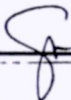


SENATE
S. No. 434

'19 JUL 15 A9:43

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Introduced by SENATOR RAMON BONG REVILLA, JR.

AN ACT
ESTABLISHING AT LEAST ONE (1) SPECIAL EDUCATION (SPED) CENTER
FOR EACH SCHOOL DIVISION AND AT LEAST THREE (3) SPED CENTERS IN
BIG SCHOOL DIVISIONS FOR CHILDREN WITH SPECIAL NEEDS (CSN)
PROVIDING GUIDELINES THEREFOR AND FOR OTHER PURPOSES

EXPLANATORY NOTE

The lack of special education facilities in the country is evident. A lot of our nation's children with special needs have yet to experience a formal education, some haven't even been to a facility that caters to their particular exigency, especially those from far-flung areas across the country or those who live below the poverty line. Even if there are facilities within their area, more often than not, these are private institutions who offer their services at a very high price making it out of reach.

The Constitution recognizes the predicament these families are in, which is why it is time for the State to put up special education facilities across multiple school divisions all over the nation to give these children access to the type of education they need. It is up to the State to make special education reachable, no matter what.

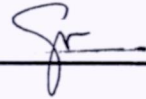
As a nation, we have a responsibility to ensure that every child has the opportunity to receive the type of education they need. As a State, it is our duty to ensure that no child gets left behind.


RAMON BONG REVILLA, JR.

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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 BIG
SCHOOL DIVISIONS FOR CHILDREN WITH SPECIAL NEEDS (CSN),
PROVIDING GUIDELINES THEREFOR AND FOR OTHER PURPOSES

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

1 Section. 1. *Title.* – This Act shall be known and cited as the "Special Education
2 (SPED) Act of 2019".

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 protect and promote the rights of children with special needs (CSN) to quality
5 education and to take appropriate steps to make such education accessible to them.
6 The State recognizes their vital role in society and endeavors to include their needs
7 as integral part of national development strategies.

8
9 It is also the policy of the state to give full support for their welfare and
10 development, ensure their full integration in society, as well as facilitate their active
11 participation in the affairs of the State. Towards this end and also pursuant to the
12 mandate stated in the 1987 Constitution (Section 13, Article II; Section 13, Article
13 XIII; and Sections 1 and 2, paragraphs 1 and 3, Article XIV), Article 3 of Presidential
14 Decree No. 603 (The Child and Youth Welfare Code) and Sections 12, 13 and 14 of
15 Republic Act No. 7277 (Magna Carta for the Disabled), the State shall institutionalize
16 an adequate and relevant educational program for every CSN through the
17 establishment of SPED centers and the provision of vital support mechanisms for

1 such. Thus, all CSN, in any degree of sensory, physical or intellectual disability or
2 needs, shall have the opportunity to be developed in the most enhancing
3 environment consistent with the provision of a quality education that best meets
4 their needs.

5
6 Sec. 3. *Objectives.* – The objectives of the SPED Act of 2019:

- 7 (a) To provide CSN access to basic education through the formal
8 system and other alternative delivery services in education;
9 (b) To facilitate integration of CSN with mainstream education;
10 (c) To ensure that CSN fully develop their potentials towards self-
11 sufficiency and become more effective partners in the affairs of the
12 country;
13 (d) To ensure that CSN understand, appreciate and respect differences
14 among groups and members in society and also to understand the
15 nature of society which they live;
16 (e) To identify gifted and talented children from ages three (3) to
17 sixteen (16);
18 (f) To provide the parents with information on the full continuum of
19 SPED services and possible placement options for their children,
20 thus =enable them to make informed choice and decisions;
21 (g) To enhance the role of parents, teachers and other caregivers as
22 primary educators of the children by equipping them with
23 capabilities to identify, prevent, refer or intervene with the
24 developmental disorders and disabilities of children;
25 (h) To involve private groups, local government units (LGUs) and
26 national agencies other than the Department of Education (DepED)
27 in the education of CSN;
28 (i) To create significant and positive changes in community attitudes
29 towards disability and the need to provide special education and
30 proper care for CSN.

