

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

'04 JUN 30 P12:02

SENATE

S. NO. 29

RECEIVED BY: 

Introduced by Senator Flavier

EXPLANATORY NOTE

The democratization of access to quality education particularly for children and youth with special educational needs such as the gifted, the gifted but physically handicapped, the fast learners, the mentally retarded, the visually impaired (blind), the hearing-impaired (deaf), the orthopedically handicapped, the speech defectives, those with behavior problems, those with learning disabilities and those with special health problems and others have not received as much attention as it should have. Of the approximately 4,000,000 children and youth with special needs between the ages 0 and 21 in the country, only 74, 965 are being served through our present special education program. Thus, of the 13% universal estimate of children and youth with special needs, the Philippines has been able to serve less than 2% of this sector.

The progress of special education has been hampered by various complaints. Besides the lack of classrooms, physical facilities and special equipment suitable to the needs of the disabled, the dearth of specially trained teachers and school administrators for the various exceptionalities has remained a perennial problem. As of 1989, only 1,274 teachers across the country have been trained for the abovementioned children and youth with special needs, one reason why only less than 2% of the total number of these minors can be served. Parent education is an urgent need in the campaign to enhance home-school relationships and to maximize their sense of competence and involvement in the education of their handicapped and as well as the gifted children.

Over the years, the Bureau of Elementary Education has worked for the improvement of the delivery system despite and against any constraints. These efforts can only be sustained if they are anchored on a legal mandate that fully supports and ensures the continuity of long-term programs to help develop the potential of handicapped and gifted persons. In this way, self-reliance that has been wanting among the handicapped who are potential assets to themselves and to the country could be developed.

With the advent of the worldwide movement of Education for All (EFA), adequate provision for the education of the handicapped and the gifted will contribute to the achievement of its objectives which emphasizes the eradication of illiteracy, greater effectiveness of learning for all and the acquisition of basic skills, knowledge and attitudes to empower them for a better quality of life.

As an expression of our deep concern to this sector of our society and to give fuller meaning to the democratization of education towards their upliftment, this bill is recommended for immediate approval.


JUAN M. FLAVIER
Senator

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**AN ACT
TO EXPAND AND REVITALIZE THE SPECIAL EDUCATION PROGRAM FOR
GIFTED AND HANDICAPPED CHILDREN AND YOUTH IN THE PHILIPPINES**

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 “Gifted and Handicapped Children and Youth Act.”

SEC. 2. Declaration of Policy. – The State shall recognize the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress, and promote human liberation and development.

SEC. 3. Special Education Program. – Pursuant to the foregoing policy, there shall be established in every school division a comprehensive special education program for handicapped and gifted children and youth in the pre-elementary, elementary, and secondary levels throughout the country with the following essential program components.

- (a) Educational diagnosis and assessment essential to the proper identification of gifted and handicapped children and youth.
- (b) Teacher education (pre-service and continuing in-service training) for teaching and non-teaching personnel to ensure staff competence;

- (c) Expanded curriculum development and evaluation to meet the diversified needs of the clientele;
- (d) Continuing research as basis for improvement of instruction at the pre-elementary, elementary and secondary levels and in planning and service programming activities including the purchase of special facilities and equipment; and
- (e) Parent-education informing them of available services, placement options and other relevant information to enable them to make informed decisions.

SEC. 4. *Definitions.* – For purposes of this Act, the term

- (a) “Gifted” shall refer to one who shows advanced development and potential for at least above average verbal or linguistic intelligence, logical or mathematical intelligence, body or kinesthetic intelligence, visual or spatial intelligence, musical or rhythmic intelligence or leadership ability.
- (b) “Handicapped” shall refer to one who has a physical or mental impairment that substantially limits one or more of his/her psychological, physiological or anatomical functions.
- (c) “Secretary” shall refer to the Secretary of the Department of Education, Culture and sports.

SEC. 5. *Organization.* – Every public school division throughout the country shall organize special classes for gifted and handicapped children and youth in the pre-elementary, elementary and secondary levels. The organization of pre-school classes for these children and youth shall be strongly encouraged to ensure early educational intervention.

Every public school division shall also organize special education centers which shall include non-formal and outreach program for out-of school children and youth.

