

Republic of the Philippines
HOUSE OF REPRESENTATIVES

Quezon City
17th CONGRESS

First Regular Session

House Bill No. 5698



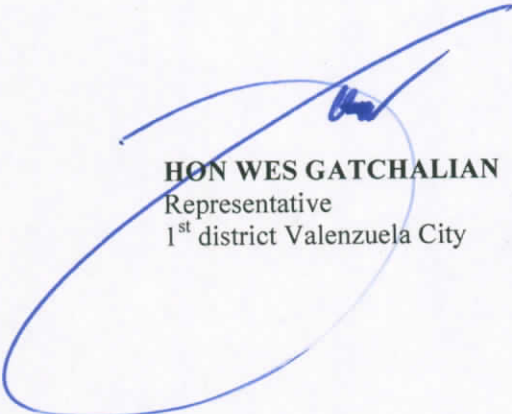
Introduced by Representative Wes Gatchalian

EXPLANATORY NOTE

Estimates from the Department of Education indicate that there are approximately 5.5 million Filipino children with special education needs. This is one out of every eight Filipino children who are often unable to adapt to regular schools. Physical (e.g. deafness, blindness, orthopedic impairment), cognitive (e.g. autism, intellectual handicaps), psychological (e.g. anxiety disorders, attention-deficit / hyperactivity disorder), and/or communication (e.g. speech impairments, speech-based developmental disorders) disabilities prevent them from fully participating in regular schools. Moreover, the regular schools, whether public or private, are often incapable of providing these children with the care, attention, and guidance that they require for the development of their physical, cognitive, and social skills. Current data indicate that there are only 40,181 out of 5.5 million children with special needs enrolled in public elementary schools. This means that the vast majority of children with special needs are not being provided the education and the care that they need. Thus, there is much to be done in addressing the gap in the provision of special education in the country.

In order to provide services to as many Filipino children with special needs, the government needs to build upon the existing infrastructure of its national public school system. This could be done by establishing Special Education Centers (SPED Centers) in all public schools divisions nationwide. The SPED Centers shall function as a resource center that shall assist in promoting inclusive education to capacitate regular schools to effectively handle the needs of children and youth with disability. Each SPED Center must likewise be equipped with the facilities and personnel necessary to provide care and instruction to children and youth with special needs, specifically special education teachers and specialists.

The necessity of this action is beyond doubt when viewed with the lenses of our current realities. We cannot go on acting in a manner that is not sensitive to the needs of these children and stay with our old and dated categories of education when our enlightened understanding of nature tells us that something different must be done.


HON WES GATCHALIAN
Representative
1st district Valenzuela City

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AN ACT
INSTITUTING INCLUSIVE EDUCATION AND ESTABLISHING SPECIAL
EDUCATION CENTERS FOR CHILDREN AND YOUTH WITH SPECIAL
NEEDS IN ALL PUBLIC SCHOOLS DIVISIONS, PROVIDING FOR
STANDARDS AND GUIDELINES, AND APPROPRIATING FUNDS
THEREFOR

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

SECTION 1. Short Title. – This Act shall be known as the “Inclusive Education for Children and Youth with Special Needs Act of 2017”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to protect and promote the rights of Children and Youth with Special Needs (CYSNs) 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 an integral part of national development strategies.

It is also the policy of the State to fully support their welfare and development, ensure their full integration in society, as well as facilitate their active participation in the affairs of the State.

This is in accordance with Section 13, Article II and Section 13, Article XIII of the 1987 Constitution; Articles 3(1), 3(3), 3(6) and 12 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code; Sections 12 to 14 of Republic Act No. 7277, as amended, otherwise known as the Magna Carta for Disabled Persons; UN Convention on the Rights of the Child; UNESCO Salamanca Statement; UN Convention on the Rights of Persons with Disabilities; Incheon Strategy to Make the Rights Real for Persons with Disability in Asia and Pacific, and other relevant laws.

