

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH CONGRESS  
First Regular Session

HOUSE BILL NO. 320



Introduced by Representative **MARLYN L. PRIMICIAS-AGABAS**

**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 THEREFOR**

**EXPLANATORY NOTE**

Education is for everyone. It is the most powerful weapon to change the world. It should not discriminate and must be inclusive. Thus, children with special needs are no different from other children as they require more attention and consideration from everyone around him including the government.

Government programs on inclusiveness should not only dwell on proximity but shall also include the availability of trained educators and equipped caregivers that will oversee the accomplishment of the program.

This proposal intends to institutionalize the establishment of special education centers for children with special needs in all public school divisions in the country. It is aimed at providing for a medium to meet the needs of children with special concerns and offer opportunity for their full integration in society, as well as facilitate their active participation in the affairs of the State.

With the foregoing, passage of the bill is earnestly sought.

A handwritten signature in black ink, likely belonging to Representative Marlyn L. Primicias-Agabas, who is mentioned in the text as the introducer of the bill.

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Special Education (SPED)  
2 Centers Act”.

3  
4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to protect  
5 and promote the rights of children with special needs to quality education and to take  
6 appropriate steps to make such education accessible to them. The State recognizes  
7 their vital role in society and endeavors to include their needs as an integral part of  
8 national development strategies.

9  
10 It is also the policy of the State to fully support their welfare and development,  
11 ensure their full integration in society, as well as facilitate their active participation in  
12 the affairs of the State. Towards these ends, and pursuant to the 1987 Constitution  
13 specifically: Section 13, Article II; Section 13, Article XIII; and Sections 1 and 2,  
14 paragraphs 1 and 3, Article XIV, Article 3 of Presidential Decree No. 603 (The Child  
15 and Youth Welfare Code); and Sections 12, 13 and 14 of Republic Act No. 7277  
16 (Magna Carta for the Disabled), the State shall institutionalize an adequate and  
17 relevant educational program for every child with special need through the  
18 establishment of SPED Centers and the provision of vital support mechanisms

1 required to ensure their effectivity. All children with special needs, in any degree of  
2 sensory, physical or intellectual disability or need, shall therefor have the opportunity  
3 to be developed in the most enhancing environment, consistent with the provision of  
4 a quality education that best meets their needs.

5  
6 SEC. 3. *Objectives.* – SPED Centers shall pursue the following:

- 7
- 8 (a) Provide children with special needs access to basic education  
9 through the formal system and other alternative delivery services in  
10 education;
- 11 (b) Facilitate the inclusion and integration of children with special needs  
12 into the mainstream education in accordance with the United  
13 Nations Convention on the Rights of Persons With Disabilities, and  
14 the Incheon Strategy to Make the Rights Real for Persons With  
15 Disability in Asia and the Pacific;
- 16 (c) Develop, implement and oversee the Individual Education Program;
- 17 (d) Ensure that children with special needs fully develop their potentials  
18 toward self-sufficiency and become more effective partners in the  
19 affairs of the country;
- 20 (e) Ensure that children with special needs understand, appreciate and  
21 respect differences amongst groups and members of society, and  
22 to understand the nature of the society in which they live;
- 23 (f) Identify gifted and talented children from ages three (3) to sixteen  
24 (16);
- 25 (g) Provide parents with information on the full continuum of SPED  
26 services and possible placement options for their children, and thus  
27 enable them to make informed choices and decisions;
- 28 (h) Support the role of parents by training and equipping them with  
29 capabilities to identify, prevent, refer or intervene with the  
30 developmental disorders and disabilities of children;
- 31 (i) Train, equip and educate teachers and other caregivers as primary  
32 sources of care, development, education and advancement of  
33 children; and

- 1 (j) Create significant and positive changes in community attitudes  
2 towards disability and the need to provide special education and  
3 proper care for children with special needs.  
4

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

6 (a) *Basic education* refers to meeting the basic learning needs which  
7 provide the foundation on which subsequent learning can be based.  
8 It encompasses kindergarten, elementary and secondary education  
9 as well as alternative learning systems for out-of-school learners  
10 and those with special needs;

