

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

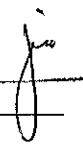


Senate
Office of the Secretary

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SENATE
S. No. 191

FILED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

The Constitution, Article 2, Section 17 provides:

The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

The Constitution, Article 14, Section 1 provides:

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.

No one can question the notion that children are entitled to the fundamental necessities of life: love and attention, food and shelter, health care and education. Education is not only a basic human right but it is also the best tool the government has to instill essential skills and teach children about their rights.

The education of special children requires greater commitment because of the existence of distinctive circumstances. It requires the expertise and dedication of a trained staff, and budgetary support for the establishment of special education centers, acquisition of supplies and materials, and installation of other auxiliary aids and services. Ultimately, our investments in special education will redound to the benefit of society, as the children develop into productive members of the community. This bill establishes special education centers in every school division.¹



MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed during the Fourteenth Congress, First Regular Session.



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SENATE
S. No. 191

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Introduced by Senator Miriam Defensor Santiago

1 AN ACT
2 ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION CENTER FOR EACH
3 SCHOOL DIVISION AND AT LEAST THREE (3) SPECIAL EDUCATION CENTERS IN
4 BIG SCHOOL DIVISIONS FOR CHILDREN WITH SPECIAL NEEDS

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

5 SECTION 1. *Short Title.* -This Act shall be known as the "Special Education Act."

6

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

12 It is also the policy of the State to give full support for their welfare and development to
13 ensure their full integration to society as well as to facilitate their active participation in the
14 affairs of the State. Towards this end, the State shall institutionalize an adequate and relevant
15 education program for every child with special needs through the establishment of Special
16 Education (SPED) Centers and of their vital support mechanisms. Thus, all CSN, irrespective of
17 the degree of sensory, physical, or intellectual needs, will have the opportunity to be educated in
18 an environment that best meets their needs.

19 SECTION 3. *Objectives.* - The objectives of the Special Education Act are:

20 (A) To provide access to basic education among CSN;

1 (B) To ensure that CSN fully develop their abilities, talents, interests, and all aspects of
2 their development;

3 (C) To inform the parents of CSN about programs, services, and possible placement
4 options during discussions about their children's education and other relevant information to
5 enable them to make informed decisions and choices;

6 (D) To equip parents, caregivers, and teachers with the capabilities to identify, prevent,
7 refer, and intervene with the developmental disorders and disabilities of children; the relevant
8 individual programming planning for the student where such program differs significantly from
9 the standard curriculum; and other matters that enhance the role of parents and other caregivers
10 as the primary educators and caregivers of their children from birth onwards;

11 (E) To involve nongovernment organizations, local government units, and national
12 agencies other than the Department of Education (DepEd) in the education of children with
13 special needs; and

14 (F) To make significant and positive changes in community attitudes towards the need to
15 provide special education and care for CSN.

16 SECTION 4. *Definition of Terms.* - For purposes of this Act, the term:

17 (A) "Disability" shall mean a physical or mental impairment that substantially limits one
18 or more psychological, physiological, or anatomical function of an individual;

19 (B) "Impairment" is any loss, diminution, or aberration of psychological, physiological,
20 or anatomical structure or function;

21 (C) "Handicap" refers to a disadvantage for a given individual, resulting from an
22 impairment or a disability, that limits or prevents the functions or activity that is considered
23 normal given the age of the individual;

24 (D) "Disabled persons" are those suffering from restriction or different abilities, as a
25 result of a mental, physical, sensory, or neurological impairment, to perform an activity in the
26 manner or within the range considered normal for a human being;

27 (E) "Marginalized/disadvantaged disabled persons" refer to disabled person who lack
28 access to rehabilitative services and educational opportunities due to poverty, abandonment,

1 illness, and other forms of neglect. For purposes of this Act, the word "poor" are those who
2 either have no means of livelihood or have incomes below threshold;

3 (F) "Children and youth with special needs" are the gifted and fast learners and those
4 who are disabled, impaired, and handicapped persons in need of special education as well as
5 services for rehabilitation. He/she differs from the average child in -

6 (1) Mental characteristics;

7 (2) Sensory abilities;

8 (3) Neuromuscular or physical characteristics;

9 (4) Social abilities;