Towards this end, the State shall:

- (a) Institutionalize an adequate and relevant educational program for every CYSN;
- (b) Adopt the policy of inclusive education;
- (c) Establish Special Education Centers (SPED Centers), and

(d) Provide vital support mechanisms required to ensure their effectiveness.

All CYSNs in any degree of educational need shall therefore 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. – This Act shall pursue the following:

(a) Provide CYSNs free and appropriate public education and related services in accordance with their needs, and in preparation for adult living and community life;

(b) Provide CYSNs access to general education curriculum through the formal systems and alternative delivery services in education;

(c) Institute inclusive education and establish SPED Centers for inclusion of CYSNs in the educational mainstream;

(d) Ensure that CYSNs fully develop their potentials toward self-sufficiency and become fully participative members of society;

(e) Identify thru a child find system CYSNs ages three (3) to twenty-four (24) and infants and toddlers under the age of three (3) in compliance with Republic Act No. 10410, otherwise known as the Early Years Act of 2013;

(f) Develop, implement, and review the Individualized Education Plan (IEP);

(g) Provide parents with information and opportunities to actively participate in the possible placement options and educational programs for their children and to enable them to make informed choices and decisions;

(h) Enable and empower parents and family members by training and equipping them with capabilities to identify, prevent, refer or intervene with regard disorders, disabilities and abilities of their children;

(i) Train and equip special education teachers, regular teachers, principals/administrators, non-teaching staff of the school, and caregivers, as primary sources of care, development, education and advancement of CYSNs;

(j) Increase school retention and cohort survival of CYSNs;

(k) Create significant and positive changes in community attitudes towards disability and the need to provide inclusive education and proper care CYSNs.

SEC. 4. Definition of Terms. – As used in this Act:

(a) Basic Education refers to meeting the basic learning needs which provide the foundation on which subsequent learning can be based. It encompasses kindergarten, elementary, and secondary education, as well as Alternative Learning Systems (ALS) for out-of-school learners and those with special needs;

(b) Child Find System refers to the process of locating and coming up with a list of CYSNs through the child development teachers/workers who are under the local government units (LGUs);

(c) Children and Youth with Special Needs (CYSNs) are children and youth with exceptionalities. This may refer to children and youth who are gifted or talented, or with intellectual disabilities, learning disabilities, emotional or behavioral disorders, speech and language disorders, hearing impairments, visual impairments, autism, physical or health disabilities, deaf blindness, and multiple handicapping conditions and are in need of special education, as well as services for rehabilitation. They differ from the average children in neuropsychological characteristics, sensory abilities, neuromuscular or physical characteristics, and social attributes to such an extent that the use of modified school practices or special education services are required to develop them to maximum capability;

(d) Disability shall mean 1) a physical or mental impairment that substantially limit one or more psychological, physiological, or anatomical function of an individual or activities of such individual; 2) limitation or difficulty encountered by an individual in executing a task or action; and 3) a participation restriction or a problem experienced by an individual in involvement in life's situations. It does not just entail a health problem but shall reflect the interaction between features of a person's body and features of the society in which he lives as well as the difficulties he has encountered to remove the environmental and social barriers;

(e) Inclusive Education means providing to 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 order to prepare students to live productive lives as full members of society. It requires that schools educate CYSNs predominantly in the general education classroom. Removal of CYSNs from the regular educational environment and putting them in a special class or separate schooling, occurs only when education in regular classes, even with the use of supplementary aids and services, cannot be made satisfactorily due to the nature of the special needs;

(f) Individualized Education Plan (IEP) refers to the systematic, purposive, and developmental educational programming of curricular and instructional priorities and contents designed to meet a learner's special needs and aimed at ensuring mastery learning of target skills and behaviors, including periodic monitoring of a child's progress and age-appropriate transition plan relating to training, employment, and independent living beginning at age 16 or earlier as determined by the IEP team determined by Department of Education (DepEd);

