
Introduced by Senator Juan Miguel F. Zubiri

EXPLANATORY NOTE

The care of children with special needs (CSNs) is one of the most sublime acts. The spectrum of their needs is as wide as their mental characteristics, sensory abilities, neuromuscular or physical characteristics, social abilities, handicaps and development lag. While caring for them is an opportunity for doing good, the same carries costs e.g. financial and emotional, that are often shouldered by the child's family alone.

This Bill provides for the establishment of a Special Education (SPED) Center for each school division and at least three SPED Centers in big school divisions. Each SPED Center will have one teacher each for the following CSNs : Mentally Gifted, Mentally Retarded/Handicapped, Visually Impaired, Hearing Impaired, Autistic, Learning Disabled and children with behavior problems. It also provides for the appointment of itinerant SPED teachers who will render service on a needs basis. Likewise, it proposes the creation of the Bureau of Special Education (BSE).

Economically marginalized students with special needs in all levels shall be provided financial assistance in the form of scholarship grants, allowances for food, transportation, board & lodging, books, or student loan programs, art and cultural tours, trainings and programs, subsidies and other incentives. Medical assistance and specialized day care centers will also be established.

In order to allow CSNs to develop into their highest potential, their care should be a service carried out together by the community and government in sustainable programs. Hence, the SPED program shall be funded at P600 Million per year for five years. Also, a supplementary appropriation of P20 Million to be sourced from the President's Social Fund and the Philippine Gaming Corporation shall be provided to the BSE as a reserve fund.

The United Nations Convention on the Rights of the Child says every child "should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community", and, children with special needs more so.

The immediate passage of this Bill, is, therefore, respectfully sought.


JUAN MIGUEL F. ZUBIRI

SENATE

S. No. 2358

Introduced by Senator JUAN MIGUEL F. ZUBIRI

**AN ACT
ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION CENTER FOR EACH
SCHOOL DIVISION AND AT LEAST THREE (3) SPECIAL EDUCATION CENTERS IN
BIG SCHOOL DIVISIONS FOR CHILDREN WITH SPECIAL NEEDS, GUIDELINES
FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND
SUPPORT**

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

1 **SECTION 1. Short Title.** - This Act shall be known as the "Special Education Act
2 of 2010."
3

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

9 It is also the policy of the State to give full support for their welfare and
10 development to ensure their full integration to society as well as to facilitate their active
11 participation in the affairs of the State. Towards this end and also pursuant to the
12 mandate stated in Section 13 of Article 2, Sec. 13 of Article 13 of the 1987 Constitution,
13 Article 3 of P.D. 603, and Sections 12 to 14 of Republic Act No. 7277, the State shall
14 institutionalize an adequate and relevant education program for every child with special
15 needs through the establishment of Special Education (SPED) Centers and of their vital
16 support mechanisms. Thus, all CSN's, irrespective of the degree of sensory, physical or
17 intellectual disability or needs, will have the opportunity to be educated in the most
18 educationally enhancing environment consistent with the provision of a quality
19 education that best meets their needs.
20

1 **SECTION 3. Objectives.** - The objectives of the Special Education Act of 2010

2 are:

3 (A) To provide access to basic education among CSN's namely the gifted/talented, the
4 mentally retarded, the visually impaired, the hearing impaired, the
5 orthopedically/physically handicapped, the learning disabled, the speech defective,
6 the children with behavior problems, the autistic children and those with the health
7 problems through the formal system and other alternative delivery services in
8 education;

9 (B) To ensure that CSN's fully develop their abilities, talents, interests and all aspects of
10 their development to become more responsible for their lives and more effective
11 partners in all the affairs and concerns of the country;

12 (C) To ensure that CSN's understand, appreciate and respect differences amongst
13 groups and members in society and also to understand the nature of society in
14 which they live;

15 (D) To inform the parents about the full continuum of services, possible placement
16 options during discussions about their children's education and other relevant
17 information to enable them to make informed decisions and choices;

18 (E) To equip the parents and other caregivers and the teachers with the capabilities to
19 identify, prevent, refer and intervene with the developmental disorders and
20 disabilities of children as well as in the relevant individual programming planning for
21 the student where such program differs significantly from the standard curriculum
22 and other matters that enhance the role of parents and other caregivers as the
23 primary educators and caregivers of their children from birth onwards;

24 (F) To involve private groups, local government units and national agencies other than
25 the Department of Education (DepEd) in the education of children with special
26 needs;

27 (G) To effectuate significant and positive changes in community attitudes towards
28 disability and the need to provide special education, care and other needs of
29 children with special needs.