10 (5) Multiple handicaps; or

11 (6) Has a developmental lag to such as an extent that he/she requires modified school
12 practices or special education services to develop to his/her maximum capability. They include
13 person aged zero to twenty one (0-21) years old and may be as follows:

14 (a) "Gifted children and fast learners" are those capable of superior performance
15 and these include those with demonstrated achievement or potential ability in one or
16 more of the following areas: general intellectual ability, specific academic aptitude,
17 creative or productive thinking ability, leadership ability, or those individuals who
18 consistently manifest the following cluster of traits: above average ability (including
19 intelligence), high creativity (implies the developmental appreciation of innovative
20 ideas), and high tasks commitment (related to a high degree of motivation), and those
21 who by reason thereof, require services or activities not ordinarily provided by the
22 school;

23 (b) "Mentally handicapped" are those who have substantial limitation in present
24 functioning characterized by significant below average intellectual functioning, existing
25 concurrently with related limitations in two or more of the applicable adaptive skill areas
26 in communication, self-direction, home living social skills, community use, self-
27 direction, health and safety, functional academics, leisure, and work;

28 (c) "Visually impaired" are those who are blind or have low vision. A person is
29 blind if he/she has a visual capacity of 20/200 or less in a better eye after maximum

1 correction. The low vision person retains a relative low degree of vision and can read
2 only enlarged print or regular print under special conditions;

3 (d) "Hearing impaired" are those who are deaf or hard-of hearing. The deaf
4 person is one whose hearing is non-functional for ordinary purposes in life. The hard-of
5 hearing has a sense of hearing which although defective is functional with or without a
6 hearing aid.

7 (e) "Student or children with behavior problems" are those who cannot adjust to
8 the socially accepted norms or behavior and, consequently disrupt their academic
9 progress, the learning effort of their classmates and interpersonal relations;

10 (f) "Orthopedically handicapped" are those whose impairment permanently or
11 temporarily interferes with the normal functions of the joints, muscles, or limbs;

12 (g) "Special instructional materials" means a textbook in Braille, large type, or
13 any other medium or any apparatus that conveys information to a student or otherwise
14 contributes to the learning process;

15 (h) "Private sector participation" encompasses all forms of indispensable,
16 substantial, and meaningful participation of private individuals, partnerships, groups or
17 entities, community-based organizations, or nongovernment organizations in the delivery
18 of educational and rehabilitative services for students and children with special needs;

19 (i) "Basic education" encompasses at least one (1) year of kindergarten education,
20 six (6) years of elementary education, and six (6) years of secondary education, in that
21 sequence. Secondary education includes four (4) years of junior high school and two (2)
22 years of senior high school education;

23 (j) "Special education" is basic education that takes into account the special needs
24 of both disabled children and gifted children that requires a systematic and deliberate
25 process for them to achieve functional literacy and which will bring the individual to the
26 highest level of potential and capacity. It is also defined as that type of education tailored
27 to meet the needs of children with disabilities or exceptional abilities; and

28 (k) "Functional literacy" is the level of literacy necessary for the student or child
29 to become a useful citizen and productive member of society.

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

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

11 The BSE shall function as a regular bureau of the Department of Education (DepEd),
12 under the direct supervision of the Secretary of Education and to be headed by a director and
13 assistant director.

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

19 The Philippine Printing House for the Blind under the existing organization structure of
20 DepEd shall become part of the SSAAD.

21 SECTION 7. *SPED Centers in Regular Schools.* - (A) At least one (1) special education
22 (SPED) center for each school division and at least three (3) SPED centers in big school
23 divisions shall be established in regular schools, where there are no existing SPED centers. These
24 SPED centers shall be administered by the principal of the regular school.

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

27 (1) Support children with special needs integrated/included in regular schools;

- 1 (2) Assist in the conduct of school-based training;
2 (3) Produce appropriate teaching materials; and
3 (4) Conduct assessments of children with special needs.

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

- 6 (1) one (1) SPED teacher for the mentally gifted;
7 (2) one (1) SPED teacher for the mentally handicapped;
8 (3) one (1) SPED teacher for the visually impaired;
9 (4) one (1) SPED teacher for the hearing impaired;
10 (5) one (1) SPED teacher for children with autism;
11 (6) one (1) SPED teacher for the learning disabled; and
12 (7) one (1) SPED teacher for children with behavior problems.

