

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. **3393**



Introduced by Representative Alfredo D. Vargas III

EXPLANATORY NOTE

Children have a right to education regardless of any difficulties or differences they may have. This right is granted not only by the Philippine Constitution but also by the Magna Carta of Persons with Disabilities¹, and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)², ratified in the country in 2008. But according to the Department of Education (DepEd), only 2 percent of the 5.49 million children with special needs (CSN) are getting government assistance³ and 97 percent of aged 7 to 12 years old are not in school⁴. There are some parents who tend to keep their CSN out of school because of the fear that their children may be subjected to bullying and discrimination. In addition, drop-out rates among CSN are relatively high because special education (SPED) is often too expensive for an average Filipino family⁵. As a result, most parents of CSN find it difficult to send their child to school.

This bill, patterned after the 15th Congress' House Bill No. 6547, primarily seeks to make special education more accessible to CSN, and facilitate their inclusion and integration with mainstream education. These objectives shall be achieved, first, through the creation of a Bureau of Special Education under the DepEd. This Bureau shall be responsible for the formulation of an appropriate curriculum and developmentally-suited programs to achieve functional literacy for all CSN.

This proposed legislation also mandates the establishment of SPED centers in all regular schools – at least one (1) SPED center for each school division and at least three SPED centers in big school division. These SPED centers shall provide for the effective implementation of inclusive education. CSN taught in an inclusive environment will believably achieve better academic results, learn to overcome the challenges of their

¹ Sections 12-17 of RA 7277

² Article 24 of UNCRPD

³ Jess Diaz. (2012) Angara wants schools for special children. *The Philippine Star*. [Online] Available from: <http://www.philstar.com/headlines/2012/10/29/861349/angara-wants-schools-special-children> [Accessed 21 September 2013]

⁴ ABS-CBN News. (2010) *DepEd to Congress: Pass Special Education Act*. [Online] Available from: <http://abs-cbnnews.com/lifestyle/06/03/10/DepEd-congress-pass-special-education-act> [Accessed 21 September 2013]

⁵ Leonard Cheshire Disability Philippine Foundation. *Inclusive Education*. [Online] Available from: <http://lcdphilippinesfoundation.org/wp-content/uploads/brochures/iebrochure.pdf> [Accessed 21 September 2013]

disability, become more confident of their abilities, and be able to make strong relationships within their peers. Inclusive education also benefits able-bodied children as they become more aware and sensitive to the needs of CSN, thus instilling in them the values of acceptance, fairness and equality.

This bill also recognizes the role that the family plays in the development of the aptitude of CSN. Thus, the bill offers formal training and counselling program for parents, siblings and caregivers of CSN. To ease their financial ordeals, the bill also allows the DepEd to prepare schemes for financial and medical assistance to indigent CSN.

Lastly, the bill provides incentives to private institutions that team up with the government in advancing the education and rehabilitation of CSN.

To help CSN nurture and reach their full potential, ensure their participation in society, and empower them to contribute to the development of the nation, the passage of this bill is earnestly sought.



ALFREDO D. VARGAS III

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HOUSE BILL NO. **3398**

Introduced by Representative Alfredo D. Vargas III

AN ACT

ENSURING ACCESSIBLE AND RESPONSIVE BASIC EDUCATION FOR CHILDREN WITH SPECIAL NEEDS (CSN) THROUGH THE CREATION OF A BUREAU OF SPECIAL EDUCATION, THE MANDATORY ESTABLISHMENT OF SPECIAL EDUCATION CENTERS IN REGULAR SCHOOLS, THE PROVISION OF GOVERNMENT FINANCIAL ASSISTANCE AND SUPPORT TO CSN, THE GRANT OF INCENTIVES TO OTHER INSTITUTIONS PROVIDING ASSISTANCE TO THE CSN SECTOR, AND FOR OTHER PURPOSES

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

SECTION 1. **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 to 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 the welfare and development of CSN, ensure their full integration in society, as well as facilitate their active participation in the affairs of the state. Towards this end, 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 such. Thus, all CSN, in any degree of sensory, physical or intellectual disability or needs, shall have the opportunity to be developed in the most enhancing environment, consistent with the provision of quality education that best meets their needs.