(g) Private Sector Participation refers to all forms of indispensable, substantial and meaningful participation of private individuals, partnerships, groups or entities, disabled peoples organizations, community-based organizations, or non-governmental organizations, in the delivery of educational and rehabilitative services for CYSNs;

(h) Special Education (SPED) refers to the customized instructional program or service designed to meet the unique needs of individual CYSNs, which may necessitate use of supplementary aids and services and teaching strategies in classroom and non-academic settings, and includes instructions on physical and vocational education and travel training. Special education addresses significant physical, sensory, neuropsychological, cognitive, or behavioral characteristics that may necessitate the use of specialized materials, equipment, services, and/or teaching strategies. It is geared towards the integration of CYSNs into the education mainstream;

(i) SPED Center refers to a resource hub that provides students, teachers, school personnel, and other education stakeholders of CYSNs appropriate instructional learning materials, tools, devices, gadgets, equipment to facilitate and enhance learning as well as assessment tools and instruments to evaluate developmental domains and specific areas of concern necessary in determining appropriate services and placement decisions;

(j) Special Instructional Materials refer to textbooks in Braille, large type, audio, digital or any other medium or apparatus, that convey information to a student or otherwise contributes to the learning process; and

(k) Universal Design for Learning is a scientifically valid framework established by DepEd for guiding educational practice that: 1) provides flexibility in the ways information is presented, in the ways student respond or demonstrate knowledge and skills, and in the ways students are engaged; 2) reduces barriers in instruction,

provides appropriate accommodations, supports, and challenges and maintains high achievement expectations for all students, including students with disabilities and students who are limited English proficient. It is also a set of principles that guide the design of inclusive classroom instruction and accessible course materials as follows: 1) multiple methods of representation that give learners a variety of ways to acquire information and build knowledge; 2) multiple means of student action and expression that provide learners alternatives for demonstrating what they have learned; and 3) multiple modes of student engagement that tap into learners' interests, challenge them appropriately, and motivate them to learn.

SEC. 5. Inclusive Education Policy for Public Schools. – The policy of inclusive education shall be instituted in all public schools to allow all students with equitable opportunities to educational services. Accordingly, CYSNs shall be provided the appropriate assistive devices and required support services so they may be included with their school age peers in the least restrictive and more natural learning environments.

SEC. 6. Establishment of SPED Centers for CYSNs in all Public Schools Divisions. – A SPED Center for CYSNs shall be established in all public schools divisions nationwide where there are no existing SPED Centers. Existing SPED Centers shall continue to function and additional ones shall be established when the need arises due to increased number of enrollees, upon recommendation of the Schools Division Superintendent and approval of the Secretary of the DepEd. All SPED Centers will comply with the Universal Design for Learning, as defined in Sec. 4 (k).

SEC. 7. Function of the SPED Center. – The SPED Center shall function as a resource center that shall assist in promoting inclusive education to capacitate regular schools to effectively handle the needs of children and youth with disability. It shall:

- (a) Conduct assessment of CYSNs to evaluate developmental domains and specific areas of concern and determine appropriate services and placement options;
- (b) Provide training to regular teachers, administrators, non-teaching personnel, and parents on inclusive education;
- (c) Monitor case management of CYSNs within the division;
- (d) Ensure that the CYSNs within the division shall receive the appropriate services needed;
- (e) Implement the programs of the SPED Center such as the IEP, transition program, and other alternative educational programs;
- (f) Provide access to auxiliary aids that are basically non-educational, but which enhance the education process of the CYSNs. These services may include:
 1. Language and speech therapy, occupational therapy, physical and physiotherapy, among other modes of therapy, through the Mobile Multi-Specialist Inclusive Education Division Support Team;
 2. Quality reading, or other effective methods of delivering accessible reading materials to individuals with visual impairments;
 3. Appropriate classroom accommodation;
 4. Other similar services and actions or all types of aids and services that facilitate the learning process of CYSNs; and
 5. Assistance and/or monitoring the transfer or admission of qualified CYSNs to post-secondary or tertiary education institutions; and

(g) Develop and implement programs for the integration of CYSNs into the education mainstream.