11 (b) *Children with special needs* refer to children who are gifted or  
12 talented, or with neuropsychological retardation, learning  
13 disabilities, emotional or behavioral disorders, speech and language  
14 disorders, hearing impairments, visual impairments, autism,  
15 physical or health disabilities, deaf-blindness and multiple  
16 handicapping conditions and are in need of special education as  
17 well as services for rehabilitation. They differ from the average  
18 children in neuropsychological characteristics, sensory abilities,  
19 neuromuscular or physical characteristics, and social attributes to  
20 such an extent that the use of modified school practices or special  
21 education services are required to develop them to maximum  
22 capability. They may be classified as children with exceptionalities  
23 such as the following:

24 (1) *Autism* – those with developmental disabilities marked  
25 by disturbance in development, language and relationship  
26 with persons, activities and objects and which may  
27 coexist with intellectual disability and epilepsy. Children  
28 afflicted with this disorder have perceptual, cognitive,  
29 communication and social difficulties that change over  
30 time;

31 (2) *Behavior problems* – those who cannot adjust to the  
32 socially-accepted norms of behavior and consequently  
33 disrupt their academic progress, the learning efforts of  
34 their classmates, and their interpersonal relations;

1 (3) *Gifted or talented* – those who are capable of superior  
2 performance including those with demonstrated  
3 achievement or potential ability in one (1) or more of the  
4 following areas: general intellectual ability, specific  
5 academic aptitude, creative or productive thinking ability,  
6 leadership ability, ability in the visual or performing arts  
7 and psychomotor ability; or those individuals who  
8 consistently manifest the following cluster of traits: above  
9 average ability (including intelligence), high creativity  
10 (implies the developmental appreciation of innovative  
11 ideas) and high task commitment (related to a high  
12 degree of motivation); and those who, by reason thereof,  
13 require services or activities not ordinarily provided by a  
14 school;

15 (4) *Hearing impairment* – those who are deaf or hard-of-  
16 hearing. Deaf persons are those whose hearing is  
17 nonfunctional for ordinary purposes in life; the hard-of-  
18 hearing have a defective sense of hearing but are still  
19 functional with or without a hearing aid;

20 (5) *Learning disabilities* – those, although normal in  
21 sensory, emotional and intellectual abilities, have a  
22 condition that causes impediment/impairment in  
23 perception, comprehension, listening, thinking, reading,  
24 writing, spelling or arithmetic;

25 (6) *Multiple disabilities* – those with more than one (1)  
26 disability such as the deaf-blind or those diagnosed with  
27 autism and intellectual disability;

28 (7) *Neuropsychological retardation/intellectual disability* –  
29 those who have substantial limitation in present  
30 functioning characterized by significant sub-average  
31 intellectual functioning coexisting with other limitations in  
32 two (2) or more of the following applicable adaptive skill  
33 areas: communication, self-care, home living, social

1 skills, community use, self-direction, health and safety,  
2 functional academics, leisure and work;

3 (8) *Orthopedic/physical disabilities* – those whose  
4 impairment permanently or temporarily cause difficulty in  
5 mobility and all activities of daily life;

6 (9) *Special health problems* – those who have health  
7 conditions that tend to keep them out of school, or those  
8 with chronic and/or debilitating illnesses such as cardiac  
9 disease, asthma, diabetes, tuberculosis and other  
10 respiratory ailments, carcenonza, epilepsy and  
11 malnutrition;

12 (10) *Speech impairment and delays* – those who have  
13 difficulty in expressing or articulating words in a manner  
14 understandable to others; and

15 (11) *Visual impairment* – those who are blind or have low  
16 vision. Persons are blind if they have visual capacity of  
17 20/200 or less in the better eye after maximum correction.  
18 Low vision persons retain relatively low degree of vision  
19 and can read only enlarged print or regular print under  
20 special conditions;

21  
22 (c) *Handicap* refers to a disadvantage of an individual, resulting from  
23 an impairment or a disability that limits or prevents the function or  
24 activity that is considered normal, given the age and gender of the  
25 individual;

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

28 (e) *Individual Education Program* refers to the systematic, purposive  
29 and developmental educational programming of curricular and  
30 instructional priorities and contents designed to meet a learner's  
31 special needs and aimed at ensuring mastery learning of target  
32 skills and behaviors;

33 (f) *Learning differences* refer to any of the following: (1) A physical or  
34 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 nongovernmental 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 mainstream education; and

(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.