SECTION 3. **Objectives.** – The objectives of this Act are:

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

- (b) To effectively implement inclusive education and facilitate integration of CSN with mainstream education;
- (c) To ensure that CSN fully develop their abilities towards self-sufficiency and become effective partners in nation-building;
- (d) To identify gifted and talented children from ages three (3) to eighteen (18);
- (e) To provide the parents with information on full continuum of SPED service and possible placement option for their children, thus enabling them to make informed choices and decisions;
- (f) To enhance the role of the parents, teachers and other caregivers as primary educators of the children by equipping them with capabilities to identify, prevent, refer or intervene with the developmental disorder and disabilities of children;
- (g) To involve private groups, local government units (LGUs) and national agencies other than the Department of Education (DepEd) in the education of CSN; and
- (h) To create significant and positive changes in community attitudes towards disability and the need to provide special education and proper care for CSN.

SECTION 4. **Definition of Terms.** – For the 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 (1) or more psychological, physiological or anatomical function of an individual or activities of such individual;
 - (2) a recorded of such an impairment; or
 - (3) being regarded as having such 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 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) **Person with disabilities (PWD)** refers 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.
- (e) **Marginalized/disadvantaged persons with disabilities** refer to disabled person who lack access to rehabilitative services and educational opportunities due to poverty, abandonment illness and other forms of

neglect. For the purposes of this Act, the word "poor" refers to persons who either have no means of livelihood or have incomes below the poverty threshold as determined by National Statistical Coordination Board (NSCB).

(f) **Children with special needs (CSN)** refer to those who are gifted or are fast learner; and those who are disabled, impaired or handicapped and in need of special education as well as services for rehabilitation. They differ from the average children in mental characteristics, sensory abilities, neuromuscular or physical characteristic 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 the following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in 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 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 (2) 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 works;
- (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 enlarge print or regular print under special conditions;
- (4) *Children with hearing impairment* are those who are deaf or hard-of-hearing. Deaf person are those whose hearing are non-functional for ordinary purposes in life. The hard of hearing have a defective sense of hearing that functional with or without a hearing aid;
- (5) *Children with behavior problems* are those who cannot adjust to the socially accepted norms of behaviour and, consequently disrupt their academic progress, the learning efforts of their classmates and interpersonal relations;

- (6) *Children with orthopaedic/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 illness such as cardiac (heart) diseases, asthma diabetes, tuberculosis and other respiratory ailments, carcinoma, 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 conditions such 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 developmental disabilities, the onset of which occur before thirty (30) months of age and 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 overtime; and
 - (11) *Children with multi-handicaps* 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 non-educational but enhance on 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 impairment;
 - (3) Qualified reading, taped texts or other effective methods of delivering materials to individuals with visual impairment;
 - (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 people with mental disability.

- (h) **Special instructional materials** refer to textbooks in Braille, large type of any other medium or any apparatus that conveys information to a student or otherwise contributes to his 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 nongovernmental organization 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, at least four (4) years of Junior High School and at least two (2) years of Senior High School.
- (k) **Inclusive Education** refers to the act of providing all students, including those with significant disabilities, equitable opportunities to receive effective educational services, with the needed supplementary aids and support services, in age appropriate classrooms in their neighborhood schools, in order to prepare students for productive lives as full members of society.
- (l) **Special education (SPED)** 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 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.
- (m) **Regular school** refers to elementary/secondary school, public or private, providing instruction and education services that does not focus primarily on special education, vocational/technical education, or alternative education.
- (n) **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 5. **Coverage.** – This Act shall cover all students and CSN nationwide.