SEC. 6. *Special Services.* – Special schools and special education centers shall offer a range of special services which shall include medical, psychological and social services, diagnostic counseling, vocational and recreational services. Regular schools within the school division with special education classes shall have access to the above services.

SEC. 7. *Provision for Continuing Research to Identify Special Needs of Gifted and Handicapped Children and Youth.* – The Special Education Division of the Department of Education, Culture and Sports, by itself or in association with such organizations or institutions as are determined by the Secretary to be appropriate, shall undertake continuing research to identify and design a comprehensive special educational program that meets the full range of special needs of gifted and handicapped children and youth: *Provided*, That such continuing research shall also be used to develop instructional techniques for use by special education centers that will improve the acquisition by handicapped children and youth of skills necessary for transition to independent living, vocational training, or competitive employment; *Provided, finally*, That such continuing research shall further be used to design physical education and therapeutic recreation program for use by special education centers to increase the potential of handicapped children and youth for community participation.

SEC. 8. *Skills training.* – Vocational education and training shall be provided and strengthened to render handicapped children and youth more skillful and competitive.

SEC. 9. *Teacher's Item.* – Wherever requirements are met, the salary grade of teachers handling special education classes shall be two grades higher than that of a regular teacher and their present items shall be reclassified to special education teacher items. Items for special education supervisor in each public school division and head teachers of special Education centers shall be created for effective administration and supervision of the comprehensive special education program.

SEC. 10. *Provision for Training of Personnel.* – The Department of Education, Culture and Sports, in collaboration with the Commission on Higher Education and the Technical Education and Skills Development Authority, shall develop special education courses for adoption and implementation by accredited higher education institutions; *Provided*, That such courses shall include subjects on: (a) special education and adaptive physical education; (b) special education supervision and administration; and (c) special education research; *Provided, finally*, That the Secretary may make grants, which may include scholarships with necessary stipends and allowances, to institutions of higher education and universities which already offer such or similar courses.

SEC. 11. *Teacher Training.* – All teacher training institutions, public or private, offering Bachelor's degree in Education shall include Special Education subjects as basic knowledge to students in teacher education.

SEC. 12. *Authority of the Secretary of Education, Culture and Sports.* – The Secretary of Education, Culture and Sports is charged with the administration and enforcement of the provisions of this Act and shall promulgate and issue that necessary implementing rules and regulations within sixty (60) days from the effectivity of this Act. A copy of such rules and regulations shall furnish the Congress of the Philippines.

He /She is hereby authorized to organize a group under his/her office to intensify the supervision and development efforts on special education at the elementary and secondary levels, including out-of-school children and youth.

SEC. 13. *Dissemination of Materials and Information Concerning Working Practices with Gifted and Handicapped Children and Youth.* The Secretary, in collaboration with the Secretary of Health and Secretary of Labor and Employment, shall disseminate materials and information concerning effective practices in working with, training and educating gifted and handicapped children and youth.

SEC. 14. *Appropriation.* – The initial amount of Fifty Million Pesos (P50,000,000.00) is hereby authorized to be appropriated out of the President's Organization Adjustment Fund to carry out the provisions of this Act on the year of its approval. Thereafter, such sums as may be necessary to sustain and maintain the program mandated in this Act shall be included in the budget of the Department of Education, Culture and Sports in the General Appropriations Act.

SEC. 15. *Incentives for Private Individuals/Entities.* – Any donations, gifts, bequests in the form of cash, building, land or improvements thereon, from private entities as well as private corporations, which shall be made to the Department of Education, Culture and Sports for the purposes of this Act, shall constitute allowable deduction from the income of the donor for income tax purposes and shall be exempted from donor's tax, subject to such conditions as provided under the National Internal Revenue Code.

SEC. 16. *Repealing Clause.* – Any law, act, decree, order, proclamation or regulation or part thereof inconsistent with this Act is hereby repealed or modified accordingly.

SEC. 17. *Separability Clause.* – In the event that any provision of this Act, or part thereof, it is hereby declared invalid or unconstitutional, the remaining provisions thereof shall be considered valid and binding.

SEC. 18. *Effectivity.* – This Act shall take effect after fifteen (15) days from its publication in the Official Gazette or in a newspaper of general circulation.

Approved,