

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 2954



INTRODUCED BY REPRESENTATIVE PEDRO B. ACHARON, JR.

EXPLANATORY NOTE

This bill seeks to institutionalize Special Education Program for Children with Special Needs (CSN) As defined children with special needs shall include: the gifted/talented, students/children with mental retardation/intellectual disability, with visual impairment, with hearing impairment, with orthopedic/physical handicap, with learning disability, with speech defect, with behavior problems, with autism and those with health problems through the formal system and other alternative delivery services in education.

To attend to the needs of the CSNs, this bill introduces administrative reforms particularly in the structural framework of the Department of Education in the formulation of appropriate programs to strengthen existing policies and concerns for CSNs. To give easy access to basic education among CNS, the measure seeks to establish at least one (1) SPED center in each school division and at least three (3) SPED Center in big school divisions.

This bill also involves private groups, local government units and national agencies other than the Department of Education (DepEd) in the education of CSNs.

In view of the foregoing considerations, approval of this bill is earnestly recommended.


PEDRO B. ACHARON, JR.

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2954

HOUSE BILL NO. _____

INTRODUCED BY REPRESENTATIVE PEDRO B. ACHARON, JR.

AN ACT ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION (SPED) CENTER FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPED CENTERS IN BIG SCHOOL DIVISIONS FOR CHILDREN WITH SPECIAL NEEDS (CSNs), CREATING THE IMPLEMENTING MACHINERY THEREOF, PROVIDING GUIDELINES FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT, AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “**Special Education Act**
2 **of 2016.**”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 protect and promote the rights of children with special needs (CSNs) to quality
5 education and to take appropriate steps to make such education accessible to them.
6 The State recognizes their vital role in national development and that finding solutions
7 to their problems forms an integral part of national development strategies.

8 It is also the policy of the State to give full support for their welfare and
9 development to ensure their full integration to society as well as to facilitate their
10 active participation in the affairs of the State. Towards this end and also pursuant to
11 the mandate stated in Section 13, Article II, Section 13, Article XIII, Section 1 and
12 Section 2, paragraphs 1 and 3, Article XIV of the 1987 Constitution, Article 3 of

1 Presidential Decree No. 603 (The Child And Youth Welfare Code) and Sections 12-
2 14 of Republic Act No. 7277 (Magna Carta For The Disabled), the State shall
3 institutionalize an adequate and relevant educational program for every child with
4 special needs through the establishment of Special Education (SPED) Centers and of
5 their vital support mechanisms. Thus, all CSNs, irrespective of the degree of sensory,
6 physical or intellectual disability or needs, will have the opportunity to be educated in
7 the most educationally enhancing environment consistent with the provision of a
8 quality education that best meets their needs.

9 SEC. 3. **Objectives.** – The objectives of the Special Education Act of 2010
10 are:

- 11 (a.) To provide access to basic education among CSNs, namely: the
12 gifted/talented, students/children with mental
13 retardation/intellectual disability, with visual impairment, with
14 hearing impairment, with orthopedic/physical handicap, with
15 learning disability, with speech defect, with behavior problems,
16 with autism and those with health problems through the formal
17 system and other alternative delivery services in education;
- 18 (b.) To ensure that CSNs fully develop their abilities, talents, interests
19 and all aspects of their development to become more responsible for
20 their lives and more effective partners in all of the affairs and
21 concerns of the country.
- 22 (c.) To ensure that CSNs understand, appreciate and respect differences
23 amongst groups and members in society and also to understand the
24 nature of society in which they live;

1 (d.) To inform the parents about the full continuum of services, possible
2 placement options during discussions about their children's
3 education and other relevant information to enable them to make
4 informed decisions and choices;

5 (e.) To equip the parents, caregivers and teachers with the capabilities to
6 identify, prevent, refer and intervene with the developmental
7 disorders and disabilities of children as well as in the relevant
8 individual programming planning for the student where such
9 program differs significantly from the standard curriculum and
10 other matters that enhance the role of parents and other caregivers
11 as the primary educators and caregivers of their children from birth
12 onwards;

13 (f.) To involve private groups, local government units and national
14 agencies other than the Department of Education (DepEd) in the
15 education of CSNs;

16 (g.) To effectuate significant and positive changes in community
17 attitudes towards disability and the need to provide special
18 education, care and other needs of CSNs.