SECTION 6. **Creation of the Bureau of Special Education.** – For the objectives of this Act to be realized, the Bureau of Special Education (BSPED), hereinafter referred to as the Bureau, is hereby created to institutionalize and govern the conduct of special education in the Philippines. The Bureau shall be responsible for the formulation and administration of an appropriate curriculum and developmentally-suited programs to achieve functional literacy of CSN and ensure their integration to society. The full continuum of educational services shall also be made available by the Bureau to CSN below school age through regular home visits, consultations, day care activities, and any other medium and program.

The Bureau shall function as a regular bureau of the Department of Education, under the supervision of the Department Secretary and to be headed by a Bureau Director (Director IV) and an Assistant Bureau Director (Director III).

The BSPED shall consist of three (4) divisions namely, (a) the Gifted Children Division; (b) the Children with Disabilities Division (CDD), (c) the Special Services and Auxiliary Aids Division (SSAAD), and (d) Children With Special Needs Assessment Division. Each division shall be headed by a Division Chief with the staffing needs to be equitably distributed in accordance with the current needs and concerns of his respective division. The Division Chief shall assist the Director of the Special Education program.

SECTION 7. *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. The designated principal of the regular school shall administer the SPED centers.

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

- (a) Support CSN to be integrated/included in regular school;
- (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 SPED centers to assist, facilitate and monitor the transfer/admission of qualified CSN to post-secondary or tertiary education institutions.

SECTION 8. *SPED Center Personnel*. – Each SPED center shall be headed by an assistant principal. He/She shall:

- (a) Administer and supervise the programs on alternative education and early intervention;
- (b) Monitor, supervise and provide technical assistance, training and enhancement program to SPED personnel;
- (c) Manage the referral and placement procedures, and;
- (d) Oversee the other components of the SPED program.

The assistant principal shall also be responsible for the formation and supervision of the placement committee as well as in the resolution of disagreements of placement and services.

There shall also be at least one specialized teacher for each SPED center who can handle CSN 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.

A regular teacher currently handling special education of CSN shall henceforth be classified as SPED teacher.

SECTION 9. *Placement Committee.* – The administrative core placement committee of the SPED centers 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.

The placement committee shall ensure that CSN are properly diagnosed, assessed when admitting students to determine whether they are eligible for SPED services. They shall design an appropriate educational program for the students to optimize their functional literacy. The placement committee shall also evaluate the student in the end of the school year to determine the possibility of integration to mainstream education.

They shall be jointly tasked to develop and maintain a data bank in special education in their respective jurisdictions, and prepare and submit an annual report to the regional offices of the DepEd who shall, in turn, submit regional reports to the Bureau. The placement committee shall, in consultation with and active participation of parents among others, ensure that student 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 school or travel the shortest distance to avail educational services.

SECTION 10. *Itinerant SPED Teachers.* – An itinerant SPED teacher shall also be appointed whenever necessary. He/She shall assist isolated or remote schools with specialize equipment, individual programs curriculum adjustment, teaching aids and building modifications.

SECTION 11. *Hospital SPED Teachers.* – SPED centers shall also designate a hospital SPED teacher should the necessity arise. He/She shall provide hospital instruction, bedside tutoring and group instructions for CSN confined in medical facilities. Such services are recommended for CSN with severe medical conditions that prevent them from attending school.

SECTION 12. *Authority of the Secretary of Education to Give Grants to or Enter into Cooperative Arrangement for the Creation of SPED Center.* – The Secretary of Education is hereby authorized to give grants to or enter into cooperative arrangement 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 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 SPED center with the problems and potentialities of such children.

SECTION 13. *Continuing Research to Identify Needs of CSN.* – The Bureau, by itself or in association with such organizations or institutions as determined by the DepEd Secretary to be appropriate, shall undertake continuing research to identify and design programs that shall meet the full range of needs of CSN: Provided, that such continuing research shall also be utilized 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 further, that such continuing research shall be used to design physical education and therapeutic program for use by the centers to increase the potential of CSN for community participation.

