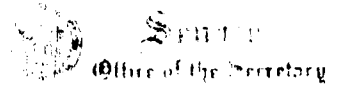


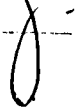
SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



16 JUL 19 11:19

SENATE

S. No. 468

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" Trillanes IV

AN ACT

INSTITUTING INCLUSIVE EDUCATION THROUGH SPECIAL EDUCATION IN ALL PUBLIC AND PRIVATE ELEMENTARY AND SECONDARY SCHOOLS NATIONWIDE FOR CHILDREN AND YOUTH WITH SPECIAL NEEDS AND ESTABLISHMENT OF THE BUREAU OF SPECIAL EDUCATION CREATING THE IMPLEMENTING MACHINERY THEREOF, PROVIDING GUIDELINES FOR GOVERNMENT FINANCIAL ASSISTANCE AND OTHER INCENTIVES AND SUPPORT AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article XIV, Section 2 (1) of the Constitution stipulates that the State shall establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society. It is in the public interest to support unique opportunities for high-achieving and underachieving pupils in the public elementary schools who are identified as gifted and talented. Special efforts should be made to ensure that economically-disadvantaged pupils be provided with full participation in these unique opportunities.

However, the country's school system does not have adequate programs that go beyond identifying gifted children by nurturing them until they have completed their education.

This bill seeks to improve the quality of existing programs for gifted and talented pupils and to provide for experimentation in the delivery of the programs that go beyond the structures of time-honored education system. Moreover, the bill provides for the creation of Bureau of Special Education to institutionalize and govern special education in the Philippines. Said Bureau shall be specifically tasked to formulate appropriate curriculum and developmentally-suited programs to achieve functional literacy of the children and youth with special needs and ensure their inclusion to society.


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


ANTONIO "SONNY" F. TRILLANES IV
Senator

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

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

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

8 It is also the policy of the State to give full support for their welfare and development
9 to ensure their full integration to society as well as to facilitate their active participation in the
10 affairs of the State. Towards this end, and also pursuant to the mandate stated in Section 13 of
11 Article 2, Sec. 13 of Article 13 of the 1987 Constitution, Article 3 of P.D. 603, Sections 12-
12 14 of Republic Act No. 7277, Article 24 of the UNCRPD, Convention on the Rights of the
13 Child (CRC), the Salamanca Statement and framework for Action on Special Needs

1 Education, Education For All (EFA) the State shall institutionalize an adequate and relevant
2 educational program for every child with special needs through the establishment of SPED
3 Centers and of their vital support mechanisms. Thus, all CSN, irrespective of the degree of
4 sensory, physically or intellectual disability or need, will have the opportunity to be educated
5 in the most educationally enhancing environment consistent with the provision of a quality
6 education that best meets their needs.

7

8 **SEC. 3. Objectives.** The objectives of the Special Education Act are:

9 (a) To provide access to basic education among CYSN namely the gifted and
10 talented, children with developmental delays: those with intellectual disability, with
11 visual impairment, with hearing impairment, with orthopedic impairment, with physical
12 impairment, with learning disability, with speech defects, with behavior problems, with
13 autism and those with health problems through the formal system and other alternative
14 delivery service in education;

15 (b) To ensure CYSN fully develop their abilities, talents, interests and all aspects
16 of their development to become more responsible for their lives and more effective
17 partners in all of the affairs and concerns of the country;

18 (c) To ensure that CYSN understand, appreciate and respect differences among
19 groups and members in society and also to understand the nature of society in which they
20 live;

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

24 (e) To equip the parents and other caregivers and the teachers with the capabilities
25 to identify, prevent, refer and intervene with the developmental disorders and disabilities

1 of children as well as in the relevant individual programing, planning for the student
2 where such program differs significantly for the standard curriculum and other matters
3 that enhance the role of parents and other caregivers as the primary educators that
4 caregivers of their children from birth onward;

5 (f) To involve private groups, local government units and national agencies other
6 than the Department of Education, in the education of children with special needs; and

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

10
11 **SEC. 4. *Definition of Terms.*** For purposes of this Act, these terms are defined as
12 follows:

13 (a) *Disability* shall mean

14 1) a physical or mental impairment that substantially limits one or more
15 psychological, physiological or anatomical function of an individual or
16 activities of such individual;

17 2) a record of such an impairment; and

18 3) being regarded as having such an impairment.