1 Sec. 4. *Definition of Terms.* – For purposes of this Act, the following terms are
2 defined:

3
4 (a) *Disability* refers to any of the following:

5 (1) A physical or mental impairment that substantially limits one (1)
6 or more psychological, physiological or anatomical function of an
7 individual or activities of such individual;

8 (2) A record of such an impairment; or

9 (3) Being regarded as having such an impairment.

10 (b) *Impairment* refers to any loss, diminution or aberration of
11 psychological, physiological or anatomical structure or function.

12 (c) *Handicap* refers to a disadvantage of an individual, resulting from
13 impairment or disability, that limits or prevents the function or
14 activity that is considered normal given the age and gender of the
15 individual.

16 (d) *Persons with Disabilities (PWD)* refer to those suffering from
17 restriction or different abilities, as a result of mental, physical,
18 sensory or neurological impairment, to perform an activity in the
19 manner or within the range considered normal for a human being.

20 (e) *Marginalized/Disadvantaged persons with disabilities* refer to
21 disabled persons who lack access to rehabilitative services and
22 educational opportunities due to poverty, abandonment, illness and
23 other forms of neglect. For purposes of this Act, the word "poor"
24 refers to persons who either have no means of livelihood or have
25 incomes below the poverty threshold as determined by the National
26 Statistics Coordinating Board (NSCB).

27 (f) *Children with Special Needs (CSN)* refer to those who are gifted or
28 are fast learners; and those who are disabled, impaired or
29 handicapped and in need of special education as well as services
30 for rehabilitation. They differ from the average children in mental
31 characteristics, sensory abilities, neuromuscular or physical
32 characteristics and social attributes, to such an extent that requires

1 the use of modified school practices or special education services to
2 develop them to maximum capability. They may be classified as
3 follows:

4
5 (1) *Gifted children and fast learners* are those capable of superior
6 performance including those with demonstrated achievement or
7 potential ability in one (1) or more of the following areas:
8 general intellectual ability, specific academic aptitude, creative
9 or productive thinking ability, leadership ability, ability in the
10 visual or performing arts and psychomotor ability, or those
11 individuals who consistently manifest the following cluster of
12 traits: above average ability (including intelligence), high
13 creativity (implies the developmental appreciation of innovative
14 ideas) and high task commitment (related to a high degree of
15 motivation) and those who, by reason thereof, require services
16 or activities not ordinarily provided by the school;

17
18 (2) *Children with mental retardation/intellectual disability* are those
19 who have substantial limitation in present functioning
20 characterized by significant sub-average intellectual functioning
21 existing concurrently with related limitations in two (2) or more
22 of the applicable adaptive skill areas: communication, self-care,
23 home living, social skills, community use, self-direction, health
24 and safety, functional academics, leisure and work;

25
26 (3) *Children with visual impairment* are those who are blind or have
27 low vision. Persons are blind if they have a visual capacity of
28 20/200 or less in the better eye after maximum correction. The
29 low vision persons retain relatively low degree of vision and can
30 read only enlarged print or regular print under special
31 conditions;

1 (4) *Children with hearing impairment* are those who are deaf or
2 hard-of-hearing. Deaf persons are those whose hearing are
3 nonfunctional for ordinary purposes in life. The hard-of-hearing
4 have a defective sense of hearing that is considered functional
5 only with a hearing aid;
6

7 (5) *Children with behavior problems* are those who cannot adjust to
8 the socially accepted norms of behavior and consequently
9 disrupt their academic progress, the learning efforts of their
10 classmates and interpersonal relations;
11

12 (6) *Children with orthopedic/physical handicap* are those whose
13 impairment permanently or temporarily interfere with the
14 normal functions of the joints, muscles or limbs;
15