19 **SEC. 4. Definition of Terms. – For purposes of this Act, these terms are defined as**
20 **follows:**

- 21 a) *Disability* refers to 1) a physical or mental impairment
22 that substantially limits one or more psychological,
23 physiological or anatomical function of an individual or
24 activities of such individual; 2) a record of such an

1 impairment; 3) being regarded as having such an
2 impairment;

3 b) *Impairment* refers to any loss, diminution or aberration
4 of psychological, physiological or anatomical structure or
5 function;

6 c) *Handicap* refers to a disadvantage for a given individual,
7 resulting from an impairment or a disability, that limits or
8 prevents the function or activity that is considered normal
9 given the age and sex of the individual;

10 d) *Persons with disabilities (PWD)* refer to
11 those suffering from restriction or different abilities, as a
12 result of a mental, physical, sensory or neurological
13 impairment, to perform an activity in the manner or within
14 the range considered normal for a human being;

15 e) *Marginalized/disadvantaged persons*
16 *with disabilities* refer to disabled persons who
17 lack access to rehabilitative services and educational
18 opportunities due to poverty, abandonment, illness and other
19 forms of neglect. For purposes of this Act, the word "poor"
20 refers to persons who either have no means of livelihood or
21 have incomes below the poverty threshold as determined by
22 the National Statistics Coordinating Board (NSCB);

23 f) *Children and youth with special needs* refer
24 to those who are gifted and are fast learners and those who
25 are disabled, impaired and handicapped and in need of

1 special education as well as services for rehabilitation. They
2 differ from the average children in (1) mental characteristics;
3 (2) sensory abilities; (3) neuromuscular or physical
4 characteristics; (4) social attributes; and (5) have multiple
5 handicaps; and/or (6) have a developmental lag to such an
6 extent that requires the use of modified school practices or
7 special education services to develop them to maximum
8 capability. They may fall within the ages 0-21 years and
9 may be classified as follows:

10 1. *Gifted children and Fast learners*

11 are those capable of superior performance and these
12 include those with demonstrated achievement or
13 potential ability in one or more of the following
14 areas: general intellectual ability, specific academic
15 aptitude, creative or productive thinking ability,
16 leadership ability, ability in the visual or performing
17 arts and psychomotor ability, or those individuals
18 who consistently manifest the following cluster of
19 traits: above average ability (including intelligence),
20 high creativity (implies the developmental
21 appreciation of innovative ideas) and high task
22 commitment (related to a high degree of motivation)
23 and those who by reason thereof, require services or
24 activities not ordinarily provided by the school.

1 academic progress, the learning efforts of their
2 classmates and interpersonal relations.

3 6. Students/Children with
4 *Orthopedic/Physical Handicap* are those
5 whose impairment permanently or temporarily
6 interferes with the normal functions of the joints,
7 muscles or limbs.

8 7. Students/Children with *Special Health*
9 *Problems* are those who have health conditions
10 that tend to keep children out-of-school or those
11 with chronic and/or debilitating illness like cardiac
12 (heart) diseases, asthma, diabetes, tuberculosis and
13 other respiratory ailments, carcenonza, epilepsy,
14 malnutrition and others.

15 8. Students/Children with *Learning*
16 *Disabilities* are those who although normal in
17 sensory, emotional and intellectual abilities exhibit
18 disorders in perception, listening, thinking, reading,
19 writing, spelling or arithmetic. They have such
20 conditions as perceptual handicap, brain injury,
21 minimal brain dysfunction, dyslexia and
22 developmental aphasia.

