

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

SEVENTEENTH CONGRESS
First Regular Session

House Bill No. **741**

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Introduced by DIWA Party-list Representative Emmeline Y. Aglipay – Villar

EXPLANATORY NOTE

All children are deserving of love, and of a care that fosters their innate talents and abilities. But children are also individuals with different capacities and affinities, different neuropsychological, sensory, and muscular characteristics, and a one-size-fits-all approach can harm a child's development if that child has needs that are markedly different from those of his or her peers.

These children with special needs -- whether those needs be sensory, physical or intellectual -- deserve the opportunity to be developed in an environment that is tailored to those needs, one that is consistent with the provision of a quality education that they would most benefit from and be receptive to.

This bill, based on the Committee on the Welfare of Children Report No. 282 of the 16th Congress, with a revision on the functions of a SPED Center, seeks to encourage individualized special education programs by establishing nationwide Special Education Centers to provide education, counseling, and research that focus on children with special needs, as well as to serve as focal points for programs catering to their specific situations.

Emmeline Y. Aglipay – Villar

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Representative, DIWA Party-list

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AN ACT
ESTABLISHING SPECIAL EDUCATION (SPED) CENTERS FOR CHILDREN
WITH SPECIAL NEEDS IN ALL PUBLIC SCHOOLS DIVISIONS, PROVIDING
FOR STANDARDS AND GUIDELINES, AND APPROPRIATING FUNDS
THEREFORE

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

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

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 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. Towards this end, and pursuant to the 1987 *Constitution* specifically: 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 12-14 of Republic Act No. 7277 (*Magna Carta for the Disabled*), the State shall institutionalize an adequate and relevant educational program for every child with special needs through the establishment of SPED Centers and the provision of vital support mechanisms required to ensure their effectivity. All children with special needs, in any degree of sensory, physical or intellectual disability or 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.

SECTION 3. Objectives. -Special Education Centers shall pursue the following:

- a) Provide children with special needs access to basic education through the formal system and other alternative delivery services in education;
- b) Facilitate the inclusion and integration of children with special needs into the education mainstream in accordance with the *United Nations Convention on the*

Rights of Persons with Disabilities, and the Incheon Strategy to "Make the Right Real" for Persons with Disability in Asia and the Pacific;

- c) Develop, implement and oversee the Individual Education Program;
- d) Ensure that children with special needs fully develop their potentials towards self-sufficiency and become more effective partners in the affairs of the country;
- e) Ensure that children with special needs understand, appreciate and respect differences amongst groups and members of society, and to understand the nature of the society in which they live;
- f) Identify gifted and talented children from ages three (3) to sixteen (16);
- g) Provide parents with information on the full continuum of SPED services and possible placement options for their children, and thus enable them to make informed choices and decisions;
- h) Support the role of parents by training and equipping them with capabilities to identify, prevent, refer or intervene with the developmental disorders and disabilities of children;
- i) Train, equip and educate teachers and other caregivers as primary sources of care, development, education and advancement of children; and,
- j) Create significant and positive changes in community attitudes towards disability and the need to provide special education and proper care for children with special needs.

SECTION 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 for out-of-school learners and those with special needs;

(b) *Children with special needs* refer to children who are gifted or talented, or with neuropsychological retardation, 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. They may be classified as children with exceptionalities such as, but not limited to, the following:

1. *Autism* - those with developmental disabilities 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 that change over time;
2. *Behavior problems* - those who cannot adjust to the socially-accepted norms of behavior and consequently disrupt their academic progress, the learning efforts of their classmates, and their interpersonal relations;
3. *Gifted or talented* - those who are capable of superior performance including those with demonstrated achievement or potential ability in one or more of the

following areas: general intellectual ability, specific academic aptitude, creative or productive thinking ability, leadership ability, ability in the 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 a school;

4. *Hearing impairment* - those who are deaf or hard-of-hearing. Deaf persons are those whose hearing is non-functional for ordinary purposes in life; the hard-of-hearing have a defective sense of hearing but are still functional with or without a hearing aid;
5. *Learning disabilities* -those who, although normal in sensory, emotional and intellectual abilities, have a condition that causes impediment/ impairment in perception, comprehension, listening, thinking, reading, writing, spelling or arithmetic;
6. *Multiple disabilities* - those with more than one disability such as the deaf-blind or those diagnosed with autism and intellectual disability;
7. *Neuropsychological retardation/ intellectual disability* - those who have substantial limitation in present functioning characterized by significant sub-average intellectual functioning, co-existing with other limitations in two or more of the following applicable adaptive skill areas: communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work;
8. *Orthopedic physical disabilities*- those whose impairment permanently or temporarily cause difficulty in mobility and all activities of daily life;
9. *Special health problems*- those who have health conditions that tend to keep them out-of -school, or those with chronic and/or debilitating illnesses such as cardiac disease, asthma, diabetes, tuberculosis and other respiratory ailments, carcinoma, epilepsy, and malnutrition;
10. *Speech impairment and delays* - those who have difficulty in expressing or articulating words in a manner understandable by others;
11. *Visual impairment* - 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. Low vision persons retain relatively low degree of vision and can read only enlarged print or regular print under special conditions;