13 (D) Regular teachers currently handling special education of children with special needs
14 shall be classified as SPED teachers with the same salary grade classification as mentioned in the
15 preceding paragraph.

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

23 SECTION 8. *Other Personnel of SPED Centers.* – One (1) educational psychologist or
24 psychometrician, one (1) social worker, one (1) education supervisor, and one (1) medical health
25 officer for each city and province shall be appointed who, among other responsibilities, shall
26 comprise the administrative core and placement committee of the SPED unit in the area. They
27 shall also be jointly tasked to develop and maintain a data bank in special education in their
28 respective jurisdictions. The placement committee shall, among others, ensure that students with

1 disabilities are educated as close as possible to their homes and alongside their age-appropriate
2 peer groups, and that these students attend their local schools or travel the shortest distance
3 possible in the availment of educational services, in consultation with, and active participation of
4 parents.

5 SECTION 9. *Itinerant SPED Teachers.* - Itinerant SPED teachers shall also be appointed
6 whenever necessary and on a needs basis. He/she shall assist isolated or remote schools with
7 specialized equipment, individual programs, curriculum adjustment, teaching aids, and building
8 modifications for the special education of children with special needs.

9 SECTION 10. *Authority of the Secretary of Education to Give Grants to, or Enter into*
10 *Cooperative Arrangements for the Creation of SPED Centers.* - The Secretary of Education is
11 hereby authorized to give grants to or enter into cooperative arrangements or contracts with
12 public or private non-profit agencies, institutions, or organizations for the establishment or
13 creation of SPED centers for children with special needs; *Provided*, that a grant made pursuant to
14 this Section may be made only for the following or similar programs:

15 (A) technical assistance of SPED centers providing educational assistance for children
16 with special needs (CSN);

17 (B) pre-service or in-service training of professionals or related services personnel
18 preparing to serve or serving CSN;

19 (C) replication of successful innovative approaches to providing educational or related
20 services to CSN;

21 (D) facilitation of parental involvement in the education of their CSN;

22 (E) diagnosis and educational evaluation of CSN at risk of being certified CSN;

23 (F) consultative, counseling, and training services for the families of CSN; and

24 (G) familiarization of the municipality or city to be served by a SPED center with the
25 problems and potentialities of such children.

1 SECTION 11. *Provision for Continuing Research to Identify the Special Needs of CSN.* -
2 The BES, by itself or in association with such organizations or institutions as are determined by
3 the Secretary of Education to be appropriate, shall undertake continuing research to identify and
4 design programs that meet the full range of children with special needs; *Provided*, that such
5 continuing research shall also be used to develop instructional techniques for use by the SPED
6 Centers that will improve the CSN's acquisition of the skills necessary for transition to
7 independent living, vocational training or competitive development; *Provided*, finally, that such
8 continuing research shall further be used to design physical education and therapeutic program
9 for use by the Centers to increase the potential of CSN for community participation.

10 SECTION 12. *Student Assistance.* - The BES shall provide financial assistance to
11 economically marginalized but deserving students with special needs at the kindergarten,
12 elementary, and secondary levels, including any post-secondary or tertiary education. This
13 assistance may come in the form of scholarship grants, transportation allowance, food allowance,
14 board and lodging allowance, book allowance, student loan programs, artistic and cultural tours,
15 training and programs, subsidies, and other incentives. Marginalized disabled persons and those
16 coming from indigenous communities shall be the priority in the grant of the aforesaid
17 assistance.

18 Special equipment like wheelchair, crutches, special toilet and hygiene requirements,
19 hearing aids, eyeglasses, and the like to optimize education and participation in the educational
20 process shall also be provided for free or at discounted rates to deserving students and at very
21 affordable rates in general through a reasonable funding scheme that shall be designed by the
22 BES.

23 SECTION 13. *Medical Assistance.* - The BES shall prepare a scheme that will ensure
24 adequate and free medical assistance and intervention programs, including those essential to the
25 student or child's rehabilitation, like therapy, psychometric assessments, medical examinations,
26 and the like with government clinics, hospitals, and other health facilities. In case the medical
27 needs are not offered by the nearest or accessible government clinics, hospitals, and other health

1 facilities, or cannot be obtained by reason of critical immediacy or the need to obtain a more
2 specialized or advanced treatment, they can avail of the services of private clinics, hospitals, and
3 other specialized agencies through incentives. For this purpose, as far as practicable or on a case-
4 to-case basis, as may be determined by the BES, health care insurance programs may be
5 instituted.