SEC. 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 the recommendation of the Schools Division Superintendent and the approval of the Secretary of the Department of Education (DepED).

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

SEC. 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 could be integrated/included in regular schools;
- (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 noneducational, 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;
  - (6) Other similar services and actions or all types of aids and services that facilitate the learning process of children with special needs; and
  - (7) Assist, facilitate and monitor the transfer or admission of qualified children with disabilities to post-secondary or tertiary education institutions.



1  
2 SEC. 7. *Staffing and Responsibilities.* – In addition to teachers with special training  
3 to handle children with special needs, each SPED Center shall have a Program  
4 Director, an Administrative Core and Placement Committee and itinerant SPED  
5 teachers as manpower complement:  
6

7 (a) Program Director – The Program Director shall:

- 8 (1) Head the SPED Center;  
9 (2) Administer and supervise the SPED Center programs;  
10 (3) Oversee the other components of the special  
11 education program;  
12 (4) Monitor, supervise and provide technical assistance,  
13 training and enhancement programs to SPED  
14 personnel;  
15 (5) Issue procedures for referrals and placement;  
16 (6) Form and supervise the placement committee; and  
17 (7) Resolve disagreements on placement and services.  
18

19 (b) Administrative Core and Placement Committee – The Placement  
20 Committee shall, in consultation with and active participation of parents  
21 and developmental pediatrician among others, ensure that students  
22 with disabilities are educated by appropriate qualified personnel as  
23 close as possible to their homes and alongside with their age-  
24 appropriate peer groups. It is also tasked to develop and maintain a  
25 databank on special education in its respective jurisdiction. This  
26 Committee shall be composed of:  
27

- 28 (1) Any one (1) of the following: Developmental  
29 Pediatrician, Neurological Psychiatrist, Educational  
30 Psychologist or Psychometrician;  
31 (2) One (1) Physical Therapist;  
32 (3) One (1) Occupational Therapist;  
33 (4) One (1) Speech and Language Therapist/Speech  
34 Correction Teacher;

- 1 (5) One (1) Reading Specialist; and  
2 (6) The SPED Center Program Director.  
3

4 (c) Itinerant SPED Teachers – Itinerant SPED teachers shall be  
5 appointed whenever necessary. They shall share responsibility for  
6 program planning and scheduling, and assist isolated or remote  
7 schools with specialized equipment, individual programs, curriculum  
8 adjustment, teaching aids and building modifications. They shall  
9 likewise reach out to children with special needs who have  
10 accessibility and mobility limitations.  
11

12 SEC. 8. *Remuneration and Benefits for SPED Center Personnel.* – The salary  
13 grades of SPED teachers and Program Directors managing the SPED Centers shall  
14 be in accordance with the Revised Compensation and Position Classification System  
15 and other civil service rules and regulations.  
16

17 The DepED shall enhance the right of the teachers/instructors to professional  
18 advancement and ensure that the SPED Centers shall attract the best available  
19 teaching staff and talents through adequate remuneration, scholarship and training  
20 grants, teacher exchange programs, incentives and allowances and other means of  
21 securing their job satisfaction and fulfillment as well as their long and stable tenure in  
22 their respective posts. A similar program shall be designed for support personnel to  
23 include interpreters, psychologists and social workers involved in the education and  
24 rehabilitation of children with special needs.  
25

26 The DepED shall identify at least one (1) leading institution or university in  
27 Luzon, Visayas and Mindanao whose faculty is considered or regarded as highly  
28 competent in the area of special education and where a uniform or standardized  
29 curriculum for any post-graduate education program shall be designed to benefit  
30 SPED teachers and other personnel of SPED Centers. The manner of selection of  
31 such institution shall be provided under the rules and regulations to be formulated to  
32 implement the provisions of this Act.  
33

