



HOUSE OF REPRESENTATIVES

H. No. 4558

BY REPRESENTATIVES VILLARICA, BLAZON, MERCADO-REVILLA, AGLIPAY, FERNANDEZ, ACHARON, RODRIGUEZ (R.), RODRIGUEZ (M.), VIOLAGO, YAP (S.), CALALAY, DE VENECIA, CASTELO, CORTUNA, PIAMONTE, ARROYO, MACAPAGAL-ARROYO, VARGAS, VELASCO, TAMBUNTING, CO, BATOCABE, ANTONINO-NADRES, REVILLA, MAGSAYSAY, ROBES, CATAMCO, PRIMICIAS-AGABAS, BINAY, ENERIO-CERILLES, SANTIAGO, SUANSING, LACSON-NOEL, GERONA-ROBREDO, SAHALI, RADAZA, QUIMBO, ALIPING, COLLANTES, DEL MAR, FORTUNO, UNGAB, BATAOIL, LOBREGAT, TAN (A.), FUENTEBELLA, KHO, HERNANDEZ AND ZAMORA (M.), PER COMMITTEE REPORT NO. 282

AN ACT ESTABLISHING SPECIAL EDUCATION (SPED) CENTERS FOR CHILDREN WITH SPECIAL NEEDS IN ALL PUBLIC SCHOOLS DIVISIONS, PROVIDING FOR STANDARDS AND GUIDELINES, AND APPROPRIATING FUNDS THEREFOR

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Special
2 Education (SPED) Centers Act”.

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

1 It is also the policy of the State to fully support their welfare and
2 development, ensure their full integration in society, as well as facilitate their
3 active participation in the affairs of the State. Towards these ends, and
4 pursuant to the 1987 Constitution specifically: Section 13, Article II; Section
5 13, Article XIII; and Sections 1 and 2, paragraphs 1 and 3, Article XIV,
6 Article 3 of Presidential Decree No. 603 (The Child and Youth Welfare Code);
7 and Sections 12, 13 and 14 of Republic Act No. 7277 (Magna Carta for the
8 Disabled), the State shall institutionalize an adequate and relevant educational
9 program for every child with special need through the establishment of SPED
10 Centers and the provision of vital support mechanisms required to ensure their
11 effectivity. All children with special needs, in any degree of sensory, physical
12 or intellectual disability or need, shall therefor have the opportunity to be
13 developed in the most enhancing environment, consistent with the provision of
14 a quality education that best meets their needs.

15 SEC. 3. *Objectives.* – SPED Centers shall pursue the following:

16 (a) Provide children with special needs access to basic education
17 through the formal system and other alternative delivery services in education;

18 (b) Facilitate the inclusion and integration of children with special
19 needs into the mainstream education in accordance with the United Nations
20 Convention on the Rights of Persons With Disabilities, and the Incheon
21 Strategy to Make the Rights Real for Persons With Disability in Asia and the
22 Pacific;

23 (c) Develop, implement and oversee the Individual Education Program;

24 (d) Ensure that children with special needs fully develop their
25 potentials toward self-sufficiency and become more effective partners in the
26 affairs of the country;

1 (e) Ensure that children with special needs understand, appreciate and
2 respect differences amongst groups and members of society, and to understand
3 the nature of the society in which they live;

4 (f) Identify gifted and talented children from ages three (3) to sixteen
5 (16);

6 (g) Provide parents with information on the full continuum of SPED
7 services and possible placement options for their children, and thus enable
8 them to make informed choices and decisions;

9 (h) Support the role of parents by training and equipping them with
10 capabilities to identify, prevent, refer or intervene with the developmental
11 disorders and disabilities of children;

12 (i) Train, equip and educate teachers and other caregivers as primary
13 sources of care, development, education and advancement of children; and

14 (j) Create significant and positive changes in community attitudes
15 towards disability and the need to provide special education and proper care
16 for children with special needs.

17 **SEC. 4. *Definition of Terms.* – As used in this Act:**

18 (a) *Basic education* refers to meeting the basic learning needs which
19 provide the foundation on which subsequent learning can be based. It
20 encompasses kindergarten, elementary and secondary education as well as
21 alternative learning systems for out-of-school learners and those with special
22 needs;

23 (b) *Children with special needs* refer to children who are gifted or
24 talented, or with neuropsychological retardation, learning disabilities,
25 emotional or behavioral disorders, speech and language disorders, hearing
26 impairments, visual impairments, autism, physical or health disabilities,
27 deaf-blindness and multiple handicapping conditions and are in need of special
28 education as well as services for rehabilitation. They differ from the average

1 children in neuropsychological characteristics, sensory abilities, neuromuscular
2 or physical characteristics, and social attributes to such an extent that the use of
3 modified school practices or special education services are required to develop
4 them to maximum capability. They may be classified as children with
5 exceptionalities such as the following:

6 (1) *Autism* – those with developmental disabilities marked by
7 disturbance in development, language and relationship with persons, activities
8 and objects and which may coexist with intellectual disability and epilepsy.
9 Children afflicted with this disorder have perceptual, cognitive, communication
10 and social difficulties that change over time;

11 (2) *Behavior problems* – those who cannot adjust to the socially-
12 accepted norms of behavior and consequently disrupt their academic progress,
13 the learning efforts of their classmates, and their interpersonal relations;

14 (3) *Gifted or talented* – those who are capable of superior
15 performance including those with demonstrated achievement or potential
16 ability in one (1) or more of the following areas: general intellectual ability,
17 specific academic aptitude, creative or productive thinking ability, leadership
18 ability, ability in the visual or performing arts and psychomotor ability; or
19 those individuals who consistently manifest the following cluster of traits:
20 above average ability (including intelligence), high creativity (implies the
21 developmental appreciation of innovative ideas) and high task commitment
22 (related to a high degree of motivation); and those who, by reason thereof,
23 require services or activities not ordinarily provided by a school;

24 (4) *Hearing impairment* – those who are deaf or hard-of-hearing.
25 Deaf persons are those whose hearing is nonfunctional for ordinary purposes in
26 life; the hard-of-hearing have a defective sense of hearing but are still
27 functional with or without a hearing aid;

1 (5) *Learning disabilities* – those, although normal in sensory,
2 emotional and intellectual abilities, have a condition that causes
3 impediment/impairment in perception, comprehension, listening, thinking,
4 reading, writing, spelling or arithmetic;

5 (6) *Multiple disabilities* – those with more than one (1) disability
6 such as the deaf-blind or those diagnosed with autism and intellectual
7 disability;

8 (7) *Neuropsychological retardation/intellectual disability* – those
9 who have substantial limitation in present functioning characterized by
10 significant sub-average intellectual functioning coexisting with other
11 limitations in two (2) or more of the following applicable adaptive skill areas:
12 communication, self-care, home living, social skills, community use,
13 self-direction, health and safety, functional academics, leisure and work;

14 (8) *Orthopedic/physical disabilities* – those whose impairment
15 permanently or temporarily cause difficulty in mobility and all activities of
16 daily life;

17 (9) *Special health problems* – those who have health conditions that
18 tend to keep them out of school, or those with chronic and/or debilitating
19 illnesses such as cardiac disease, asthma, diabetes, tuberculosis and other
20 respiratory ailments, carcenonza, epilepsy and malnutrition;

21 (10) *Speech impairment and delays* – those who have difficulty in
22 expressing or articulating words in a manner understandable to others; and

23 (11) *Visual impairment* – those who are blind or have low vision.
24 Persons are blind if they have visual capacity of 20/200 or less in the better
25 eye after maximum correction. Low vision persons retain relatively low degree
26 of vision and can read only enlarged print or regular print under special
27 conditions;

1 (c) *Handicap* refers to a disadvantage of an individual, resulting from
2 an impairment or a disability that limits or prevents the function or activity that
3 is considered normal, given the age and gender of the individual;

4 (d) *Impairment* refers to any loss, diminution or aberration of
5 psychological, physiological or anatomical structure or function;

6 (e) *Individual Education Program* refers to the systematic, purposive
7 and developmental educational programming of curricular and instructional
8 priorities and contents designed to meet a learner's special needs and aimed at
9 ensuring mastery learning of target skills and behaviors;

10 (f) *Learning differences* refer to any of the following.

11 (1) A physical or mental or sensory and intellectual impairment that
12 substantially limits one or more psychological, physiological, anatomical,
13 sensory or intellectual function of an individual;

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

15 (3) Being regarded as having such an impairment;

16 (g) *Private sector participation* refers to all forms of indispensable,
17 substantial and meaningful participation of private individuals, partnerships,
18 groups or entities, community-based organizations or nongovernmental
19 organizations, in the delivery of educational and rehabilitative services for
20 children with special needs;

21 (h) *Special education* refers to the customized instructional
22 program/service designed to meet the unique needs of individual learners who
23 differ from societal or community standards of normalcy because of
24 differences due to significant physical, sensory, neuropsychological, cognitive
25 or behavioral characteristics that may necessitate the use of specialized
26 materials, equipment, services and/or teaching strategies. It is geared towards
27 the integration of children with special needs into the mainstream education;
28 and

1 (i) *Special instructional materials* refer to textbooks in Braille, large
2 type or any other medium or apparatus, that convey information to a student or
3 otherwise contributes to the learning process.

4 **SEC. 5. *Establishment of SPED Centers for Children With Special***
5 ***Needs in all Public Schools Divisions.*** – A SPED Center for children with
6 special needs shall be established in all public schools divisions nationwide
7 where there are no existing SPED Centers. Existing SPED Centers shall
8 continue to function and additional ones shall be established where the need
9 arises due to increased number of enrollees, upon the recommendation of the
10 Schools Division Superintendent and the approval of the Secretary of the
11 Department of Education (DepED).

