

Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

SEVENTEENTH CONGRESS
First Regular Session

House Bill Number 4625



Introduced by Representative ROLANDO G. ANDAYA, JR.

EXPLANATORY NOTE

The State recognizes the right of all Filipino children to reach their potential and develop their skills through education. It is therefore the State's responsibility to provide these children with strong foundation in order for them to develop into self-sufficient individuals and become this nation's partner towards economic growth.

We recognize that all children are born unique and that some children are born with special needs, therefore requiring greater care and support from the government. To assist them in achieving their fullest potential, the Philippines has adopted the fundamental principle of inclusive education where "children with special education needs receive whatever extra support they may require to ensure their effective education" (Salamanca Statement and Framework for Action on Special Needs Education).

This bill aims to embody the inclusive education advocated by the said UNESCO framework by institutionalizing the provision of free and appropriate public education for children with special needs and establishing more Special Education Centers throughout the country.

With appropriate government intervention, complemented with community and family support, children with special needs can achieve independence as adults and may also be able to participate fully in socioeconomic activities.


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AN ACT ESTABLISHING SPECIAL EDUCATION (SPED) CENTERS IN ALL PUBLIC SCHOOLS IN THE COUNTRY, PROVIDING GUIDELINES THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the 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 2016”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to protect children with special needs (CSN) and promote their right 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 mandate stated in 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 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 a quality education that best meets their needs.

SEC. 3. Objectives. – The objectives of the SPED Act of 2016 are:

- (a) To provide CSN access to basic education through the formal system and other alternative delivery services in education;
- (b) To facilitate integration of CSN with mainstream education;
- (c) To ensure that 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 their children, thus enable them to make informed choices and decisions;
- (g) To enhance the role of parents, teachers and other caregivers as primary 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 (1) 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 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.
- (e) Marginalized/disadvantaged persons with disabilities refer to disabled persons who lack access to rehabilitative 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 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; 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 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 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 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 nonfunctional 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;
 - (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, carcenonza, 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 developmental disabilities, the onset of which occurs before thirty (30) months of age and 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; 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-education, 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 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 people with mental disability.
- (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 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 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.

SEC. 5. Coverage. – This Act shall cover all students and CSN nationwide.

SEC. 6. SPED Centers. – SPED centers shall be established in all public schools. These SPED centers shall be administered by the principal of the school. The SPED center shall function as 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 education 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 the placement committee as well as in the resolution of disagreements on placement and services.

SEC. 7. Other Personnel of SPED Centers. – to ensure the effective implementation of this Act, the DepEd may hire additional necessary personnel to operate, administer and oversee the SPED center.

SEC. 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.

SEC. 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 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. 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.

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.

SEC. 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.

SEC. 12. 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 officer.

SEC. 13. Establishment of Specialized Day Care Centers. – Daycare centers specially designed for preschool children and their parents, where early identification of disabilities and special needs, and introductory educational and intervention programs will be administered 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.

SEC. 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.

SEC. 15. Remuneration and Benefits.– The SPED teachers and personnel shall be assigned a salary grade that is three (3) salary grades higher than that of a regular teacher and personnel, 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.

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.

SEC. 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.

SEC. 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 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.

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

- (a) Provision of buildings 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 14 hereof;
- (b) 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
- (c) 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. 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.

SEC. 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.

SEC. 22. Implementing Rules and Regulations. – The DepEd, in coordination with the DSWD, the Department of the Interior and Local Government (DILG), the DOH, the DOF, the Bureau of Internal Revenue (BIR), the CWC 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.

SEC. 23. Separability Clause. – If, for any reason, any provision or part hereof is declared invalid, the other provisions not affected thereby shall remain in full force and effect.

SEC. 24. Repealing Clause. – All laws, decrees, executive orders, rules and regulations contrary to or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 25. Effectivity. – This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,