16 (7) *Children with special health problems* are those who have health
17 conditions that tend to keep children out-of-school or those with
18 chronic and/or debilitating illnesses such as cardiac (heart)
19 diseases, asthma, diabetes, tuberculosis and other respiratory
20 ailments, epilepsy, malnutrition and others;
21

22 (8) *Children with learning abilities* are those who although normal
23 in sensory, emotional and intellectual abilities exhibit disorders
24 in perception, listening, thinking, reading, writing, spelling or
25 arithmetic. They have such conditions as perceptual handicap,
26 brain injury, minimal brain dysfunction, dyslexia or
27 developmental aphasia;
28

29 (9) *Children with speech defects* are those whose speech differs
30 from the average so far as to draw unfavorable attention to the
31 manner of speaking rather than to the thought conveyed;
32

1 (10) *Children with Autism* are those with developmental disabilities,
2 the onset occurs before thirty (30) months of age and which is
3 marked by disturbance in development, language and
4 relationship with persons, activities and objects and which may
5 coexist with intellectual disability and epilepsy. Children afflicted
6 with this disorder have perceptual, cognitive, communication
7 and social difficulties which change over time; and

8
9 (11) *Children with multi-handicaps* are those with more than one (1)
10 disability such as the deaf-blind or those diagnosed with autism
11 and intellectual disability.

12
13 (g) *Auxiliary* aids and services refer to services that are basically non-
14 education, but enhance on the education process of the child with
15 special needs. These include:

- 16
17 (1) Therapy;
18 (2) Qualified interpretations or other effective methods of delivering
19 materials to individuals with hearing impairments;
20 (3) Qualified reading, taped tests or other effective methods of
21 delivering materials to individuals with visual impairments;
22 (4) Acquisition or modification of equipment or devices; and
23 (5) Other similar services and actions or all types of aids and
24 services that facilitate the learning process of people with
25 mental disability.

26 (h) *Special instructional materials* refer to textbooks in Braille, large
27 type or any other medium or any apparatus that conveys
28 information to a student or otherwise contributes to the learning
29 process.

30 (i) *Private sector participation* refers to all forms of indispensable,
31 substantial and meaningful participation of private individuals,
32 partnerships, groups or entities, community-based organizations or

1 non-governmental organizations in the delivery of educational and
2 rehabilitative services for students and CSN.

3 (j) *Basic education* refers to kindergarten, at least six (6) years of
4 elementary education and at least four (4) years of secondary
5 education.

6 (k) *Special education* refers to basic education that takes into account
7 the special needs of both disabled children and gifted children. This
8 is a systematic and deliberate process that enables CSN to achieve
9 functional literacy and the highest level of their individual potential
10 and capacity. It is also defined as that type of education tailored to
11 meet the needs of children who cannot profit because of
12 exceptional abilities. SPED is geared towards integration of CSN
13 with mainstream education.

14 (l) *Functional literacy* refers to the level of literacy necessary for the
15 student or child to become a useful citizen and an effective member
16 of society.

17
18 Sec. 5. *Coverage.* – This Act shall cover all students and CSN nationwide.

19 Sec. 6. *SPED Centers in Regular Schools.* – At least one (1) SPED center for
20 each school division and at least three (3) SPED centers in big school divisions shall
21 be established in regular schools, where there are no existing SPED centers. These
22 SPED centers shall be administered by the principal of the regular school.

23
24 The SPED center shall function as the resource center for the implementation
25 of inclusive education that will accept all kinds of children on regular schools. It
26 shall:

- 27
28 (a) Support CSN to be integrated/included in regular schools;
29 (b) Conduct school-based training of CSN;
30 (c) Produce appropriate teaching materials for CSN; and
31 (d) Conduct assessment of CSN.
32

1 It shall also be the responsibility of the SPED centers to assist, facilitate and
2 monitor the transfer/admission of qualified children with disabilities to post-
3 secondary or tertiary education institutions.