1 SEC. 9. *Authority of the Secretary of Education to Give Grants to, or Enter Into*  
2 *Cooperative Arrangements for the Creation of SPED Centers.* – The Secretary of  
3 Education is hereby authorized to give grants to, or enter into cooperative  
4 arrangements or contracts with public or private nonprofit agencies, institutions or  
5 organizations for the establishment or creation of SPED Centers or the  
6 implementation of programs such as the following:

- 7
- 8 (a) Technical assistance to SPED Centers;
  - 9 (b) Training of professionals or related services personnel including all  
10 regular teachers who are preparing to serve or are serving children  
11 with special needs for inclusion and mainstreaming;
  - 12 (c) Replication of successful innovative approaches in providing  
13 educational or related services to children with special needs;
  - 14 (d) Facilitation of parental involvement in the education of their children  
15 with special needs;
  - 16 (e) Diagnosis and educational evaluation of children with special  
17 needs;
  - 18 (f) Consultative, counseling and training services for the families of  
19 children with special needs; and
  - 20 (g) Familiarization of the municipality or city being served by a SPED  
21 Center with the problems and potentialities of such children.
- 22

23 SEC. 10. *Continuing Research to Identify the Needs of Children With Special Needs.*  
24 – The DepED, by itself or in coordination with organizations or institutions, shall  
25 undertake continuing research to identify and design programs that shall meet the  
26 full range of needs of children with special needs: *Provided,* That such continuing  
27 research shall also be used to develop instructional techniques for use by the SPED  
28 Centers towards improving the children's acquisition of skills necessary for their  
29 transition to independent living, vocational training or competitive development:  
30 *Provided, further,* That such continuing research shall be used by the DepED in  
31 designing a physical education and therapeutic recreation program to be used by the  
32 SPED Centers to increase the potential of the children for community participation.

33

1 SEC. 11. *Student Assistance.* – The DepED shall provide financial assistance to the  
2 marginalized or disadvantaged children with special needs at the elementary and  
3 secondary levels which may come in the form of scholarship grants; allowances for  
4 transportation, food, lodging and books; student loan programs; artistic and cultural  
5 tours; training programs; subsidies; and other incentives. These include those who  
6 lack access to rehabilitative services and educational opportunities due to being  
7 poor, as defined in Republic Act No. 8425, otherwise known as the “Social Reform  
8 and Poverty Alleviation Act”, have been abandoned, are ill, or are neglected.

9  
10 Marginalized or disadvantaged children with special needs coming from  
11 indigenous communities shall be given priority in the grant of assistance. Special  
12 equipment like wheelchairs, crutches, special toilet and hygiene requirements;  
13 hearing aids, eyeglasses and such other assistive devices required by the students  
14 to optimize education and participation in the educational process shall also be  
15 provided for free or at discounted rates to deserving students, and at very affordable  
16 rates, in general, through a reasonable funding scheme that shall be designed by the  
17 DepED.

18  
19 SEC. 12. *Recreational and Artistic Opportunities.* – The DepED shall institute a  
20 program for children with special needs that will afford them full opportunities for:

- 21  
22 (a) Safe and wholesome individual as well as interactive group  
23 recreation and social activities;  
24 (b) Optimal use of their leisure hours; and  
25 (c) Advancement of their physical, mental, social and cultural  
26 development.

27  
28 SEC. 13. *Special Instructional Materials.* – Publishers shall grant the DepED the  
29 authority to transcribe adopted instructional materials into Braille, large type and  
30 audio-tape, without penalty or payment of royalty in accordance with Republic Act  
31 No. 8293, otherwise known as the “Intellectual Property Code of the Philippines”.  
32 Further, a publisher of a newly adopted instructional material shall provide, not later  
33 than the second working day after the adoption of a textbook title by the DepED, the

1 computerized files as specified by the DepED which may be copied and distributed  
2 upon request, to a Schools Division for instructional purposes.

3  
4 Copies of these instructional materials shall be furnished without cost to either  
5 the children with special needs or the teacher who is handling their instruction.