SECTION 14. *Student Assistance.* – The Bureau shall provide financial assistance to economically marginalized students with special needs at the elementary and secondary levels which may come in the form of scholarship grants; allowances for transportation, food, board and lodging, and books; student loan programs; artistic and cultural tours; training 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.

Special equipment like wheelchairs, crutches, special toilet and hygiene requirements, hearing aids, eye glasses and such other assistive devices required by the student to optimize education and participation in the educational process shall also be provided for free or at discounted and affordable rates in general through a reasonable funding scheme that shall be designed by the DepEd.

SECTION 15. *Medical Assistance.* – The Bureau shall prepare a scheme that will ensure adequate and free medical assistance and intervention programs, including those essential to the student or child's rehabilitation like therapy, psychometric assessments, medical examinations and the like with government clinics, hospitals and other health facilities. In case the medical services 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 advanced treatment, CSN shall be entitled to twenty percent (20%) discount from services of any private hospital or clinic: Provided, that these private hospitals and clinics may claim the cost as tax credit.

SECTION 16. *Nutritional Programs.* – The nutritional programs for CSN shall be supervised by the National Nutrition Council (NNC) and the Department of Health (DOH), in coordination with the LGU health officers.

SECTION 17. *Establishment of Specialized Day Care Centers.* – Day care centers especially designed for preschool children and their parents where early identification of disabilities and special needs, and introductory educational and intervention program 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 18. *Recreational and Artistic Opportunities.* – The Bureau shall institute a program for CSN that will afford them full opportunities for safe and wholesome recreation and activities, individual as well as group, for optimal use of their leisure hours and for the advancement of their physical, mental, social and cultural development.

SECTION 19. *Remuneration and Benefits.* – The SPED teachers and school administrators managing SPED centers and special schools shall be appointed to a similar position that is at least one (1) salary grade higher than that of a regular teacher and school administrator, respectively.

The DepEd shall enhance the right of the teachers/instructor 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 allowance and other means of securing job satisfaction and fulfilment as well as their long stable tenure in their respective posts. A similar program shall be designed for support personnel like interpreters, psychologist, social worker and others also involved in the education and rehabilitation of the child.

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 institutions shall be provided under the implementing rules and regulations of this Act.

SECTION 20. *Parents, Sibling and Caregiver Education.* – There shall be formal training and counselling program for parents, siblings and caregivers of CSN for them to acquire a working knowledge on special education, gain an understanding of the psychology of CSN and be aware of their crucial role as educators so that they can maximize their knowledge and skills for optimum development of the potentials of the child.

SECTION 21. *Special Instructional Materials.* – Publishers shall grant the DepEd through the SSAAD 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 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 district and are to be returned when no longer needed.

SECTION 22. *Incentives to Private Sector Participation.* – Partnership between the government and private institution 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, and grants 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 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 provision of the tariff and customs code, as amended.

SECTION 23. *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 for the special education of CSN, as well as the establishment of day care pursuant to section 15 hereof;
- (b) Organization of one (1) parent-teacher association for CSN in every school offering special education in their respective jurisdiction;
- (c) Identification, coordination and the tapping of public or private volunteer 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 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 24. *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 Early Childhood Care and Development (ECCD) Council and 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 25. *Appropriations.* – The Secretary of the Education 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 26. *Implementing Rules and Regulations.* – The Secretary of Education, in coordination with the Secretaries of the DBM, the DSWD, the Department of Interior and Local Government (DILG), the DOH, the DOF and the heads of the Bureau of Internal

Revenue (BIR), the ECCD Council and the 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.

SECTION 27. ***Separability Clause.*** – If, for any reason, any provision or part of hereof is declared invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 28. ***Repealing Clause.*** – All laws decrees, executive orders, rules and regulations contrary to or inconsistent with the provision of this Act are hereby repealed or modified accordingly.

SECTION 29. ***Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,