23 9. Students/Children with *Speech Defects* are
24 those whose speech differs from the average so far

1 as to draw unfavorable attention to the manner of
2 speaking rather than to the thought conveyed.

3 10. Students/Children with *Autism* are those with
4 developmental disabilities, having onset before 30
5 months of age which is marked by disturbance in
6 development, language and relationship with
7 persons, activities and objects and which may
8 coexist with intellectual disability and epilepsy.
9 Children afflicted with this disorder have
10 perceptual, cognitive, communication and social
11 difficulties which change over time.

12 11. Students/ Children with Multi-Handicaps are those
13 with more than one disability such as the deaf-
14 blind, those with autism and with intellectual
15 disability and others.

16 g) *Auxiliary aids and services* are services that
17 are basically non-education, but impinge on the education
18 process of the child with special needs. These include:

- 19 1. therapy;
- 20 2. qualified interpreters or other effective methods of
21 delivering materials to individuals with hearing
22 impairments;
- 23 3. qualified readers, taped tests or other effective
24 methods of delivering materials to individuals with
25 visual impairments;

1 4. acquisition or modification of equipment or
2 devices;

3 5. other similar services and actions or all types of aids
4 and services that facilitate the learning process of
5 people with mental disability.

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

10 i) *Private sector participation* refers to all forms
11 of indispensable, substantial and meaningful participation of
12 private individuals, partnerships, groups or entities,
13 community-based organizations or non-governmental
14 organizations in the delivery of educational and
15 rehabilitative services for students and children with special
16 needs.

17 j) *Basic Education* refers to at least six (6) years of
18 elementary education and at least four (4) years of secondary
19 education including pre-school education.

20 k) *Special Education* refers to basic education that
21 takes into account the special needs of both disabled children
22 and gifted children that requires a systematic and deliberate
23 process for them to achieve functional literacy and which
24 will bring the individual to the highest level of his potential
25 and capacity. It is also defined as that type of education

1 tailored to meet the needs of children who cannot profit
2 because of disabilities or exceptional abilities. The trend in
3 SPED is towards integration with the education of normally-
4 abled children.

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

8 SEC. 5. *Coverage.* – This Act shall cover all students and CSNs nationwide.

9 SEC. 6. *Creation of the Bureau of Special Education.* – To attain the
10 objectives of this Act, the Bureau of Special Education (BSPED), hereinafter referred
11 to as the Bureau, is hereby created to institutionalize and govern special education in
12 the Philippines. The Bureau is primarily tasked with the formulation and
13 administration of an appropriate curriculum and developmentally-suited programs to
14 primarily achieve functional literacy of the students/children with special needs and
15 ensure their integration to society. The full continuum of educational services shall
16 also be made available by the Bureau to those CSNs below school age through regular
17 home visits, consultations, day care activities and any proper medium or program.

18 The BSPED shall function as a regular bureau of the DepEd under the direct
19 supervision of the Department Secretary and shall be headed by a Director and
20 Assistant Director.

21 Three Division Chiefs shall serve as heads for the (1) Gifted Children Division
22 (GCD); (2) Children with Disabilities Division (CDD) and the (3) Special Services
23 and Auxiliary Aids Division (SSAAD), and whose staff shall be equitably distributed
24 in accordance with the current needs and concerns of their respective divisions. They

1 shall assist the Director in the formulation, implementation and improvement of the
2 framework and components of the Special Education Program.

3 The Philippine Printing House for the Blind under the existing organizational
4 structure of the DepEd shall become part of the SSAAD and shall take charge of the
5 production of materials that convey information to a student or otherwise contribute to
6 the learning process.

7 **SEC. 7. *SPED Centers in Regular Schools.*** At least one (1) SPED center
8 for each school division and at least three (3) SPED centers in big school divisions
9 shall be established in regular schools, where there are no existing SPED centers.
10 These SPED centers shall be administered by the principal of the regular school.

