

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

'04 JUN 30 P10:29

SENATE

S. B. No. 866

RECEIVED BY: 

Introduced by Senator JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Every child is entitled to the basic necessities in life: food, shelter, and clothing. More than these physiological needs that has to be attended, it is the responsibility of the parents, together with the full support and assistance of the State, to provide their children with quality education. As expressed in Article 14 Section 1 of the Philippine Constitution:

"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 at all."

Children and youth with special needs include those who are gifted with advance knowledge and skills on one hand, and the physically and mentally impaired and handicapped persons on the other. They need education and training different from those given to ordinary children. They need special programs that would further enhance their unusual mental and physical capacities to make these beneficial to them and to their family and community.

In addressing the situations, committed and dedicated participation from all sectors of the society is required. The children need the love, nurture and support of their families. They need to feel that they are accepted by and belong to their communities. They need the expertise of trained educators and staff. They need the support and assistance of the government.

This bill proposes the establishment of special education centers in strategic places to be able to provide accessible services for children with special needs. These centers will administer special education that takes into account the distinct needs of both disabled and gifted children through a systematic and deliberate process.

For these reasons, approval of this bill is earnestly sought.



JINGGOY EJERCITO ESTRADA
Senator

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AN ACT

ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION (SPED)
CENTER FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3)
SPED CENTERS IN EVERY SCHOOL DIVISIONS FOR CHILDREN WITH
SPECIAL NEED (CSN's), CREATING THE IMPLEMENTING
MACHINERY THEREOF, PROVIDING GUIDELINES FOR
GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES
AND SUPPORT AND FOR OTHER PURPOSES.

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

SECTION 1. **Title.** This Act shall be known as the "Special Education Act of
2004."

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

It is also the policy of the State to give full support for their welfare and
development to ensure their full integration to society as well as to facilitate their active
participation in the affairs of the State. Towards this end and also pursuant to the
mandate stated in Section 13 of Article XIV, Art. 3 of P.D. 603 and Sections 12-14 of
R.A. 7277, the State shall institutionalize an adequate and relevant educational program
for every child with special needs through the establishment of SPED Centers and of

their vital support mechanisms. Thus, all CSN's, irrespective of the degree of sensory, physically or intellectual disability or need, will have the opportunity to be educated in the most educationally enhancing environment consistent with the provision of a quality education that best meets their needs.

SECTION 3. **Objectives.** – The objectives on the Special Education Act of 2004 are:

- (a) To provide access to basic education among CSN's namely the gifted/talented, the mentally retarded, the visually impaired, the hearing impaired, the orthopedically/physically handicapped, the learning disabled, the speech defective, the children with behavior problems, the autistic children and those with the health problems through the formal system and other alternative delivery service in education;
- (b) To ensure that CSN's fully develop their abilities, talents interests and all aspects of their development to become more responsible for their lives and more effective partners in the all of the affairs and concerns of the country;
- (c) To ensure the CSN's understand, appreciate and respect differences among groups and members in society and also to understand the nature of society in which they live;
- (d) To inform the parents about the full continuum of services, possible placement options during discussions about their children's education and other relevant information to enable them to make informed decisions and choices;
- (e) To equip the parents and other caregivers and the teachers with the capabilities to identify, prevent, refer and intervene with the developmental disorders and disabilities of children as well as in the relevant individual programming planning for the student where such program differs significantly for the standard curriculum and other matters that enhance the role of parents and other caregivers as the primary educators that caregivers of their children from birth onward;
- (f) To involve private groups, local government units and national agencies other than the DECS in the education of children with special needs;

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

SECTION 4. **Definition of Terms.** – For the purposes of this Act, these terms are defined as follows:

- (a) Disability shall mean 1) a physical or mental impairment that substantially limits one or more psychological or anatomical function of an individual or activities of such individual, 2) a record of such an impairment; 3) being regarded as having such an impairment;
- (b) Impairment is any loss, diminution or aberration or psychological, physiological or anatomical structure or function;
- (c) Handicap refers to a disadvantage for a given individual, resulting from an impairment or a disability, that limits or prevents the functions or activity that is considered normal given the age and sex of the individual;
- (d) Disabled persons are those suffering from restriction or different abilities, as a result of a mental, physical, sensory or neurological impairment, to perform an activity in the manner or within the range considered normal for a human being;
- (e) Marginalized/disadvantaged disabled persons refer to disabled persons who lack access to rehabilitative service and educational opportunities due to poverty, abandonment, illness and other form of neglect. For purposes of this Act, the word “poor” are those who either have no means of livelihood or have incomes below poverty threshold;
- (f) Children and youth with special needs are the gifted and fast learners and those who are disabled, impaired and handicapped persons in need of special education as well as services for rehabilitation. He/she differs from the average child in (1) mental characteristics; (2) sensory abilities; (3) neuromuscular or physical characteristics; (4) social; (5) multiple handicaps; and/or (6) has a developmental lag to such an extent that requires modified school practices or special education services to develop to his maximum capability. They include ages 0-21 years old and may be as follows:

1. Gifted children and fast learners are those capable of superior performance and these include those with demonstrated achievement or potential ability in one or more of the following area general intellectual ability, specific aptitude, creative or productive thinking ability, leadership ability or those individuals who consistently manifest the following cluster of traits: above average ability (including intelligence), high creativity (implies the developmental appreciation of innovative ideas) and high task commitment (related to a high degree of motivation) and those who by reason thereof, require services or activities not or ordinarily provided by the school.
2. The Mentally Handicapped/Mentally Retarded are those who have substantial limitation in present functioning characterized by significant sub-average intellectual functioning, existing concurrently with the related limitation in two or more of the applicable adaptive skill areas; communication, self-direction, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work.
3. The Visually Impaired are those who are blind or having a low vision. A person is blind if he has a visual of 20/200 or less in a better eye maximum correction. The low vision person retains a relatively low degree of vision and can read only enlarged print of regular or regular print under special condition.
4. The Hearing Impaired are those who are deaf or hard-of-hearing. The deaf person is one whose hearing is non-functional for ordinary purposes in life. The hard-of-hearing has a sense of hearing, which although defective is functional without a hearing aid.
5. Student/children with Behavior Problems are those who cannot adjust to the socially accepted norms or behavior and, consequently disrupt their academic progress, the learning efforts of their classmates and interpersonal relations.
6. The Orthopedically Handicapped are those whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs.

7. Student/children with special health problems are those who have health conditions that tend to keep children out-of-school or those with chronic and/or illness like cardiac (heart) diseases, asthma, diabetes, tuberculosis and other respiratory ailments, cancer, epilepsy, malnutrition and others.
8. Student/children with learning disabilities are those who although normal in sensory, emotional and intellectual abilities exhibit disorders in perception, listening, thinking, reading, writing, spelling or arithmetic. They have such condition as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia and development aphasia.
9. The Speech Impaired are those whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to that thought conveyed.
10. Persons with Autism are those with developmental disabilities, having onset before 30 months of age which is marked by disturbance in development, language and relationship with persons, activities and objects and which may coexist with intellectual disability and epilepsy. Children afflicted with this disorder have perceptual, cognitive communication and social difficulties which change over time.

(g) Auxiliary aids and services are services that are basically non-education, but impinge on the education process of the child with special needs. These include:

1. therapy;
2. qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments;
3. qualified readers, taped text or other effective methods of delivering materials to individuals with visual impairments;
4. acquisition or modification of equipment or device;
5. other similar services and actions or all types of aids and services that facilitate the learning process of people with mental disability;

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

- (i) Private sectors participation encompasses all forms of indispensable, substantial and meaningful participation of private individuals, partnership, groups or entities, community-based organization or non-governmental organizations in the delivery of educational and rehabilitative services for students and children with special needs.
- (j) Basic Education consists of at least six (6) years of elementary education and at least four (4) of secondary education including pre-school education.
- (k) Special Education is basic education that takes into account the special needs of both disabled children and gifted that requires a systematic and deliberate process for them to achieve functional literacy and which will bring the individual to the highest level of his potential and capacity. It is also defined as that type of education tailored to meet the needs of children who cannot profit because of disabilities or exceptional abilities.
- (l) Functional Literacy is the level of literacy necessary for the student or child to become a useful citizen and effective member of the society.

SECTION 5. **Coverage.** – This Act shall cover student and children with special needs nationwide.

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

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

The divisions chiefs shall serve as heads for the (1) Gifted Children Division; (2) Children with Disabilities Division (CDD) and (3) Special Services and Auxiliary Aids Division (SSAAD), with the staffing needs to be equitably distributed with the accordance to the current needs and concerns of their respective divisions. They shall assist the director in the formulation, implementation and improvement of the framework and components of the special education program.

The Philippine Printing House for the Blind under the Existing organization structure of DECS shall become part of the SSAAD.

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

The SPED center shall function as the Resource Center for the implementation of inclusive education that will accept all kinds of children on regular school. It shall a) support children with special needs integrated/included in regular school and b) assist in the conduct of school-based training; c) produce appropriate teaching materials, and d) conduct assessment of children with special needs.