4
5 Each SPED center shall have specialized teachers who can handle children
6 and youth with special needs who may include, but shall not be limited to, those
7 with visual impairment, hearing impairment, autism, learning disabilities, behavioral
8 problems, multiple disabilities, mental retardation/handicap and mental giftedness.

9
10 Regular teachers currently handling special education of CSN shall henceforth
11 be classified as SPED teachers.

12
13 There shall be an assistant principal for each SPED center who shall
14 administer and supervise the alternative educational programs; early intervention
15 programs; monitoring, supervision and provision of technical assistance, training and
16 enhancement programs to SPED personnel; referral and placement procedures; and
17 oversee the other components of the special education program. The assistant
18 principal shall also be responsible for the formation and supervision of the placement
19 committee as well as in the resolution of disagreements on placement and services.

20
21 *Sec. 7. Other Personnel of SPED Centers.* – The administrative core and
22 placement committee of the SPED unit shall consist of:

- 23 (a) One (1) educational psychologist or psychometrician;
24 (b) One (1) physical therapist;
25 (c) One (1) occupational therapist;
26 (d) One (1) speech and language therapist/speech correction teacher; and
27 (e) One (1) education supervisor.

28
29 They shall also be jointly tasked to develop and maintain a data bank in
30 special education in their respective jurisdictions. The placement committee shall, in
31 consultation with and active participation of parents among others, ensure that
32 students with disabilities are educated as close as possible to their homes and

1 alongside their age-appropriate peer groups, and that these students attend their
2 local schools or travel the shortest distance to avail of educational services.

3
4 Sec. 8. *Itinerant SPED Teaches.* – Itinerant SPED teachers shall also be
5 appointed whenever necessary. They shall assist isolated or remote schools with
6 specialized equipment, individual programs, curriculum adjustment, teaching aids
7 and building modifications.

8 Sec. 9. *Authority of the Secretary of Education to Give Grants to or Enter into*
9 *Cooperative Arrangements for the Creation of SPED Centers.* – The Secretary of
10 Education is hereby authorized to give grants to or enter into cooperative
11 arrangements or contracts with public or private nonprofit agencies, institutions or
12 organizations for the establishment or creation of SPED centers for CSN or programs
13 such as the following:

- 14
15 (a) Technical assistance to SPED centers;
16 (b) Training of professionals or related services personnel who are preparing
17 to serve or are serving CSN;
18 (c) Replication of successful innovative approaches in providing educational or
19 related services to CSN;
20 (d) Facilitation of parental involvement in the education of their CSN;
21 (e) Diagnosis and educational evaluation of CSN;
22 (f) Consultative, counseling and training services for the families of CSN; or
23 (g) Familiarization of the municipality or city being served by a SPED center
24 with the problems and potentialities of such children.

25
26 Sec. 10. *Continuing Research to Identify Needs of CSN.* – The DepED by itself
27 or in association with organizations or institutions shall undertake continuing
28 research to identify and design programs that shall meet the full range of needs of
29 the CSN: *Provided,* that such continuing research shall also be used to develop
30 instructional techniques for use by the SPED centers towards improving CSN
31 acquisition of skills necessary for their transition to independent living, vocational
32 training or competitive development: *Provided, further,* that such continuing

1 research shall further be used to design physical education and therapeutic
2 recreation programs for use by the centers to increase the potential of CSN for
3 community participation.

4
5 Sec. 11. *Student Assistance.* – The DepED shall provide financial assistance to
6 economically marginalized but deserving students with special needs at the
7 elementary and secondary levels which may come in the form of scholarship grants;
8 allowances for transportation, food, lodging and books; student loan programs;
9 artistic and cultural tours; training programs; subsidies; and other incentives.
10 Marginalized or disadvantaged persons with disabilities and those coming from
11 indigenous communities shall be the priority in the grant of the aforesaid assistance.