(c) *Handicap* refers to a disadvantage of an individual, resulting from an impairment or a disability that limits or prevents a function or activity that is considered normal, given the age and gender of the individual;

(d) *Impairment* refers to any loss, diminution or aberration of psychological, physiological or anatomical structure or function;

(e) *Individual Education Program* 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 or target skills and behaviors;

(f) *Learning differences* refer to any of the following:

1. A physical or mental or sensory and intellectual impairment that substantially limits one or more psychological, physiological, anatomical, sensory or intellectual function of an individual;
2. A record of such an impairment; or,
3. Being regarded as having such an impairment;

(g) *Private sector participation* refers to all forms of indispensable, substantial and meaningful participation of private individuals, partnerships, groups or entities, community-based organizations or non-governmental organizations, in the delivery of educational and rehabilitative services for children with special needs;

(h) *Special education* refers to the customized instructional program/service designed to meet the unique needs of individual learners who differ from societal or community standards of normalcy because of differences due to 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 children with special needs into the education mainstream;

(i) *Special instructional materials* refer to textbooks in Braille, large type or any other medium or apparatus, that convey information to a student or otherwise contributes to the learning process.

SECTION 5. Establishment of SPED Centers for Children with Special Needs in all Public Schools Divisions. A SPED Center for children with special needs 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 where the need arises due to increased number of enrollees, upon recommendation of the Schools Division Superintendent and approval of the Secretary of the Department of Education (DepEd).

All SPED Centers and facilities shall be compliant with the requirements of Batas Pambansa 344 or the Accessibility Law.

SECTION 6. Functions of a SPED Center. The SPED Center shall function as a resource center that shall assist in promoting inclusive education as to capacitate regular schools to effectively handle the needs of children with special needs. It shall:

- (a) Support children with special needs so that they may be integrated/included in regular schools, should that be the best for the child;
- (b) Conduct school-based training of children with special needs;

- (c) Produce appropriate teaching materials for children with special needs;
- (d) Conduct assessment of children with special needs to evaluate developmental domains and specific areas of concern and determine grade placement;
- (e) Implement the programs of the SPED Centers, such as the Alternative Educational Program and the Early Intervention Program;
- (f) Provide auxiliary aids and services, or services that are basically non- educational but which enhance the education process of the child with special needs. These services include:
 - 1. language and speech therapy, occupational therapy, physical and physiotherapy, among other modes of therapy;
 - 2. qualified interpretations or other effective methods of delivering materials;
 - 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;
 - 5. appropriate classroom accommodation; and,
 - 6. other similar services and actions or all types of aids and services that facilitate the learning process of children with special needs;
 - 7. assist, facilitate, and monitor the transfer or admission of qualified children with disabilities to post-secondary or tertiary education institutions.

SECTION 7. Staffing and Responsibilities. In addition to teachers with special training to handle children with special needs, each SPED Center shall have a Program Director, an Administrative Core and Placement Committee and itinerant SPED teachers as manpower complement.

- (a) Program Director - The Program Director shall:
 - 1. head the SPED Center;
 - 2. administer and supervise the SPED Center programs;
 - 3. oversee the other components of the special education program;
 - 4. monitor, supervise and provide technical assistance, training, and enhancement programs to SPED personnel;
 - 5. issue procedures for referrals and placement;
 - 6. form and supervise the placement committee; and,
 - 7. resolve disagreements on placement and services.
- (b) Administrative Core and Placement Committee- The Placement Committee shall, in consultation with and active participation of 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 jurisdiction.

This Committee shall be composed of:

- (1) any one (1) of the following: developmental pediatrician, neurological psychiatrist, educational psychologist or psychometrician;
- (2) one (1) physical therapist;
- (3) one (1) occupational therapist;
- (4) one (1) speech and language therapist/speech correction teacher;
- (5) one (1) reading specialist; and,
- (6) the SPED Center Program Director.

(c) Itinerant SPED teachers - Itinerant SPED teachers shall be appointed whenever necessary. 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. They shall likewise reach out to children with special needs who have accessibility and mobility limitations

SECTION 8. Remuneration and Benefits for SPED Center Personnel. -The salary grades of SPED teachers and the Program Directors managing 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/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. A similar program shall be designed for support personnel to include interpreters, psychologists, social workers involved in the education and rehabilitation of children with special needs.

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 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.

