

10 JUL 13 2016

SENATE

S.B. No. 1427

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

This bill seeks to provide free special pre-elementary and elementary education to minor handicapped children to promote their integration in and realize their great potential as productive members of the society.

Section 1, Article XIII of the Philippine Constitution mandates that Congress give the highest priority to the enactment of measures that protect and enhance the right of all people to human dignity, and reduce social, economic, and political inequalities. Section 13, Article XIII of the same organic law provides that, "The State shall establish a special agency for disabled persons for their rehabilitation, self-development and self-reliance, and their integration into the mainstream of society."

The 2000 Census by the National Statistics Office reported that a total of 942,098 persons or 1.23 percent of the total population in the country had disabilities. In a paper presented before the World Bank, Venus Ilagan, President of Disabled Peoples' International, estimates that thirty to forty percent (30%-40%) of the total disability population in the Philippines are composed of children.

There are currently 94 special education institutions (including The Philippine National School for the Blind, National School for the Deaf and other private institutions), 14 special education centers which are set up within existing schools, 19 boarding schools, 2 hospital schools and 4,292 special education classes in public schools. There are 23 schools that have an integrated education program and in areas where Community-based Rehabilitation (CBR) services are provided schools have integrated education (as of 1993). Those persons with disabilities whom receive education in educational facilities are limited. It is shocking that only 2% of persons with disabilities of school age are enrolled in formal educational institutions, according to the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP).

Socio-economic conditions and the lack of capacities to help children with disabilities are main causes of the continued poor conditions they experience. Because most of these children come from impoverished families they certainly do not have the means to attain specialized education; many of them are kept hidden and their families forbid social interaction with other members of the community - to the detriment of the growth and development of the disabled child.

It is therefore imperative that the State provide them with free facilities for growth and development, to give them opportunities for better integration into society. This bill

aims to provide free education for children with disabilities during their formative years. Under this proposed measure, a child is a person with disability if such child who has not yet reached the age of majority and not gainfully employed, is suffering from severe physical, mental or psychological defect, as determined by the Act's implementing agencies. Whenever necessary and feasible, a Special Education Center shall be established in each and every province, city and municipality to provide free specialized pre-elementary and elementary education to them.

In view of the foregoing, immediate passage of this bill is earnestly sought.



LOREN LEGARDA

Senator

10 JUL 13 9:16

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S.B. No. 1427

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Introduced by Senator Loren Legarda

AN ACT
PROVIDING FREE AND SUITABLE PUBLIC EDUCATION FOR CHILDREN
WITH DISABILITIES AND APPROPRIATING FUNDS THEREFOR

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

Section 1. It is the declared policy of the State to protect and promote the right of all citizens to quality education at all levels of education and to make appropriate steps to make such education accessible to all. It shall promote non-formal, informal, and indigenous and out-of-school study programs, particularly those that respond to community needs, the disabled and the handicapped.

Towards this end, the State shall provide a free and suitable public education for handicapped children under a special education program with the end in view of insuring their survival and advancement and making them productive partners for national development.

Sec. 2. It shall be the purposes of this Act to:

- a) Establish a special education program that shall cater to the needs of the disabled, and the mentally and physically handicapped;
- b) Provide full financial and educational assistance to handicapped children of the country; and
- c) Help the development and rehabilitation of handicapped children through said special education program.

Sec. 3. For purposes of this Act the following shall mean:

a) **Child with Disability** is one who has not reached the age of majority, is not gainfully employed and is suffering from severe physical, mental or psychological defect as determined by the Department of Education (DepEd) or the Department of Social Welfare and Development (DSWD);

b) **Suitable Public Education** refers to a course, profession, skill or program prescribed by the DepEd to a handicapped child taking into consideration the child's aptitude, handicap and talents.

Sec. 4. A special education center shall, whenever possible, be established in the provincial, city and municipal levels for this purpose. Said special education center

shall, as much as possible, provide for pre-elementary and elementary level of education with maximum opportunities for integration with non-handicapped peers.

Sec. 5. The benefits that will be given to qualified handicapped children shall include tuition fees, textbook allowance, transportation allowance and ambulatory equipment or devices, as may be necessary. Special services such as note-takers and readers for the blind, sign interpreters for the deaf and tutorial instruction shall also be offered.

Sec. 6. A Special Education Development Fund is hereby established with an initial capital outlay of Fifty Million Pesos (P 50,000,000.00) to be taken from the appropriations for the Department of Education under the current General Appropriation Act. Thereafter such sum as may be necessary for its continued operations and maintenance shall be included in the annual General Appropriations Act.

Sec. 7. The Department of Education in coordination with the Department of Social Welfare and Development shall promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 8. Repealing Clause. All laws, presidential decrees, executive orders, rules and regulations are contrary to the provision of this Act are hereby repealed or modified accordingly.

Sec. 9. Separability Clause. If any part or provision of this Act shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue in full force and effect.

Sec. 10. Effectivity. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in at least two (2) newspapers of general circulation, whichever comes first.

Approved,