6  
7 SEC. 14. *Incentives for Private Sector Participation.* – Partnership between the  
8 government and private institutions catering to the needs of children with special  
9 needs shall be encouraged. All revenues generated by the SPED Center in public  
10 elementary and secondary schools, owned, operated and controlled by the DepED  
11 shall be exempt from income tax. Any donation, contribution, bequest and grant  
12 which may be made to the SPED Center shall be exempt from donor's tax and the  
13 same shall be considered as allowable deduction from the gross income in the  
14 computation of the income tax of the donor, in accordance with the provisions of  
15 Republic Act No. 8424, otherwise known as the "National Internal Revenue Code of  
16 1997", as amended: *Provided*, That such donations shall not be disposed of,  
17 transferred or sold. Economic, technical and cultural books and publications shall be  
18 imported duty-free upon certification by the DepED that such imported books and  
19 publications are for economic, technical, vocational, scientific, philosophical,  
20 historical or cultural purposes, in accordance with the provisions of the Tariff and  
21 Customs Code, as amended.

22  
23 SEC. 15. *Establishment of Specialized Day Care Centers.* – Day care centers  
24 especially designed for pre-school children and their parents, where early  
25 identification of disabilities and special needs and introductory educational and  
26 intervention programs will be administered, shall also be established near or within  
27 existing SPED Centers, or in other Centers that shall be created by the DepED with  
28 the support of the Department of Social Welfare and Development (DSWD) and the  
29 local government unit (LGU) in the area. As far as practicable, the use of existing  
30 day care centers and facilities shall be maximized.

31  
32 SEC. 16. *Nutritional Programs.* – The National Nutrition Council (NNC) shall  
33 determine and prescribe appropriate nutritional programs for children with special  
34 needs for implementation by the Department of Health (DOH) and the DepED.

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

8  
9 SEC. 18. *Local Government Unit Participation.* – The LGUs may make use of their  
10 SPED Fund for the following:

11 (a) Provision of sites, buildings or centers where there are no existing  
12 school facilities that may be used for the special education of children  
13 with special needs, as well as the establishment of a day care center  
14 pursuant to Section 15 hereof;

15 (b) Identification, coordination and the tapping of public or private  
16 volunteers and private organizations, national or international, for  
17 information dissemination campaigns, funding programs and other  
18 projects to augment the funding for SPED programs and equipment,  
19 among others; and

20 (c) Provision of counterpart funds for nutritional programs and the  
21 training and seminars of parents and teachers, nutritional programs for  
22 children with special needs in their respective localities that would be  
23 initiated by the DepED, in coordination with the Department of Budget  
24 and Management (DBM) and the Department of Finance (DOF).

25  
26 SEC. 19. *Public Information, Education and Communication.* – A nationwide  
27 information dissemination campaign on the prevention, early identification and the  
28 strategic intervention programs for children with special needs shall be intensified.  
29 This shall be the joint responsibility of the Philippine Information Agency (PIA), the  
30 Council for the Welfare of Children (CWC) and the DepED. Likewise, the DepED, in  
31 collaboration with the DOH and the Department of Labor and Employment (DOLE),  
32 shall disseminate materials and information concerning effective practices in working  
33 with, training and educating children with special needs.

1 SEC. 20. *Appropriations.* – The Secretary of the DepED shall immediately include in  
2 the Department's program the implementation of this Act, the funding of which shall  
3 be included in the annual General Appropriations Act.

4  
5 SEC. 21. *Implementing Rules and Regulations.* – The DepED, in coordination with  
6 the DSWD, the Department of the Interior and Local Government (DILG), the DOH,  
7 the DOF, the Bureau of Internal Revenue (BIR), the CWC and the National Council  
8 on Disability Affairs (NCDA), shall promulgate and issue the necessary guidelines for  
9 the creation and operation of SPED Centers within sixty (60) days after the effectivity  
10 of this Act.

11  
12 SEC. 22. *Separability Clause.* – If, for any reason, a provision or part hereof is  
13 declared invalid, other provisions not affected thereby shall remain in full force and  
14 effect.

15  
16 SEC. 23. *Repealing Clause.* – All laws, decrees, executive orders, rules and  
17 regulations contrary to or inconsistent with the provisions of this Act are hereby  
18 repealed or modified accordingly.

19  
20 SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication  
21 in the *Official Gazette* or in a newspaper of general circulation.

22  
23 *Approved,*  
24