11 The SPED Center shall function as the Resource Center for the
12 implementation of inclusive education that will accept all kinds of children on regular
13 schools. It shall a) support children with special needs integrated/included in regular
14 schools; b) assist in the conduct of school-based training; c) produce appropriate
15 teaching materials; and d) conduct assessment of children with special needs. It shall
16 also be the responsibility of the SPED Centers to assist and facilitate the
17 transfer/admission of qualified children with disabilities to post-secondary or tertiary
18 education institutions and monitor the same.

19 Each SPED Center shall have specialized teachers who can handle children
20 and youth with special needs who may include but shall not be limited to those with
21 visual impairment, hearing impairment, autism, learning disabilities, behavioral
22 problems, multiple disabilities, mental retardation/handicap and mental giftedness.

23 Regular teachers currently handling special education of children with special
24 needs shall henceforth be classified as SPED teachers.

1 There shall be an assistant principal for each SPED Center. He/she shall
2 administer and supervise the alternative educational programs, early intervention
3 programs, monitoring, supervision and technical assistance and human resource
4 training/SPED personnel enhancement programs, referral and placement procedures,
5 advisory services and other components of the special education program in his/her
6 jurisdiction. He/she shall also be responsible for the formation and supervision of
7 placement committee under his/her jurisdiction as well as in the resolution of
8 disagreements on placement and services.

9 The SPED teachers and school administrators managing special education
10 centers and special schools shall be assigned a salary grade which is three (3) salary
11 grades higher than that of a regular teacher and school administrator respectively.

12 SEC. 8. *Other Personnel of SPED Centers.* – One (1) educational
13 psychologist or psychometrician, one (1) physical therapist, one (1) occupational
14 therapist, one (1) speech and language therapist/speech correction teacher and one (1)
15 education supervisor for each city and province shall comprise the administrative core
16 and placement committee of the SPED unit in the area. They shall also be jointly
17 tasked to develop and maintain a data bank in special education in their respective
18 jurisdictions. The placement committee shall, among others, ensure that students with
19 disabilities are educated as close as possible to their homes and alongside their age-
20 appropriate peer groups, and that these students attend their local schools or travel the
21 shortest distance possible in the availment of educational services, in consultation
22 with, and active participation of, parents.

23 SEC. 9. *Itinerant SPED Teachers.* – Itinerant SPED teachers shall also be
24 appointed whenever necessary. He/she shall assist isolated or remote schools with

1 specialized equipment, individual programs, curriculum adjustment, teaching aids and
2 building modifications.

3 SEC. 10. *Authority of the Secretary of Education to Give Grants to, or Enter*
4 *Into Cooperative Arrangements for the Creation of SPED Centers.* – The Secretary
5 of Education is hereby authorized to give grants to, or enter into cooperative
6 arrangements or contracts with public or private non-profit agencies, institutions or
7 organizations for the establishment or creation of SPED centers for children with
8 special needs; *Provided, That* a grant made pursuant to this Section may be made only
9 for the following or similar programs:

10 (a.) technical assistance of SPED centers providing educational assistance for
11 CSNs;

12 (b.) pre-service or in-service training of professionals or related services
13 personnel preparing to serve or serving CSNs;

14 (c.) replication of successful innovative approaches to providing educational
15 or related services to CSNs;

16 (d.) facilitation of parental involvement in the education of their CSNs;

17 (e.) diagnosis and educational evaluation of CSNs at risk of being certified
18 CSNs;

19 (f.) consultative, counseling and training services for the families of CSNs;

20 (g.) familiarization of the municipality or city to be served by a SPED center
21 with the problems and potentialities of such children;

22 SEC. 11. *Provision for Continuing Research to Identify Special Needs of*
23 *CSNs.* – The Bureau by itself or in association with such organizations or institutions
24 as determined by the Secretary of the DepEd, to be appropriate, shall undertake
25 continuing research to identify and design programs that shall meet the full range of

1 needs of the CSNs: *Provided*, That such continuing research shall also be used to
2 develop instructional techniques for use by the SPED Centers that will improve the
3 acquisition of CSNs of skills necessary for transition to independent living,
4 vocational training or competitive development: *Provided, finally*, That such
5 continuing research shall further be used to design physical education and therapeutic
6 recreation program for use by the Centers to increase the potential of CSNs for
7 community participation.