12
13 Special equipment like wheelchairs, crutches, special toilet and hygiene
14 requirements, hearing aids, eyeglasses and such other assistive devices required by
15 the students to optimize education and participation in the educational process shall
16 also be provided for free or at discounted rates to deserving students and at very
17 affordable rates in general through a reasonable funding scheme that shall be
18 designed by the DepED.

19
20 Sec. 12. *Medical Assistance.* – The DepED shall prepare a scheme that will
21 ensure adequate and free medical assistance and intervention programs, including
22 those essential to the student or child's rehabilitation like therapy, psychometric
23 assessments, medical examinations and the like with government clinics, hospitals
24 and other health facilities. In case the medical services is not offered by the nearest
25 or accessible government health facility or cannot be obtained by reason of critical
26 immediacy, or needs a more specialized or advanced treatment, CSN shall be
27 entitled to twenty percent (20%) discount from the services of any private hospital
28 or clinic: *Provided*, that these private hospitals and clinics may claim the cost as tax
29 credit.

30 Sec. 13. *Nutritional Programs.* – The nutritional programs for CSN shall be
31 supervised by the National Nutrition Council (NNC) and the Department of Health
32 (DOH), in coordination with the LGU health officer.

1 Sec. 14. *Establishment of Specialized Day Care Centers.* – Day care centers
2 specially designed for preschool children and their parents, where early identification
3 of disabilities and special needs, and introductory educational and intervention
4 programs will be administered, shall also be established near or within the existing
5 SPED centers or those that will be created by the DepED with the support of the
6 Department of Social Welfare and Development (DSWD) and the LGU in the area. As
7 far as practicable, the use of existing day care centers and facilities shall be
8 maximized.

9 Sec. 15. *Recreational and Artistic Opportunities.* – The DepED shall institute a
10 program for CSN that will afford them full opportunities for safe and wholesome
11 recreation and activities, individual as well as social, for optimal use of their leisure
12 hours and for the advancement of their physical, mental, social and cultural
13 development.

14 Sec.16. *Remuneration and Benefits.* – The SPED teachers and school
15 administrators managing SPED centers and special schools shall be assigned a salary
16 grade that is three (3) salary grades higher than that of a regular teacher and school
17 administrator, respectively.

18
19 The DepED shall enhance the right of the teachers/instructors to professional
20 advancement and ensure that the teaching staff will attract the best available talents
21 through adequate remuneration, scholarship and training grants, teacher exchange
22 programs, incentives and allowances and other means of securing job satisfaction
23 and fulfillment as well as their long and stable tenure in their respective posts. A
24 similar program shall be designed for support or personnel like interpreters,
25 psychologists, social workers and others also involved in the education and
26 rehabilitation of the child.

27
28 The DepED shall identify at least one (1) leading institution or university in
29 Luzon, Visayas or Mindanao whose faculty is considered or regarded as highly
30 competent in the area of special education and where a uniform or standardized
31 curriculum for any post graduate education program shall be designed to benefit
32 SPED teachers and other personnel of SPED centers. The manner of selection of

1 such institution shall be provided under the implementing rules and regulations of
2 this Act.

3

4 Sec. 17. *Parent, Sibling and Caregiver Education.* – There shall be a formal
5 training and counseling program for parents, siblings and caregivers of CSN for them
6 to acquire a working knowledge of special education, gain an understanding of the
7 psychology of CSN and be aware of their crucial role as educators so that they
8 maximize their knowledge and skills for optimum development of the potentials of
9 the child.

10

11 Sec. 18. *Special Instructional Materials.* – Publishers shall grant the DepED
12 the authority to transcribe adopted instructional materials into Braille, large type and
13 audio-tape without penalty or payment of royalty. Furthermore, on or before the
14 second (2nd) working day after the adoption of textbook titles by the DepED, each
15 publisher of newly adopted instructional materials shall provide computerized files as
16 specified by the DepED which may be copied and distributed upon request to a
17 school division for instructional purposes.