30
31 **SECTION 4. Definition of Terms.** - For purposes of this Act, these terms are

32 defined as follows:

33 (A) *Disability* shall mean –

34 (1) A physical or mental impairment that substantially limits one or more
35 psychological, physiological or anatomical function of an individual;

36 (2) A record of such impairment;

37 (3) Being regarded as having such impairment.

- 1 (B) *Impairment* is any loss, diminution or aberration of psychological, physiological or
2 anatomical structure or function;
- 3 (C) *Handicap* refers to a disadvantage for a given individual, resulting from an
4 impairment or a disability, that limits or prevents the functions or activity that is
5 considered normal given the age and sex of the individual;
- 6 (D) *Disabled persons* are those suffering from restriction or different abilities, as a result
7 of a mental, physical, sensory or neurological impairment, to perform an activity in
8 the manner or within the range considered normal for a human being;
- 9 (E) *Marginalized/disadvantaged disabled persons* refer to disabled person who lack
10 access to rehabilitative services and educational opportunities due to poverty,
11 abandonment, illness and other forms of neglect. For purposes of this Act, the word
12 "poor" are those who either have no means of livelihood or have incomes below
13 threshold;
- 14 (F) *Children and youth with special needs* are the gifted and fast learners and those
15 who are disabled, impaired and handicapped persons in need of special education
16 as well as service for rehabilitation. He/she differs from the average child in -
- 17 (1) Mental characteristics;
 - 18 (2) Sensory abilities;
 - 19 (3) Neuromuscular or physical characteristics;
 - 20 (4) Social abilities;
 - 21 (5) Multiple handicaps; and/or
 - 22 (6) Has a developmental lag to such as an extent that he requires modified
23 school practices or special education services to develop to his/her maximum
24 capability. They include person aged zero to twenty one (0-21) years old and
25 may be as follows:
- 26 (a) Gifted Children and Fast Learners are those capable of superior performance
27 and these include those with demonstrated achievement or potential ability in
28 one or more of the following areas: general intellectual ability, specific
29 academic aptitude, creative or productive thinking ability, leadership ability or
30 those individuals who consistently manifest the following cluster of traits:
31 above average ability (including intelligence), high creativity (implies the
32 developmental appreciation of innovative ideas) and high tasks commitment
33 (related to a high degree of motivation) and those who by reason thereof,
34 require services or activities not ordinarily provided by the school.
 - 35 (b) The Mentally Handicapped/Mentally Retarded are those who have substantial
36 limitation in present functioning characterized by significant sub-average
37 intellectual functioning, existing concurrently with related limitations in two or
38 more of the applicable adaptive skill areas; communication, self-direction,

1 home living social skills, community use, self-direction, health and safety,
2 functional academics, leisure and work.

3 (c) The Visually Impaired are those who are blind or have low vision. A person is
4 blind if he/she has a visual capacity of 20/200 or less in a better eye after
5 maximum correction. The low vision person retains a relative low degree of
6 vision and can read only enlarged print or regular print under special
7 conditions.

8 (d) The Hearing Impaired are those who are deaf or hard-of hearing. The deaf
9 person is one whose hearing is non-functional for ordinary purposes in life.
10 The hard-of hearing has a sense of hearing which although defective is
11 functional with or without a hearing aid.

12 (e) Student/Children with Behavior Problems are those who cannot adjust to the
13 socially accepted norms or behavior and, consequently disrupt their
14 academic progress, the learning effort of their classmates and interpersonal
15 relations.

16 (f) The Orthopedically Handicapped are those whose impairment permanently or
17 temporarily interferes with the normal functions of the joints, muscles or
18 limbs.

19 (g) Special instructional materials means a textbook in Braille, large type or any
20 other medium or any apparatus that conveys information to a student or
21 otherwise contributes to the learning process.

22 (h) Private sector participation encompasses all forms of indispensable,
23 substantial and meaningful participation of private individuals, partnerships,
24 groups or entities, community-based organizations or non-governmental
25 organizations in the delivery of educational and rehabilitative services for
26 students and children with special needs.

27 (i) Basic Education consists of at least six (6) years of elementary education and
28 at least four (4) of secondary education including pre-school education.

29 (j) Special Education is basic education that takes into account the special needs
30 of both disabled children and gifted children that requires a systematic and
31 deliberate process for them to achieve functional literacy and which will bring
32 the individual to the highest level of his potential and capacity. It is also
33 defined as that type of education tailored to meet the needs of children who
34 cannot profit because of disabilities or exceptional abilities.

35 (k) Functional Literacy is the level of literacy necessary for the student or child to
36 become a useful citizen and effective member of the society.

