 10. 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 and books; student loan programs; artistic and cultural tours; training 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 wheelchair, 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 or at discounted rates to deserving students and at very affordable rates in general through a reasonable funding scheme that shall be designed by the DepED.

SECTION 11. 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 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 is 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 advanced treatment, CSN shall be entitled to twenty percent (20%) discount from the services of any private hospital or clinic: Provided, That these private hospitals and clinics may claim the cost as tax credit.

SECTION 12. Nutritional Programs. - The nutritional programs for different types of CSN shall be supervised by the National Nutrition Council (NNC) and the Department of Health (DOH), in coordination with the LGU health officer, as well as organizations that have an expertise or experience in the needs of the particular type of CSN concerned.

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

SECTION 14. Recreational and Artistic Opportunities. - The DepED shall institute a program for CSN that will afford them full opportunities for 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.

SECTION 15. Remuneration and Benefits. Tax Exemption. - 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.

The DepED shall enhance the right of the teachers/instructors to professional advancement and ensure that the teaching staff will attract the best available talents through adequate remuneration, scholarship and training grants, teacher exchange programs, incentives and allowances and other means of securing job satisfaction and fulfillment as well as their long and stable tenure in their respective posts. A similar program shall be designed for support personnel like interpreters, psychologists, social workers and others also involved in the education and rehabilitation of the child. Furthermore, income of the SPED teachers and support personnel derived directly from their work with the SPED Center and CSN shall be exempt from income tax.

The DepED shall identify at least one (1) leading institution or university in Luzon, Visayas and Mindanao whose faculty is considered or regarded as highly competent in the area of special education and where a uniform or standardized curriculum for any postgraduate education program shall be designed to benefit SPED teachers and other personnel of SPED centers. The manner of selection of such institution shall be provided under the implementing rules and regulations of this Act.

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

SECTION 17. Special Instructional Materials. - Publishers shall grant the DepED the authority to transcribe adopted instructional materials into Braille, large type and audio-tape without penalty or payment of royalty. Furthermore, on or before the second (2nd) 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 special instructional purposes for CSN and their teachers.

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

SECTION 18. 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 income tax. Any donation, contribution, bequest and grant which may be made to the center 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.

SECTION 19. Local Government Unit Participation. - The LGUs shall be responsible for the following:

- (a) Providing (1) buildings or centers which are CSN-friendly, or adapting the same; (2) providing viable school sites where there are as yet no existing school facilities, that may be used for the special education of CSN; (3) well as the establishment of day care pursuant to Section 14 hereof;
- (b) Organization of at least 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).

SECTION 20. 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), the Council for the Welfare of Children (CWC) and the DepED. The DepED, in collaboration with the DOH and the Department of Labor and Employment (DOLE), shall also disseminate materials and information concerning effective practices in working with, training and educating CSN.

SECTION 21. 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.

SECTION 22 Implementing Rules and Regulations. - The Secretary of the DepED , in consultation with the Council for the Welfare of Children (CWC) , and private individuals and entities with expertise in the teaching, handling, care, and/or study of CSN, shall issue the necessary rules and regulations for the effective implementation of this Act within ninety (90) days after its effectivity.

SECTION 23. Separability Clause. - If any provision of this Act is declared unconstitutional, the same shall not affect the validity and effectivity of the other provisions hereof.

SECTION 24. Repealing Clause. - All laws, executive orders, presidential decrees, presidential proclamations, rules and regulations or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 25. Effectivity Clause. - This Act shall take effect fifteen (15) days from its publication in the Official Gazette or at least two (2) national newspapers of general circulation.

Approved.