19
20 (b) *Impairment* is any loss, diminution or aberration or psychological, physiological
21 or anatomical structure or function;

22
23 (c) *Handicap* refers to a disadvantage of a given individual, resulting from an
24 impairment or a disability that limits or prevents the functions or activity that is considered
25 normal given the age and gender of the individual;

1 (d) *Persons with disabilities* are those suffering from restriction or different abilities
2 as a result of a mental, physical, sensory or neurological impairment, to perform an activity in
3 the manner or within the range considered normal for a human being;

4
5 (e) *Marginalized/disadvantaged disabled persons* refer to disabled persons who lack
6 access to rehabilitate service and educational opportunities due to poverty, abandonment,
7 illness and other form of neglect. For purposes of this Act, the word "poor" are those who
8 either have no means of livelihood or have incomes below poverty threshold;

9
10 (f) *Children and youth with special needs* are the gifted and talented and those who
11 are disabled, impaired and handicapped persons in need of special education as well as
12 services for rehabilitation. He/she differs from the average child in 1) mental characteristics;
13 2) sensory abilities; 3) neuro-muscular or physical characteristics; 4) social; 5) multiple
14 handicaps; and/or 6) has a developmental lag to such an extent that requires modified school
15 practices or special education services to develop to his maximum capability. They include
16 persons aged 0-21 years old and may be as follows:

17
18 1. Gifted and Talented children are those capable of superior performance and
19 these include those with demonstrated achievements or potential ability in one or
20 more of the following areas: general intellectual ability, special aptitude, creative or
21 productive thinking ability, leadership ability or those individuals who consistently
22 manifest the following cluster of traits: above average ability (including intelligence),
23 high creativity (implies the developmental appreciation of innovative ideas) and high
24 task commitment (related to a high degree of motivation) and those who by reason
25 thereof, require services or activities not or ordinarily provided by the school;

1 2. The Intellectually Disabled are those who have substantial limitation in
2 present functioning characterized by significant sub-average intellectual functioning,
3 existing concurrently with the related limitation in two or more of the applicable
4 adaptive skill areas: communication, self-direction, home living, social skills,
5 community use, health and safety, functional academics, leisure and work;

6 3. The Visually impaired are those who are blind or having a low vision. A
7 person is blind if he has a visual acuity of 20/200 or less in a better eye after
8 maximum correction. The low vision person retains a relatively low degree of vision
9 and can read only enlarged print of regular or regular or regular print under special
10 condition;

11 4. The Hearing Impaired are those who are deaf or hard-of-hearing. The deaf
12 person is one whose hearing is functional for ordinary purpose in life. The hard-of-
13 hearing has a sense of hearing which although defective is functional without a hearing
14 aid;

15 5. Children and youth with behavior problems are those who cannot adjust to
16 the socially accepted norms or behavior and consequently disrupt their academic
17 progress, the learning efforts of their classmates and interpersonal relations;

18 6. The Orthopedically Handicapped are those whose impairment permanently
19 or temporarily interferes with the normal functions of the joints, muscles or limbs;

20 7. Children and youth with special health problems are those who have health
21 conditions that tend to keep children out-of -school or those with chronic and/or
22 illness like cardiac (heart) diseases, asthma, diabetes, tuberculosis and other
23 respiratory ailments, carcenonza, epilepsy, malnutrition and others;

24 8. Children and youth with learning disabilities are those whose although
25 normal in sensory, emotional and intellectual abilities exhibit disorders in perception,

1 listening, thinking, reading, writing, spelling or arithmetic. They have such condition
2 as perceptual handicap, brain injury, minimal brain dysfunction, dyslexia and
3 developmental aphasia;

4 9. The Speech impaired are those whose speech differs from the average so far
5 as to draw unfavorable attention to the manner of speaking rather than the thought
6 conveyed; and

7 10. Persons with Autism are those with developmental disabilities, having
8 onset before 30 months of age which is marked by disturbance in development,
9 language and relationship with persons, activities and objects and which may co-exist
10 with intellectual disability and epilepsy. Children afflicted with this disorder have
11 perceptual, cognitive communication and social difficulties which change over time.

12
13 (g) *Auxilliary aids and services* are services that are basically non-education but
14 impinge on the education process of the child with special needs. These include:

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

1 (h) *Augmentative and alternative communication devices* are special instructional
2 materials like a textbook in Braille, large type or any other medium or any apparatus that
3 conveys information to student or otherwise contributes to the learning process;

4
5 (i) *Private sectors participation* encompasses all forms of indispensable, substantial
6 and meaningful participation of private individuals, partnership, groups or entities,
7 community-based organization or non-governmental organizations in the delivery of
8 educational and rehabilitative services for students and children with special needs;

9
10 (j) *Basic Education* consists of at least six (6) years of elementary education and at
11 least four (4) of secondary education including early years of education;

12
13 (k) *Special Education* is basic education that takes into account the special needs of
14 both the disabled children and the gifted and talented that requires a systematic and deliberate
15 process for them to achieve functional literacy and which will bring the individual to the
16 highest level of his (1) potential and capacity. It is also defined as the type of education
17 tailored to meet the needs of children who cannot profit because of disabilities or exceptional
18 abilities; and

19
20 (l) *Functional literacy* is the level of literacy necessary for the children and youth to
21 become useful citizens and effective members of the society.

