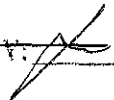


SENATE

'11 JUN -8 P4 :45

S. B. No. 2873

RECEIVED BY: 

INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

EXPLANATORY NOTE

A UNICEF survey, cited by the Department of Education (DepEd), found that 13% of Filipino children have some disabilities in one form or another. This is slightly higher than the World Health Organization (WHO) estimate that ten percent (10%) of any given population shall have some disabilities. Given their conditions, certain adjustments need to be made to cater to their educational needs.

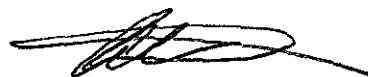
According to figures from DepEd, there are 155 special education centers throughout the 189 divisions of the DepEd with 1,176 SPED teachers to address the needs of these children. For school year 2008 - 2009, these centers catered to only 162,858 students or just around three percent (3%) of the expected children with special needs. Among the many reasons for this situation is the limited financial resources available to DepEd. The present facilities and programs of the DepEd is insufficient to meet the current requirements of children with special needs. Inasmuch as there is an unwavering effort to increase the budget of DepEd every year, exploring alternative sources of funding on top of the current effort may be a reasonable and practicable route.

The Special Education Fund (SEF) taken from the 1% of the Real Property Tax collection of local government units may be a viable source. This bill seeks to set aside 10% of the SEF of every local government unit for the purpose of supporting the programs of the DepEd for children with special needs. This bill further encourages local government units to allot a portion of their general fund in support of these programs or to fund their projects for the education of children with special needs.

This bill is in line with the mandate of Section 1, Article XIV of the Constitution provides that, "[t]he State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all", and Section 1, Article XIII which provides that: The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good.

To this end, the State shall regulate the acquisition, ownership, use, and disposition of property and its increments. No child should be neglected nor denied the support of the state. There is no reason to leave any child educationally-deprived especially those who are in most need of the support of government. A proper environment must be provided those special children so as not to take away from them the opportunity to succeed. Thus, it is the intention of this bill to ensure that resources are regularly and sustainably allocated nationwide for the education and well-being of children with special needs.

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

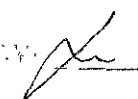


Senator Alan Peter "Compañero" S. Cayetano

11 JUN -8 P 4 :45

SENATE

S. B. No. 2873

REGISTERED BY 

INTRODUCED BY SENATOR ALAN PETER "COMPAÑERO" S. CAYETANO

AN ACT
ALLOCATING FUNDS FROM THE SPECIAL EDUCATION FUND FOR THE PROGRAMS OF
THE DEPARTMENT OF EDUCATION GEARED TOWARDS THE ADVANCEMENT OF THE
INTERESTS OF CHILDREN WITH SPECIAL NEEDS

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

SECTION 1. Title. – This Act shall be known as the "Special Needs Fund for Children Act of 2011."

SECTION 2. Declaration of Policy. – Pursuant to Section 1, Article XIV of the Constitution which provides that: "The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all", and Section 1, Article XIII which provides that: "The Congress shall give highest priority to the enactment of measures that protect and enhance the right of all the people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good", it is hereby declared the policy of the State to ensure that resources are regularly and sustainably allocated nationwide for the education and well-being of children with special needs.

SECTION 3. Definition of Terms. – For purposes of this Act:

a.) "Special needs child/Child with special needs" –refers to children of school age who have physical, mental, social or sensory impairment and cultural differences so as to require modifications of the school curricula, programs and special services and physical facilities to develop them to their maximum capacity. These persons may be mentally retarded, visually impaired, hearing impaired, with behavior problems, orthopedically handicapped, with special health problems, learning disabled, speech impaired or multiply handicapped.

b.) "Special Education" – refers to the social and educational services provided by the State to children with special needs.

c.) "Intellectually-gifted child" – refers to the child who performs or displays potential for performing at a very advanced level of accomplishment when compared with other children of his or her age.

SECTION 4. Coverage.- This Act shall cover all children with special needs, as defined in this Act. Intellectually-gifted children shall not be considered a special needs child for the purposes of this Act.

SECTION 5. Allocation of the Special Education Fund. – To fulfill the intent of this Act to extend a regular and sustained financial support for the education and well-being of children with special needs, ten percent (10%) of the Special Education Fund (SEF) released to the local school boards of each local government unit (LGU) shall be automatically set aside to support

programs of the Department of Education, done in consultation with the respective local chief executives, for special education programs, centers and schools within the territorial jurisdiction of such local government unit concerned.

SECTION 6. *Authority to Local Government Units.* – Each local government unit is encouraged to set aside a portion of their general fund for the purpose of augmenting the allocation of the Department of Education for the support of special education centers or schools within the territorial jurisdiction of such local government unit.

As an incentive to local government units, the Department of Education shall provide an additional amount equivalent to the allocation made by each local government unit as a counterpart fund.

SECTION 7. *Construction.*- This Act shall be liberally construed to promote the welfare and advancement of children with special needs.

SECTION 8. *Implementing Rules and Regulations.* – Within ninety (90) days upon the approval of this Act, all concerned agencies shall formulate rules and regulations as may be necessary for the proper implementation thereof.

SECTION 9. *Separability clause.* – If any part, Section or provision of this Act is declared invalid or unconstitutional, the other parts thereof not affected thereby shall remain valid.

SECTION 10. *Repealing clause.* – All laws, acts, presidential decrees, executive orders, administrative orders, rule and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

SECTION 11. *Effectivity.* – This Act shall take effect fifteen (15) days after completion of its publication in at least two (2) newspapers of general circulation.

Approved,