18

19 Copies of these instructional materials shall be furnished without cost to
20 either the student who is blind or visually impaired or the teacher. The materials are
21 to be loaned to the public school district and are to be returned when no longer
22 needed.

23

24 Sec. 19. *Incentives to Private Sector Participation.* – Partnership between the
25 government and private institutions catering to the needs of CSN shall be
26 encouraged. All profits and income generated by the SPED center derived from its
27 fundamental function as an education institution shall be exempt from income tax.
28 Any donation, contribution, bequest and grant which may be made to the center
29 shall be exempt from donor's tax and the same shall be considered as allowable
30 deduction from the gross income in the computation of the income tax of the donor
31 in accordance with the provisions of the National Internal Revenue Code of 1997, as
32 amended: *Provided*, that such donations shall not be disposed of, transferred or

1 sold. Economic, technical and cultural books and/or publications shall be imported
2 duty-free upon certification by the DepED that such imported books and/or
3 publications are for economic, technical, vocational, scientific, philosophical,
4 historical or cultural purposes, in accordance with the provisions of the Tariff and
5 Customs Code, as amended.

6 Sec. 20. *Local Government Unit Participation.* – The LGUs shall be responsible
7 for the following:

8 (a) Provision of buildings or centers which are CSN-friendly and sites where
9 there are no existing school facilities that may be used for special
10 education of CS, as well as the establishment of day care facilities
11 pursuant to Section 14 hereof;

12 (b) Organization of one (1) parent-teacher association for CSN in every school
13 offering special education in their respective jurisdictions;

14 (c) Identification, coordination and the tapping of public or private volunteers
15 and private organizations, national or international, for information
16 dissemination campaigns, funding programs and other projects to
17 augment the funding of SPED programs and equipment, among others;
18 and

19 (d) Provision of counterpart funds for the training and seminars of parents
20 and teachers, and nutritional programs for the CSN in their respective
21 localities to be determined by the DepED, in coordination with the
22 Department of Budget and Management (DBM) and the Department of
23 Finance (DOF).

24
25 Sec. 21. *Public Information, Education and Communication.* – A nationwide
26 information dissemination campaign on the prevention, early identification and
27 intervention programs for CSN shall be intensified. This shall be the joint
28 responsibility of the Philippine Information Agency (PIA), the Council for the Welfare
29 of Children (CWC) and the Department of Education (DepED).

1 The DepED in collaboration with the DOH and the Department of Labor and
2 Employment (DOLE), shall also disseminate materials and information concerning
3 effective practices in working with, training and educating CSN.

4
5 Sec. 22. *Appropriations.* – The Secretary of DepED shall immediately include
6 in the Department's programs the implementation of this Act, the funding of which
7 shall be included in the annual General Appropriations Act.

8 Sec. 23. *Implementing Rules and Regulations.* – The DepED, in coordination
9 with the DSWD, the Department of Interior and Local Government (DILG), the DOH,
10 the DOF, the Bureau of Internal Revenue (BIR, the CWC and the National Council on
11 Disability Affairs (NCDA), shall promulgate and issue the necessary guidelines for the
12 creation and operation of SPED centers within sixty (60) days after the effectivity of
13 this Act.

14 Sec. 24. *Separability Clause.* – If, for any reason, any provision or part hereof
15 is declared invalid, the other provisions not affected thereby shall remain in full force
16 and effect.

17 Sec. 25. *Repealing Clause.* – All laws, decrees, executive orders, rules and
18 regulations contrary to or inconsistent with the provisions of this Act are hereby
19 repealed or modified accordingly.

20 Sec. 26. *Effectivity.* – This Act shall take effect fifteen (15) days after its
21 publication in two (2) newspapers of general circulation.

22
23 Approved,