37

1 **SECTION 5. Coverage.** - This Act shall cover students and children with special
2 needs nationwide.

3
4 **SECTION 6. Creation of the Bureau of Special Education.** - To attain the
5 objectives of this Act, the Bureau of Special Education (BSE), hereinafter referred to as
6 the Bureau, is hereby created to institutionalize and govern special education in the
7 Philippines. The Bureau is primarily tasked in the formulation and administration of an
8 appropriate curriculum and developmentally-suited programs to primarily achieve
9 functional literacy of the students/children with special needs and ensure their
10 integration to society. The full continuum of educational services shall also be made
11 available by the bureau to those CSN's below school age through regular home visits,
12 consultations, day care activities and any other proper medium or program.

13 BSE shall function as a regular bureau of the Department of Education, under the
14 direct supervision of the department secretary and to be headed by a director and
15 assistant director.

16 Three division chiefs shall serve as heads for the (1) Gifted Children Division
17 (GCD); (2) Children with Disabilities Division (CDD) and (3) Special Services and
18 Auxilliary Aids Division (SSAAD), with the staffing needs to be equitably distributed in
19 accordance with the current needs and concerns of their respective divisions. They shall
20 assist the director of the special education program.

21 The Philippine Printing House for the Blind under the existing organization
22 structure of DedEd shall become part of the SSAAD.

23
24 **SECTION 7. SPED Centers in Regular Schools. -**

25 (A) At least one (1) special education (SPED) center for each school division and at
26 least three (3) SPED centers in big school divisions shall be established in regular
27 schools, where there are no existing SPED centers. These SPED centers shall be
28 administered by the principal of the regular school.

29 (B) The SPED Center shall function as the Resource Center for the implementation of
30 inclusive education that will accept all kinds of children on regular schools. It shall:

- 31 (1) Support children with special needs integrated/included in regular schools;
32 (2) Assist in the conduct of school-based training;
33 (3) Produce appropriate teaching materials, and
34 (4) Conduct assessment of children with special needs.

35 (C) Each SPED Center shall have the following staff who shall have a (3) starting salary
36 classification of Grade 13:

- 37 (1) 1 SPED teacher for the Mentally Gifted;
38 (2) 1 SPED teacher for the Mentally Retarded/Handicapped;

- 1 (3) 1 SPED teacher for the Visually Impaired;
- 2 (4) 1 SPED teacher for the Hearing Impaired;
- 3 (5) 1 SPED teacher for the Autistic Children;
- 4 (6) 1 SPED teacher for the Learning Disabled;
- 5 (7) 1 SPED teacher for children with behavior problems.

6
7 (D) Regular teachers currently handling special education of children with special needs
8 shall henceforth be classified as SPED teachers with the same salary grade
9 classification as mentioned in the preceding paragraph.

10 (E) There shall be an assistant principal for each SPED Center. He/she shall administer
11 and supervise the alternative educational programs, early intervention programs,
12 monitoring, supervision and technical assistance and human resource
13 trainings/SPED personnel enhancement programs, referral and placement
14 procedures, advisory services and other components of the special education
15 program in his/her jurisdiction. He/she shall also be responsible for the formation
16 and supervision of placement committee under his/her jurisdiction as well as in the
17 resolution of disagreements on placement and services.

18
19 **SECTION 8. *Other Personnel of SPED Centers.*** - One educational
20 psychologist or psychometrician, one social worker, one education supervisor and one
21 medical health officer for each city and province shall be appointed who, among other
22 responsibilities, shall comprise the administrative core and placement committee of the
23 SPED unit in the area. They shall also be jointly tasked to develop and maintain a data
24 bank in special education in their respective jurisdictions. The placement committee
25 shall, among others, ensure that students with disabilities are educated as close as
26 possible to their homes and alongside their age-appropriate peer groups, and that these
27 students attend their local schools or travel the shortest distance possible in the
28 availment of educational services, in consultation with, and active participation of
29 parents.

30
31 **SECTION 9. *Itinerant SPED Teachers.*** – Itinerant SPED teachers shall also be
32 appointed whenever necessary and on a needs basis. He/she shall assist isolated or
33 remote schools with specialized equipment, individual programs, curriculum adjustment,
34 teaching aids and building modifications.