SECTION 9. Authority of the Secretary of Education to Give Grants to, or Enter Into Cooperative Arrangements for the Creation of SPED Centers. - The Secretary of Education is hereby authorized to give grants to, or enter into cooperative arrangements or contracts with public or private non-profit agencies, institutions or organizations for the establishment or creation of SPED Centers or implementation of programs such as the following:

- (a) Technical assistance to SPED Centers;
- (b) Training of professionals or related services personnel including all regular teachers who are preparing to serve or are serving children with special needs for inclusion and mainstreaming;
- (c) Replication of successful innovative approaches in providing educational or related

services to children with special needs;

- (d) Facilitation of parental involvement in the education of their children with special needs;
- (e) Diagnosis and educational evaluation of children with special needs;
- (f) Consultative, counseling and training services for the families of children with special needs; and,
- (g) Familiarization of the municipality or city being served by a SPED Center with the problems and potentialities of such children.

SECTION 10. Continuing Research to Identify Needs of Children with Special Needs. -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 children with special needs: *Provided*, That such continuing research shall also be used to develop instructional techniques for use by the SPED Centers towards improving the children's acquisition of skills 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 Centers to increase the potential of the children for community participation.

SECTION 11. Student Assistance. -The DepEd shall provide financial assistance to marginalized or disadvantaged children 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. These include those who lack access to rehabilitative services and educational opportunities due to being poor, as defined in R.A. No. 8425 otherwise known as the Social Reform and Poverty Alleviation Act, have been abandoned, are ill, or are neglected.

Marginalized or disadvantaged children with special needs coming from indigenous communities shall be given priority in the grant of assistance.

Special equipment like wheelchairs, crutches, special toilet and hygiene requirements, hearing aids, eyeglasses, and such other assistive devices required by the students to optimize education and participation in the educational process shall also be provided for free 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 12. Recreational and Artistic Opportunities. -The DepEd shall institute a program for children with special needs that will afford them full opportunities for: safe and wholesome individual as well as interactive group recreation and social activities; optimal use of their leisure hours; and advancement of their physical, mental, social and cultural development.

SECTION 13. 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 in accordance with R. A. No. 8293 otherwise known as the *Intellectual Property Code of the Philippines*. Further, a publisher of a newly adopted instructional material shall provide, not later than the second working day after the adoption of a textbook title by the DepEd, the computerized files as specified by the DepEd 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 children with special needs or the teacher who is handling their instruction.

SECTION 14. Incentives/or Private Sector Participation. - Partnership between the government and private institutions catering to the needs of children with special needs shall be encouraged. All revenues generated by the SPED Center in public elementary and high school, owned, operated and controlled by the DepEd shall be exempt from income tax. Any donation, contribution, bequest and grant which may be made to the SPED 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 R.A. No. 8424 otherwise known as 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 publications shall be imported duty-free upon certification by the DepEd that such imported books and 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.

SECTION 15. Establishment of Specialized Day Care Centers. - Day care centers 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 also be established near or within existing SPED Centers, or in other Centers that shall be created by the DepEd with the support of the Department of Social Welfare and Development (DSWD) and Local Government Unit (LGU) in the area. As far as practicable, the use of existing day care centers and facilities shall be maximized.

SECTION 16. Nutritional Programs. -The National Nutrition Council (NNC) shall determine and prescribe appropriate nutritional programs for children with special needs for implementation by the Department of Health (DOH) and the DepEd.

SECTION 17. Parent, Sibling and Caregiver Education. -A formal training and counseling program shall be developed through joint efforts of DepEd, DSWD and LGUs, to equip parents, siblings, and caregivers of children with special needs with a working knowledge of special education, an understanding of the psychology of children with special needs, and the awareness of their crucial role as educators so that they, in turn, can maximize their knowledge and skills to fully develop of the potentials of children with special needs.

SECTION 18. Local Government Unit Participation. - The LGUs may make use 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 children with special needs, as well as the establishment of day care pursuant to Sec. 15 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 nutritional programs and the training and seminars of parents and teachers, nutritional programs of children with special needs in their respective localities that would be initiated by the DepEd, in coordination with the Department of Budget and Management (DBM) and the Department of Finance (DOF).

SECTION 19. Public Information, Education and Communication. - A nationwide information dissemination campaign on the prevention, early identification and the strategic intervention programs for children with special needs shall be intensified. This shall be the joint responsibility of the Philippine Information Agency (PIA), Council for the Welfare of Children (CWC) and the DepEd. Likewise, the DepEd, in collaboration with the DOH and Department of Labor and Employment (DOLE), shall disseminate materials and information concerning effective practices in working with, training and educating children with special needs.

SECTION 20. Appropriations. - The Secretary of the 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

SECTION 21. Implementing Rules and Regulations. - The DepEd, in coordination with the DSWD, Department of Interior and Local Government (DILG), DOH, DOF, Bureau of Internal Revenue (BIR), CWC and 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 22. 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.

SECTION 23. 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.

SECTION 24. Effectivity. - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,