22
23 **SEC. 5. Coverage.** This Act shall cover student and children and youth with special
24 needs nationwide.

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

10 BSPED shall function as a regular bureau of the Department of Education, under the
11 direct supervision of the Department Secretary and to be headed by a director and assistant
12 director.

13 The division chiefs shall serve as heads for the (1) Gifted and Talented Children and
14 Youth Division (GCYD); and (2) Children and Youth with Disabilities Division (CYDD)
15 with the staffing needs to be equitably distributed in accordance with the current needs and
16 concerns of their respective divisions. They shall assist the director in the formulation,
17 implementation and improvement of the framework and components of the special education
18 program.

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

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

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

6

7 Each SPED Center shall have at least the following staff who shall have qualifications
8 as to DepEd standards. They will have a starting salary classification of Grade 13:

9

a) 1 SPED teacher for the gifted and talented;

10

b) 1 SPED teacher for children and youth with intellectually disabled;

11

c) 1 SPED teacher for children and youth with visual impairment;

12

d) 1 SPED teacher for children and youth with hearing impairment;

13

e) 1 SPED teacher for children and youth with autism;

14

f) 1 SPED teacher for children and youth with learning disability;

15

g) 1 SPED teacher for children and youth with behavior problems.

16

SPED teachers should work cooperatively with regular teachers.

17

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

1 **SEC. 8. *Other Personnel of SPED Centers.*** One educational psychologist or
2 psychometrician, one social worker, one education supervisor and lone medical health officer
3 for each city, and province shall be appointed, among other responsibilities, shall comprise
4 the administrative core and placement committee of the SPED unit in the area. They shall
5 also be jointly tasked to develop and maintain a database in special education in their
6 respective jurisdiction. The placement committee shall, among others, ensure that students
7 with disabilities are educated as close as possible to their homes and alongside their age-
8 appropriate peer groups, and that these students attend their local schools or travel the
9 distance possible in the avilment of educational services, in consultation with, and active
10 participation of parents.

11
12 **SEC. 9. *Itinerant/Mobile SPED teachers.*** Itinerant/Mobile SPED teachers shall also
13 be appointed whenever necessary and on a needs basis. He/she shall assist isolated or remote
14 schools with specialized equipment, individual programs, curriculum adjustment, teaching
15 aids and building modifications.

16
17 **SEC. 10. *Authority of the Secretary of Education to Give Grants to, or Enter into***
18 ***Cooperative Arrangement for tile Creation of SPED Centers.*** The Secretary of Education is
19 hereby authorized to give grants to, or enter into cooperative arrangement or contracts with
20 public or private non-profit agencies, institutions or organization for the establishment or
21 creation of SPED Centers for children and youth with special needs: *Provided*, That a grant
22 made pursuant to this Section may be made only for the following or similar programs:

23 (a) Technical assistance of SPED Centers providing educational assistance for
24 children with special needs (CSN);

- 1 (b) Pre-service or in-service training of professionals or related services personnel
2 preparing to serve or serving CSN;
- 3 (c) Replication of successful innovative approaches to providing educational or
4 related services to CSN;
- 5 (d) Facilities of parental involvement in the education of their CSN;
- 6 (e) Diagnosis and educational evaluation of CSN at risk of being certified CSN;
- 7 (f) Consultative, counseling and training services for the families of CSN;
- 8 (g) Familiarization of the municipality or city to be served by a SPED Center with the
9 problems and potentialities of such children.
- 10

11 **SEC. 11. *Provision for Continuing Research to Identify Special Needs of CYSN.***

12 The Bureau of Special Education (BSPED) by itself or in associate with such organizations or
13 institutions as are determined by the DepEd Secretary to be appropriate, shall undertake
14 continuing research to identify and design programs that meet the full range of children with
15 special needs: *Provided, That* such continuing research shall also be used to develop
16 instructional techniques for used by the SPED Centers that will improve the CSN's
17 acquisition of skills necessary for transition to independent living, vocational training or
18 competitive development. *Provided, Finally,* That such continuing research shall further be
19 used to design physical education and therapeutic recreation program for use by the Center to
20 increase the potential of CSN for community participation.