35
36 **SECTION 10. *Authority of the Secretary of Education to Give grants to, or***
37 ***Enter into Cooperative Arrangements for the Creation of SPED Centers.*** - The
38 Secretary of Education is hereby authorized to give grants to, or enter into cooperative

1 arrangements or contracts with public or private non-profit agencies, institutions or
2 organizations for the establishment or creation of SPED centers for children with special
3 needs: *Provided*, that a grant made pursuant to this Section may be made only for the
4 following or similar programs:

- 5 (A) Technical assistance of SPED centers providing educational assistance for
6 children with special needs (CSN's);
- 7 (B) Pre-service or in-service training of professionals or related services
8 personnel preparing to serve or serving CSN's;
- 9 (C) Replication of successful innovative approaches to providing educational or
10 related services to CSN's;
- 11 (D) Facilitation of parental involvement in the education of their CSN's;
- 12 (E) Diagnosis and educational evaluation of CSN's at risk of being certified
13 CSN's;
- 14 (F) Consultative, counseling and training services for the families of CSN's;
- 15 (G) Familiarization of the municipality or city to be served by a SPED center with
16 the problems and potentialities of such children.

17
18 **SECTION 11. *Provision for Continuing Research to Identify, Special Needs***
19 ***of CSN's.*** - The Bureau of Special Education, by itself or in association with such
20 organizations or institutions as are determined by the DepEd Secretary to be
21 appropriated, shall undertake continuing research to identify and design programs that
22 meet the full range of children with special needs: *Provided*, That such continuing
23 research shall also be used to develop instructional techniques for use by the SPED
24 Centers that will improve the CSN's acquisition of the skills necessary for transition to
25 independent living, vocational training or competitive development; *Provided, finally*,
26 that such continuing research shall further be used to design physical education and
27 therapeutic program for use by the Centers to increase the potential of CSN's for
28 community participation.

29
30 **SECTION 12. *Student Assistance.*** - The Bureau shall provide financial
31 assistance to economically marginalized but deserving students with special needs at
32 the elementary and secondary levels including any post-secondary or tertiary education
33 which may come in the form of scholarship grants, transportation allowance, food
34 allowance, board and lodging allowance, book allowance, student loan programs,
35 artistic and cultural tours, training and programs, subsidies and other incentives.
36 Marginalized disabled persons and those coming from indigenous communities shall be
37 the priority in the grant of the aforesaid assistance.

1 Special equipment like wheelchair, crutches, special toilet and hygiene
2 requirements, hearing aids, eyeglasses and the like by the students to optimize
3 education and participation in the educational process shall also be provided for free
4 and at discounted rates to deserving students and at very affordable rates in general
5 through a reasonable funding scheme that shall be designed by the Bureau.

6
7 **SECTION 13. *Medical Assistance.*** - The Bureau shall prepare a scheme that
8 will ensure adequate and free medical assistance and intervention programs, including
9 those essential to the student or child's rehabilitation like therapy, psychometric
10 assessments, medical examinations and the like with government clinics, hospitals and
11 other health facilities. In case the medical needs are not offered by the nearest or
12 accessible government clinics, hospitals and other health facilities, or cannot be
13 obtained by reason of critical immediacy or the need to obtain a more specialized or
14 advanced treatment, they can avail of the services of private clinics, hospitals and other
15 specialized agencies through tax incentives. For this purpose, as far as practicable or
16 on a case-to-case basis, as may be determined by the Bureau, health care insurance
17 programs may be instituted.

18
19 **SECTION 14. *Nutritional Programs.*** - The nutritional programs for CSN's shall
20 be supervised by the National Nutrition Council and the Department of Health in
21 coordination with the local government unit health officer.

22
23 **SECTION 15. *Establishment of Specialized Day Care Centers.*** - Day care
24 centers specially 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 those that will be created by the bureau with the support of the
28 Department of Social Welfare and Development and local government unit in the area.
29 As far as practicable, existing day care centers and facilities shall be maximized.

30
31 **SECTION 16. *Recreational and Artistic Opportunities.*** - The Bureau shall
32 institute a program for students or children with special needs to afford them full
33 opportunities for safe and wholesome recreation and activities, individual as well social,
34 for the wholesome use of his leisure hours and for the advancement of their physical,
35 mental, social and cultural development.

36
37 **SECTION 17. *Continuing Education and Assistance to Teachers/Instructors***
38 ***of Students with Special Needs.*** - The Bureau shall enhance the right of the

1 teachers/instructors to professional advancement and ensure that the teaching staff will
2 attract the best available talents through adequate remuneration, scholarship and
3 training grants, teacher exchange programs, incentives and allowances and other
4 means of securing job satisfaction and fulfillment as well as their long and stable tenure
5 in their respective posts. A similar program shall be designed for support personnel like
6 interpreters, psychologists, social workers and others also involved in the education and
7 rehabilitation of the child.