8 SEC. 12. *Student Assistance.* – The Bureau shall provide financial assistance
9 to economically marginalized but deserving students with special needs at the
10 elementary and secondary levels which may come in the form of scholarship grants,
11 transportation allowance, food allowance, board and lodging allowance, book
12 allowance, student loan programs, artistic and cultural tours, training programs,
13 subsidies and other incentives. Marginalized disabled persons and those coming from
14 indigenous communities shall be the priority in the grant of the aforesaid assistance.

15 Special equipment like wheelchair, crutches, special toilet and hygiene
16 requirements, hearing aids, eyeglasses, and such other assistive devices required by
17 the students to optimize education and participation in the educational process shall
18 also be provided for free and at discounted rates to deserving students and at very
19 affordable rates in general through a reasonable funding scheme that shall be designed
20 by the Bureau.

21 SEC. 13. *Medical Assistance.* – The Bureau shall prepare a scheme that will
22 ensure adequate and free medical assistance and intervention programs, including
23 those essential to the student or child's rehabilitation like therapy, psychometric
24 assessments, medical examinations and the like with government clinics, hospitals
25 and other health facilities. In case the medical services are not offered by the nearest

1 or accessible government clinics, hospitals and other health facilities, or cannot be
2 obtained by reason of critical immediacy or the need to obtain a more specialized or
3 advanced treatment, CSNs shall be entitled to a grant of twenty percent (20%)
4 discount from the services of private hospitals and clinics: *Provided*, that these private
5 hospitals and clinics may claim the cost as tax credit.

6 SEC. 14. *Nutritional Programs.* – The nutritional programs for CSNs shall be
7 supervised by the National Nutrition Council (NNC) and the Department of Health
8 (DOH) in coordination with the local government unit health officer.

9 SEC. 15. *Establishment of Specialized Day Care Centers.* – Day care centers
10 specially designed for pre-school children and their parents, where early identification
11 of disabilities and special needs and introductory educational and intervention
12 programs will be administered, shall also be established near or within existing SPED
13 centers or those that will be created by the Bureau with the support of the Department
14 of Social Welfare and Development (DSWD) and local government unit (LGU) in the
15 area. As far as practicable, existing day care centers and facilities shall be maximized.

16 SEC. 16. *Recreational and Artistic Opportunities.* – The Bureau shall
17 institute a program for students or children with special needs to afford them full
18 opportunities for safe and wholesome recreation and activities, individual as well as
19 social, for the wholesome use of his leisure hours and for the advancement of their
20 physical, mental, social and cultural development.

21 SEC. 17. *Continuing Education and Assistance to Teachers/Instructors of*
22 *Students with Special Needs.* – The Bureau shall enhance the right of the
23 teachers/instructors to professional advancement and ensure that the teaching staff
24 will attract the best available talents through adequate remuneration, scholarship and
25 training grants, teacher exchange programs, incentives and allowances and other

1 means of securing job satisfaction and fulfillment as well as their long and stable
2 tenure in their respective posts. A similar program shall be designed for support
3 personnel like interpreters, psychologists, social workers and others also involved in
4 the education and rehabilitation of the child.

5 The Bureau shall identify at least one (1) leading institution or university in
6 Luzon, Visayas and Mindanao whose faculty is considered or regarded as highly
7 competent in the area of special education and where a uniform or standardized
8 curriculum for any post-graduate studies education program shall be designed to
9 benefit SPED teachers and other personnel of SPED centers. The manner of selection
10 of such institution shall be provided under the Implementing Rules and Regulations of
11 this Act.