21

22 **SEC. 12. *Student Assistance.*** The Bureau shall provide financial assistance to
23 economically marginalized but deserving students with special needs at the elementary and
24 secondary levels, including any post-secondary or tertiary education which may come in the
25 form of scholarship grants, transportation allowance, food allowance, board and lodging

1 allowance, book allowance, student loan programs, artistic and cultural tours, training and
2 programs, subsidies and other incentives. Marginalized disabled persons and those coming
3 from indigenous communities shall be the priority in the grant of the aforesaid assistance.
4 Social equipment like wheelchair, crutches, special toilet and hygiene requirements, hearing
5 aids, eyeglasses and the like required by the children and youth to optimize education and
6 participation in the educational process shall also be provided for free and at discounted rates
7 to deserving students and at very affordable rates in general through a reasonable funding
8 scheme that shall be designated by the Bureau.

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

20
21 **SEC. 14. *Nutritional Programs.*** The nutritional programs of CSN shall be supervised
22 by the National Nutrition Council and the Department of Health in coordination with the
23 local government unit health officer.

1 **SEC. 15. *Establishment of Child Development Center.*** Child Development Care
2 Centers to especially designed for pre-school children and their parents, where early
3 identification of disabilities and special needs and early learning intervention will be
4 administered, shall also be established near or within SPED centers or those that will be
5 created by the bureau with support of the local government units in the area. As far as
6 practicable, existing day care centers and facilities shall be maximized.

7
8 **SEC. 16. *Recreational and Artistic Opportunities.*** The Bureau shall institute and
9 include a program for children and youth with special needs to provide them full
10 opportunities for safe and wholesome recreation and activities, individual as well as social,
11 for the wholesome use of his leisure hours and for the advancement of their physical, mental,
12 social cultural development.

13
14 **SEC. 17. *Continuing Education and Assistance to Teachers or Instructors of***
15 ***Children and Youth with Special Needs.*** The Bureau shall enhance the gift of the
16 teachers/instructors to professional advancement and ensure that the teaching staff attract the
17 best available talents through adequate remuneration, scholarship and training grants; teacher
18 exchange programs, incentives and allowance and other means of securing job satisfaction
19 and fulfillment as well as their lone and stable tenure in their respective posts. A similar
20 program shall be designed for support personnel like interpreters, psychologist, social
21 workers and other also involved in the education and rehabilitation of the children and youth.

22
23 **SEC. 18. *Parent, Sibling, and Caregiver Education.*** There shall be a formal training
24 and counseling program for parents, sibling and caregivers for them to acquire a working
25 knowledge of special education, gain an understanding of the psychology of children with

1 special needs, be aware of their crucial role as educators and gain knowledge and skills on
2 how each parent, sibling or caregiver could maximize his/her services for the optimum
3 development of the potential of the children and youth.

4

5 **SEC. 19. *Special Instructional Materials.*** Publishers shall grant to the DepEd
6 BSPED the authority to transcribe adopted instructional materials into Braille, large type and
7 audio tape without penalty or royalty. Furthermore, on or before the second working day after
8 the adoption of textbook titles by the DepEd, each publisher of newly adopted instructional
9 materials shall provide computerized files as specified by the DepEd which may be copied
10 and distributed to a school division, upon request, for instructional purposes.

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

15

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

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

3 a) Provision of building 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
5 as 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
7 respective jurisdictions offering special education to children and youth with special needs;

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

12 d) Provisions of counterpart funds for the training and seminars of parents and
13 teachers and nutritional programs for the children and youth with special needs in their
14 respective localities to be determined by the Bureau, in coordination with the Department of
15 Budget and Management and the Department of Finance.

16

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

1 **SEC. 23. Appropriations.** For the implementation of this Act, the amount of Six
2 Hundred Million Pesos (P 600,000,000.00) per year for five (5) consecutive years is hereby
3 appropriated for the SPED program to be included in the General Appropriations Act. A
4 supplementary appropriation in the amount of Twenty Million Pesos (P 20,000,000.00) to be
5 sourced from the President's Social Fund and the Philippine Amusement and Gaming
6 Corporation (PAGCOR) shall be provided to BSPED as a reserve fund for every year of
7 operation immediately upon approval of this Act. This shall be used exclusively to augment
8 funding for auxiliary aids and services.

9 Government incentives and support provided by the DepEd, DOF, DOH, DILG,
10 LGU, CWC and the National Council for Disability Affairs shall also be included in their
11 respective annual budget in the General Appropriations Act.

12

13 **SEC. 24. Implementation.** The Department of Education through the Bureau of
14 Special Education, in coordination with the Department of Interior and Local Government,
15 Local Government Unit, Department of Health, Department of Finance, Council for the
16 Welfare of Children, Early Childhood Care and Development Council, and the National
17 Council for Disability Affairs shall promulgate and issue the necessary implementing
18 guidelines for the creation and operation of the SPED Centers within sixty (60) days after the
19 effectivity of this Act.

20

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

1 **SEC. 26. *Effectivity.*** This Act shall take effect fifteen (15) days after its publication
2 in at least two (2) newspapers of general circulation.

Approved,