8
9 **SECTION 18. *Parent, Sibling and Caregiver Education.*** - There shall be a
10 formal training and counseling program for parents, siblings and caregivers for them to
11 acquire a working knowledge of special education, gain an understanding of the
12 psychology of children with special needs, be aware of their crucial role as educators
13 and gain knowledge and skills on how each parent, sibling, or caregiver could maximize
14 his/her services for the optimum development of the potentials of the child.

15
16 **SECTION 19. *Special Instructional Materials.*** - Publishers shall grant to the
17 DepEd through the Special Services and Auxiliary Aids Division (SSAAD) the authority
18 to transcribe adopted instructional materials into Braille, large type and audio-tape
19 without penalty or royalty. Furthermore, on or before the second working day after the
20 adoption of textbook titles by the DepEd, each publisher of newly adopted instructional
21 materials shall provide computerized files as specified by the DepEd which may be
22 copied and distributed to a school division, upon request, for instructional purposes.

23 Copies of these instructional materials shall be furnished without cost to either
24 the student or teacher who is blind or visually impaired. The materials are to be loaned
25 to the public school districts as long as needed and are to be returned to SSAAD when
26 no longer needed.

27
28 **SECTION 20. *Incentives to Private Sector Participation.*** - Partnership
29 between the government and private institutions catering to the needs of
30 students/children with special needs shall be encouraged. In this regard, the
31 Department of Education, in coordination with the Department of Finance, Department
32 of Interior and Local Government, Department of Science and Technology and
33 Department of Trade and Industry, shall draw up a scheme to provide incentives that
34 will include tax deductions, loan assistance, and technological or scientific assistance,
35 to encourage private participation in the education and rehabilitation of CSN's.

36
37 **SECTION 21. *Local Government Unit Participation.*** - The local government
38 units shall be responsible for the:

- 1 (A) Provision of buildings or centers and sites where there are no existing school
2 facilities that will house the special education of children /students with special
3 needs, as well as the establishment of day care centers as mentioned in Sec. 15;
- 4 (B) Organization of one (1) parent-teacher association in every school in their respective
5 jurisdictions offering special education to students/children with special needs;
- 6 (C) Identification, coordination and the tapping of public or private volunteers and
7 private organizations, national or international, for information dissemination
8 campaigns, funding programs and other projects to augment the funding of and
9 equipment for SPED programs and equipment, among others;
- 10 (D) Provision of counterpart funds for the training and seminars of parents and teachers
11 and nutritional programs for the students/children with special needs in their
12 respective localities to be determined by the Bureau, in coordination with the
13 Department of Budget and Management and the Department of Finance.
- 14

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

23

24 **SECTION 23. *Appropriations.*** - For the implementation of this Act, the amount
25 of Six Hundred Million Pesos (P600,000,000.00) per year for five (5) consecutive years
26 is hereby appropriated for the SPED program to be included in the General
27 Appropriation Act.

28 A supplementary appropriation in the amount of Twenty Million Pesos
29 (P20,000,000.00) to be sourced from the President Social Fund, and the Philippine
30 Gaming Corporation shall be provided to BSE as a reserve fund for every year of
31 operation immediately upon arrival of this Act. This shall be used exclusively to augment
32 funding for auxiliary aids and services.

33 Government incentives and support provided by the DepEd, DOF, DOH, DILG,
34 the Council for the Welfare of Children and the National Commission for the Welfare of
35 Disabled Persons shall also be included in their respective annual budgets in the
36 General Appropriations Act.

37

1 **SECTION 24. *Implementation.*** - The Department of Education through the
2 Bureau of Special Education, in coordination with the Department of the Interior and
3 Local Government, Department of Health, Department of Finance, Council for the
4 Welfare of Children, and National Council for the Welfare of Disabled Persons, shall
5 promulgate and issue the necessary guidelines for the creation and operation of SPED
6 Centers within sixty (60) days after the effectivity of this Act.

7
8 **SECTION 25. *Separability Clause.*** - If any provision or part hereof is held
9 invalid or unconstitutional, the remainder of the law or the provision not otherwise
10 affected shall remain valid and subsisting.

11
12 **SECTION 26. *Repealing Clause.*** - Any law, presidential decree or issuance,
13 executive order, letter of instruction, administrative order, rule or regulation contrary to
14 or inconsistent with, the provision of this Act is hereby repealed, modified or amended
15 accordingly.

16
17 **SECTION 27. *Effectivity Clause.*** - This Act shall take effect fifteen (15) days
18 after its publication in at least two (2) newspapers of general circulation.

19
20 Approved.