Each SPED Center shall have the following staff who shall have a starting salary classification of Grade 13:

- a) 1 SPED teacher for the Mentally Gifted;
- b) 1 SPED teacher for the Mentally Retarded/Handicapped;
- c) 1 SPED teacher for the Visually Impaired;
- d) 1 SPED teacher for the Hearing Impaired;
- e) 1 SPED teacher for Autistic Children;
- f) 1 SPED teacher for the Learning Disabled;
- g) 1 SPED teacher for children with behavior problems.

Regular teachers currently handling special education of children with special needs shall henceforth be classified as SPED teachers with the same salary grade classification as mentioned in the preceding paragraph.

There shall be an assistant principal for each SPED Center. He/she shall administer and supervised the alternative educational program, early intervention programs, monitoring, supervision and technical assistance and human resource training/SPED personnel enhancement programs, referral and placement procedures, advisory services and other components of the special education program in his/her jurisdiction. He/she shall also be responsible for the formation and supervision of placement committee under his/her jurisdiction as well as in the resolution of disagreement on placement and services.

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

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

SECTION 10. *Authority of the Secretary of Education, Culture and Sports to Give Grants to, or Enter into Cooperative Arrangement for the Creation of SPED Centers.* – The Secretary of Education, Culture and Sports is hereby authorized to give grants to, or enter into cooperative arrangement or contracts with public or private non-profit agencies, institutions or organization for the establishment of creation of SPED centers for children with special needs: Provided, That a grant made pursuant to this Section may be made only for the following or similar programs:

- (a) Technical assistance of SPED centers providing educational assistance for children with special needs (CSN's);

- (b) Pre-service or in-service training of professionals or related services personnel preparing to serve or serving CSN's;
- (c) Replication of successful innovative approaches to providing educational or related services to CSN's;
- (d) Facilities of parental involvement in the education of their CSN's;
- (e) Diagnosis and educational evaluation of CSN's at risk of being certified CSN's;
- (f) Consultative, counseling and training services for the families of CSN's;
- (g) Familiarization of the municipality or city to be served by a SPED center with the problems and potentialities of such children.

SECTION 11. *Provision for Continuing Research to Identify Special Needs of CSN's.* – The Bureau of Special Education (BSE), by itself or in associate with such organization or institutions as are determined by the DECS Secretary to be appropriate, shall undertake continuing research to identify and design programs that meet the full range of children with special needs: *Provided*, That such continuing research shall also be used to develop instructional techniques for used by the SPED Centers that will improve the CSN's acquisition of the skills necessary for transition to independent living, vocational training or competitive development. *Provided*, finally, That such continuing research shall further be used to design physical education and therapeutic recreation program for use by the Center to increase the potential of CSN's for community participation.

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

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

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

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

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

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

SECTION 17. **Continuing Education and Assistance to Teachers/Instructors of Students with Special Needs.** – The Bureau shall enhance the gift of the teachers/instructors to professional advancement and ensure that the teaching staff attract the best available talents through adequate remuneration, scholarship and

training grants, teacher exchange programs, incentives and allowance and other means of securing job satisfaction and fulfillment as well as their long and stable tenure in their respective posts. A similar program shall be designed for support personnel like interpreters, psychologist, social workers and others also involved in the education and rehabilitation of the child.

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

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

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

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

SECTION 21. **Local Government Unit Participation.** – The local government units shall be responsible for the:

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

SECTION 22. **Public Information, Education and Communication.** - A nationwide information dissemination campaign on the prevention, early identification and intervention programs for children with special needs shall be intensified. This shall be the joint responsibility of the Philippines Information Agency (PIA), Council for the Welfare of Children (CWC) and the Department of Education, Culture and Sports (DECS). The (DECS), in collaboration with her the Department of Health (DOH) and Department of Labor and Employment (DOLE), shall also disseminate material and information concerning effective practices in working with, training and educating CSN's.

SECTION 23. **Appropriations.** – For the implementation of this Act, the amount of six hundred million pesos (P600, 000,00.00) per year for five (5) consecutive years is hereby appropriated for the SPED program to be included in the General Appropriate Act.

A supplementary appropriation in the amount of twenty million pesos (P20,000,000.00) to be sourced from the President Social Fund, and the Philippine Gaming Corporation shall be provided to BSE as a reserve fund for every year of operation immediately upon approval of this Act. This shall be used exclusively to augment funding for auxiliary aids and services.

Government incentives and support provided by the DECS, DOF, DOH, DILG, the Council for the Welfare of Children and the NATIONAL Commission for the Welfare of Disabled Personnel shall also be included in their respective annual budget in the General Appropriations Act.

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

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

SECTION 26. *Repealing Cause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule and regulation contrary to or consistent with the provision of this Act are hereby repealed, modified or amended accordingly.

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

Approved,