6 SECTION 14. *Nutritional Programs.* - The nutritional programs for CSN shall be
7 supervised by the National Nutrition Council and the Department of Health, in coordination with
8 the local government unit health officer.

9 SECTION 15. *Specialized Day Care Centers.* - Day care centers specially designed for
10 pre-school children and their parents, where early identification of disabilities and special needs
11 and introductory educational and intervention programs will be administered, shall also be
12 established near or within existing SPED centers or those that will be created by the BES with
13 the support of the Department of Social Welfare and Development and the local government in
14 the area. As far as practicable, existing day care centers and facilities shall be maximized.

15 SECTION 16. *Recreational and Artistic Opportunities.* - The BES shall institute a
16 program for students or children with special needs to afford them full opportunities for safe and
17 wholesome recreation and activities, individual as well social, for the wholesome use of their
18 leisure hours and for the advancement of their physical, mental, social, and cultural development.

19 SECTION 17. *Continuing Education and Assistance to Teachers/Instructors of Students*
20 *and Children with Special Needs.* - The BES shall enhance the right of the teachers and
21 instructors to professional advancement and ensure that the teaching staff will attract the best
22 available talents through adequate remuneration, scholarship and training grants, teacher
23 exchange programs, incentives, allowances, and other means of securing job satisfaction and
24 fulfillment as well as their long and stable tenure in their respective posts. A similar program

1 shall be designed for support personnel like interpreters, psychologists, social workers, and
2 others also involved in the education and rehabilitation of the children with special needs.

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

9 SECTION 19. *Special Instructional Materials.* - Publishers shall grant to the DepEd
10 through the SSAAD the authority to transcribe adopted instructional materials into Braille, large
11 type and audio-tape without penalty or royalty.

12 On or before the second working day after the adoption of textbook titles by the DepEd,
13 each publisher of newly adopted instructional materials shall provide computerized files as
14 specified by the DepEd which may be copied and distributed to a school division, upon request,
15 for instructional purposes. Copies of these instructional materials shall be furnished without cost
16 to either the student or teacher who is blind or visually impaired. The materials are to be loaned
17 to the public school districts as long as needed and are to be returned to SSAAD when no longer
18 needed.

19 SECTION 20. *Incentives to Private Sector Participation.* - Partnership between the
20 government and private institutions catering to the needs of student/children with special needs
21 shall be encouraged. In this regard, the DepEd, in coordination with the Department of Finance,
22 the Department of Interior and Local Government, the Department of Science and Technology,
23 and the Department of Trade and Industry, shall draw up a scheme to provide incentives that will
24 include tax deductions, loan assistance, and technological or scientific assistance, to encourage
25 private participation in the education and rehabilitation of CSN.

1 SECTION 21. *Local Government Unit Participation.* - The local government units shall
2 be responsible for the --

3 (A) Provision of buildings or centers and sites where there are no existing school
4 facilities that will house the special education of children /students with special needs, as well as
5 the establishment of day care centers as mentioned in Section 15;

6 (B) Organization of one (1) parent-teacher association in every school in their respective
7 jurisdictions offering special education to students/children with special needs;

8 (C) Identification, coordination, and the tapping of public or private volunteers and
9 private organizations, national or international, for information dissemination campaigns,
10 funding programs, and other projects to augment the funding of and equipment for SPED
11 programs, among others; and

12 (D) Provision of counterpart funds for the training and seminars of parents and teachers
13 and nutritional programs for the students/children with special needs in their respective localities
14 to be determined by the BES, in coordination with the Department of Budget and Management
15 and the Department of Finance.

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

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

26 A supplementary appropriation in the amount of Twenty Million Pesos (P20,000,000.00)
27 to be sourced from the President Social Fund and the Philippine Gaming Corporation shall be

1 provided to the BSE as a reserve fund for every year of operation immediately upon effectivity
2 of this Act. This shall be used exclusively to augment funding for auxiliary aids and services.

3 Government incentives and support provided by the DepEd, DOF, DOH, DILG, CWC,
4 and the National Commission for the Welfare of Disabled Persons shall also be included in their
5 respective annual budgets in the General Appropriations Act.

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

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

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

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

Approved,