12 SEC. 18. *Parent, Sibling and Caregiver Education.* – There shall be a formal
13 training and counseling program for parents, siblings and caregivers of CSNs for them
14 to acquire a working knowledge of special education, gain an understanding of the
15 psychology of children with special needs, be aware of their crucial role as educators
16 so that they maximize their knowledge and skills to attain the optimum development
17 of the potentials of the child.

18 SEC. 19. *Special Instructional Materials.* – Publishers shall grant to the
19 DepEd through the Special Services and Auxiliary Aids Division (SSAAD) the
20 authority to transcribe adopted instructional materials into Braille, large type and
21 audio-tape without penalty or payment of royalty. Furthermore, on or before the
22 second working day after the adoption of textbook titles by the DepEd, each publisher
23 of newly adopted instructional materials shall provide computerized files as specified
24 by the DepEd which may be copied and distributed upon request, to a school division
25 for instructional purposes.

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

5 SEC. 20. *Incentives to Private Sector Participation.* – Partnership between
6 the government and private institutions catering to the needs of students/children with
7 special needs shall be encouraged. All profits and income generated by the Special
8 Education Center derived from its fundamental function as an educational institution
9 shall be exempt from income tax. Any donation, contribution, bequest and grant
10 which may be made to the center shall be exempt from donor's tax and the same shall
11 be considered as allowable deduction from the Gross Income in the computation of
12 the Income Tax of the donor in accordance with the provisions of the National
13 Internal Revenue Code of 1997, as amended: *Provided*, That such donations shall not
14 be disposed of, transferred or sold. Economic, technical and cultural books and/or
15 publications shall be imported duty-free upon certification by the Department of
16 Education that such imported books and/or publications are for economic, technical,
17 vocational, scientific, philosophical, historical or cultural purposes, in accordance
18 with the provisions of the tariff and customs code, as amended.

19 SEC. 21. *Local Government Unit Participation.* – The local government units
20 (LGUs) shall be responsible for the:

21 A. Provision of buildings or centers which are PWD-friendly and sites
22 where there are no existing school facilities that will house the special
23 education of children/students with special needs, as well as the
24 establishment of day care centers as mentioned in Sec. 15;

1 B. Organization of one (1) parent-teacher association in every school in their
2 respective jurisdictions offering special education to students/children with
3 special needs;

4 C. Identification, coordination and the tapping of public or private volunteers
5 and private organizations, national or international, for information
6 dissemination campaigns, funding programs and other projects to augment
7 the funding for SPED programs and equipment, among others;

8 D. Provision of counterpart funds for the training and seminars of parents and
9 teachers and nutritional programs for the students/children with special
10 needs in their respective localities to be determined by the Bureau, in
11 coordination with the Department of Budget and Management (DBM) and
12 the Department of Finance (DOF).

13 SEC. 22. *Public Information, Education and Communication.* – A
14 nationwide information dissemination campaign on the prevention, early
15 identification and intervention programs for children with special needs shall be
16 intensified. This shall be the joint responsibility of the Philippine Information Agency
17 (PIA), Council for the Welfare of Children (CWC) and the DepEd. The DepEd, in
18 collaboration with the Department of Health (DOH) and Department of Labor and
19 Employment (DOLE), shall also disseminate materials and information concerning
20 effective practices in working with, training and educating CSNs.

21 SEC. 23. *Appropriations.* – The Secretary of the DepEd shall immediately
22 include in the DepEd program the implementation of this Act, the funding of which
23 shall be included in the Annual General Appropriations Act.

24 SEC. 24. *Implementation.* – The DepEd through the BSPED in coordination
25 with the DILG, DOH, DOF, CWC and National Council on Disability Affairs

1 (NCDA), shall promulgate and issue the necessary guidelines for the creation and
2 operation of SPED Centers within sixty (60) days after the effectivity of this Act.

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

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

9 SEC. 27. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
10 after its publication in any newspaper of general circulation.

Approved,