SEC. 8. Staffing and Responsibilities for Every SPED Center. – In addition to teachers with special training to handle CYSNs, each SPED Center shall have a Supervisor, an Administrative Core and Placement Committee, mobile SPED teachers, and the Mobile Multi-Specialist Inclusive Education Division Support Team who will serve as human resource complement.

(a) Supervisor - The DepEd shall designate a Supervisor for the SPED Center who shall:

- (1) Head the SPED Center;
- (2) Administer and supervise the programs of the SPED Center;
- (3) Oversee the other components of the programs of the SPED Center; and
- (4) Monitor, supervise and provide technical assistance, training, and enhancement programs of the SPED Center personnel.

The Supervisor shall receive appropriate training for the effective delivery of his/her functions.

(b) Administrative Core and Placement Committee (Committee) - The Committee shall, in consultation with parents and developmental pediatrician, among others, ensure that students with disabilities are educated by appropriate qualified personnel as close as possible to their homes and alongside their age-appropriate peer groups. It is also tasked to develop and maintain a data bank on special education in its respective jurisdictions. The Committee shall regularly meet and shall be composed of:

- (1) Any one (1) of the following: developmental pediatrician, child psychiatrist, educational psychologist, guidance counselor, or psychometrician;
- (2) One (1) physical therapist;
- (3) One (1) occupational therapist;
- (4) One (1) Braille specialist;
- (5) One (1) speech and language therapist/speech correction teacher;
- (6) One (1) reading specialist;
- (7) Sign language specialist; and
- (8) The Supervisor.

(c) Mobile SPED Teachers - Mobile SPED teachers shall be appointed, whenever necessary. Their principal task is to find and identify CYSNs unable to attend formal schooling due to accessibility and mobility limitations and determine appropriate learning modalities using the program and services of the SPED Center. They shall share responsibility for program planning and scheduling, and assist isolated or remote schools with specialized equipment, individual programs, curriculum adjustment, teaching aids and building modifications. The ALS shall be an integral component of the SPED Center.

(d) Mobile Multi-Specialist Inclusive Education Division Support Team – The DepEd shall ensure that each school division will include a Mobile Multi-Specialist Inclusive Education Division Support Team comprised of a SPED Education Supervisor, Occupational Therapist, Physical Therapist, Speech Therapist/Pathologist, Sign Language Specialist, Guidance and Counseling Specialist, Developmental Pediatrician, Educational Psychologist, Materials Production Specialist, and other specialists as may be deemed necessary. They will serve as consultants and will be drawn from professional organizations based in the region or nearby regions where the division is based.

SEC. 9. Remuneration and Benefits for Inclusive Education Learning. – The salary grades of SPED teachers and the Supervisor managing the SPED Centers shall be in accordance with the Revised Compensation and Classification System and other Civil Service Rules and Regulations.

The DepEd shall enhance the right of the teachers or instructors to professional advancement and ensure that the SPED Centers shall attract the best available teaching staff and talents through adequate remuneration, scholarship and training grants, teacher exchange programs, incentives, and allowances and other means of securing their job satisfaction and fulfillment as well as their long and stable tenure in their respective posts.

The DepEd shall coordinate with the Commission on Higher Education (CHED) in identifying 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 and inclusive education and where a uniform or standardized curriculum for any post-graduate 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 rules and regulations to be formulated to implement the provisions of this Act.

SEC. 10. In-Service Training of Teachers, Administrators, Non-Teaching Personnel. – To enhance the inclusive education program, the DepEd shall coordinate with the appropriate government agencies to offer basic and advanced seminars on disability awareness and inclusive education for the concerned stakeholders.

The appropriate and necessary trainings, seminars and other opportunities for upgrading the performance of DepEd teachers implementing the inclusive education curriculum shall be conducted and evaluated by the National Educators' Academy (NEAP).

SEC. 11. Authority of the DepEd Secretary. – The Secretary of DepEd shall develop programs, enter into cooperative arrangements or contracts with public or private non-profit agencies, institutions, or organizations for the establishment or creation of SPED Centers or implementation of inclusive education such as, but not limited to, the following:

- (a) Technical assistance to SPED Center teachers who are preparing to serve or are serving CYSNs for inclusion and mainstreaming;
 - (b) Training of professionals or related services personnel including all regular teachers;
 - (c) Replication of successful innovative approaches in providing educational or related services to CYSNs;
 - (d) Facilitation of parental involvement in the education of their CYSNs;
 - (e) Diagnosis and educational evaluation of CYSNs;
 - (f) Consultative, counseling and training services for the families of CYSNs;
 - (g) Familiarization of the municipality or city being served by a SPED Center with the problems and potentialities of such children and youth; and
 - (h) Enter into agreements with medical and allied medical professional groups.
- SPED Centers created under this Section shall remain part of the DepEd system.

SECTION 12. Program Office. – Inclusive education programs shall be under the Student Inclusion Division of the Bureau of Learning Delivery under the Office of the Undersecretary for Curriculum and Instruction. The Student Inclusion Division shall assist in the formulation, implementation, monitoring, and evaluation of policies, programs, and services for, but not limited to, CYSNs.

SEC. 13. Continuing Research to Identify Needs of CYSNs. – The DepEd, by itself or in coordination with organizations or institutions, shall undertake continuing research to identify and design programs that shall meet the full range of needs of CYSNs: Provided, That such continuing research shall also be used to develop instructional techniques for use by the SPED Centers towards improving the acquisition of skills by CYSNs necessary for their transition to independent living, vocational training or competitive development: Provided, further, That such continuing research shall be used by the DepEd in designing a physical education and therapeutic recreation program to be used by the SPED Centers to increase the potential of the children and youth for community participation.

SEC. 14. Student Assistance. – The DepEd shall provide financial assistance to marginalized or disadvantaged CYSNs 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 for educational assessment and diagnosis; and other incentives. The beneficiaries include those who lack access to rehabilitative services and educational opportunities due to being poor, as defined in Republic Act No. 8425 otherwise known as the Social Reform and Poverty Alleviation Act, have been abandoned, are ill, or are neglected.

Special equipment like wheelchairs, crutches, special toilet and hygiene requirements, hearing aids, eyeglasses, learning devices, and other assistive devices required by the CYSN 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. 15. Recreational and Artistic Opportunities. – The DepEd shall institute opportunities for safe and wholesome individual as well as interactive group recreation and social activities for CYSNs, optimal use of their leisure hours, and advancement of their physical, mental, social and cultural development.

SEC. 16. Special Instructional Materials. – Publishers shall grant the DepEd the authority to transcribe adopted instructional materials into accessible format, without penalty or payment of royalty in accordance with Republic Act No. 8293, otherwise known as the Intellectual Property Code of the Philippines. Further, publishers of newly adopted materials shall provide, not later than the second working day after the adoption of textbook titles by the DepEd, the digital copy as specified by the DepEd for the purpose of producing accessible versions of the textbooks for students with reading disabilities. The accessible versions may be produced by the DepEd or by non-profit accessible book producers, which may be copied and distributed upon request to a Schools Division for instructional purposes.

Copies of these instructional materials shall be furnished without cost to either the CYSNs or the teacher who is handling their instruction.

SEC. 17. Incentives for Private Sector Participation. – Partnership between the government and private institutions catering to the needs of CYSNs shall be encouraged. Private entities who or which team up with DepEd or provide the necessary educational assistance and service of CYSNs enrolled in public schools shall be entitled to benefits and incentives provided under Republic Act No. 8525 or the 'Adopt a School Act of 1998' and its implementing rules and regulations.

SEC. 18. Inclusion of Children with Special Needs in Child Development Centers. – Child Development Centers (CDCs) specially designed for pre-school children and their parents, where early identification of disabilities and special needs and introductory educational and intervention programs will be administered, shall be established near or within existing Centers or in other Centers. As far as practicable, the use of existing CDCs and facilities shall be maximized.

DepEd shall coordinate and provide support programs for CDCs for children with special needs under five years old.

SEC. 19. Health and Nutrition Services and Interventions. – The Department of Health (DOH), National Nutrition Council (NNC), and Early Childhood Care and Development Council (ECCD Council) shall provide inclusive health and nutrition services and interventions for implementation by the Department of Social Welfare and Development (DSWD), DepEd, and LGUs.

SEC. 20 Parent, Sibling, and Caregiver Education. – A formal training and counseling program shall be developed through joint efforts of DepEd, DSWD, LGUs, ECCD Council, disabled people's organizations (DPOs), parent-support organizations, health professional organizations, non-government organizations (NGOs), and civil society organizations (CSOs) to equip parents, siblings, and caregivers of CYSNs with working knowledge of special education, an understanding of the psychology of CYSNs, and the awareness of their crucial role as educators so that they, in turn, can maximize their knowledge and skills to fully participate in developing the potentials of CYSNs. Parents should also be apprised of procedural safeguards to protect the educational rights of children and their parents, and processes to resolve disputes and complaints related to the education of CYSNs.

SEC. 21. Local Government Unit Participation. – LGUs shall allocate a portion of their Special Education Fund for the following:

- (a) Provision of sites, buildings or centers where there are no existing school facilities that may be used for the special education of CYSNs, as well as the establishment of CDCs pursuant to Sec. 18 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 of Inclusive Education programs and equipment, among others;
- (c) Operation of SPED programs including the payment of salaries, allowances, and other benefits of teaching and non-teaching personnel in Centers, as well as the conduct of competency trainings; and

Provision of funds for the delivery of health and nutrition services and interventions, educational assessment program of CYSNs in their respective localities that would be initiated by the DepEd.

SEC. 22. Public Information, Education, and Communication. – A nationwide information dissemination campaign on the prevention, early identification and the strategic intervention programs for CYSNs shall be intensified. This shall be the joint responsibility of the Philippine Information Agency (PIA), Council for the Welfare of Children (CWC), the National Council for Disability Affairs (NCDA) and the DepEd. Likewise, the DepEd, in collaboration with DOH, Department of Labor and Employment (DOLE), and LGUs shall disseminate materials and information concerning effective practices in working with, training and educating CYSNs. Private media outlets and organizations are encouraged to participate in the dissemination of relevant materials and information regarding effective practices in working with, training, and educating CYSNs.

SEC. 23. Appropriations. – The Secretary of DepEd shall immediately include in the DepEd program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act. A separate line item budget for CYSNs shall be incorporated in the budget of the DepEd.

SEC. 24. Implementing Rules and Regulations. – Within ninety (90) days from the effectivity of this Act, the DepEd, in coordination with the DSWD, Department of Interior and Local Government (DILG), DOH, DOF, Bureau of Internal Revenue (BIR), CWC, ECCD Council, and NCDA and in consultation with DPOs, parent-support organizations, health professional organizations, and NGOs and CSOs that are working with CYSNs, shall promulgate and issue the necessary guidelines for the effective implementation of this Act.

SEC. 25. Separability Clause. – If for any reason, a provision or part hereof is declared invalid, other provisions not affected thereby shall remain in full force and effect.

SEC. 26. Repealing Clause. – All laws, decrees, executive orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 27. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,