12 All SPED Centers and facilities shall be compliant with the
13 requirements of Batas Pambansa Blg. 344 or the Accessibility Law.

14 **SEC. 6. *Functions of a SPED Center.*** – The SPED Center shall
15 function as a resource center that shall assist in promoting inclusive education
16 as to capacitate regular schools to effectively handle the needs of children with
17 special needs. It shall:

18 (a) Support children with special needs so that they could be
19 integrated/included in regular schools;

20 (b) Conduct school-based training of children with special needs;

21 (c) Produce appropriate teaching materials for children with special
22 needs;

23 (d) Conduct assessment of children with special needs to evaluate
24 developmental domains and specific areas of concern and determine grade
25 placement;

26 (e) Implement the programs of the SPED Centers such as the
27 Alternative Educational Program and the Early Intervention Program;

1 (f) Provide auxiliary aids and services, or services that are basically
2 noneducational, but which enhance the education process of the child with
3 special needs. These services include:

4 (1) Language and speech therapy, occupational therapy, physical and
5 physiotherapy, among other modes of therapy;

6 (2) Qualified interpretations or other effective methods of delivering
7 materials;

8 (3) Qualified reading, taped tests or other effective methods of
9 delivering materials to individuals with visual impairments;

10 (4) Acquisition or modification of equipment or devices;

11 (5) Appropriate classroom accommodation;

12 (6) Other similar services and actions or all types of aids and services
13 that facilitate the learning process of children with special needs; and

14 (7) Assist, facilitate and monitor the transfer or admission of qualified
15 children with disabilities to post-secondary or tertiary education institutions.

16 *SEC. 7. Staffing and Responsibilities.* -- In addition to teachers with
17 special training to handle children with special needs, each SPED Center shall
18 have a Program Director, an Administrative Core and Placement Committee
19 and itinerant SPED teachers as manpower complement:

20 (a) Program Director -- The Program Director shall:

21 (1) Head the SPED Center;

22 (2) Administer and supervise the SPED Center programs;

23 (3) Oversee the other components of the special education program;

24 (4) Monitor, supervise and provide technical assistance, training and
25 enhancement programs to SPED personnel;

26 (5) Issue procedures for referrals and placement;

27 (6) Form and supervise the placement committee; and

28 (7) Resolve disagreements on placement and services.

1 (b) Administrative Core and Placement Committee – The Placement
2 Committee shall, in consultation with and active participation of parents and
3 developmental pediatrician among others, ensure that students with disabilities
4 are educated by appropriate qualified personnel as close as possible to their
5 homes and alongside with their age-appropriate peer groups. It is also tasked
6 to develop and maintain a databank on special education in its respective
7 jurisdiction. This Committee shall be composed of:

- 8 (1) Any one (1) of the following: Developmental Pediatrician,
9 Neurological Psychiatrist, Educational Psychologist or Psychometrician;
10 (2) One (1) Physical Therapist;
11 (3) One (1) Occupational Therapist;
12 (4) One (1) Speech and Language Therapist/Speech Correction
13 Teacher;
14 (5) One (1) Reading Specialist; and
15 (6) The SPED Center Program Director.

16 (c) Itinerant SPED Teachers – Itinerant SPED teachers shall be
17 appointed whenever necessary. They shall share responsibility for program
18 planning and scheduling, and assist isolated or remote schools with
19 specialized equipment, individual programs, curriculum adjustment, teaching
20 aids and building modifications. They shall likewise reach out to children
21 with special needs who have accessibility and mobility limitations.

22 SEC. 8. *Remuneration and Benefits for SPED Center Personnel.* –
23 The salary grades of SPED teachers and Program Directors managing the
24 SPED Centers shall be in accordance with the Revised Compensation and
25 Position Classification System and other civil service rules and regulations.

26 The DepED shall enhance the right of the teachers/instructors to
27 professional advancement and ensure that the SPED Centers shall attract the
28 best available teaching staff and talents through adequate remuneration,

1 scholarship and training grants, teacher exchange programs, incentives and
2 allowances and other means of securing their job satisfaction and fulfillment as
3 well as their long and stable tenure in their respective posts. A similar program
4 shall be designed for support personnel to include interpreters, psychologists
5 and social workers involved in the education and rehabilitation of children with
6 special needs.

7 The DepED shall identify at least one (1) leading institution or
8 university in Luzon, Visayas and Mindanao whose faculty is considered or
9 regarded as highly competent in the area of special education and where a
10 uniform or standardized curriculum for any post-graduate education program
11 shall be designed to benefit SPED teachers and other personnel of SPED
12 Centers. The manner of selection of such institution shall be provided under
13 the rules and regulations to be formulated to implement the provisions of this
14 Act.

15 *SEC. 9. Authority of the Secretary of Education to Give Grants to, or*
16 *Enter Into Cooperative Arrangements for the Creation of SPED Centers. –*
17 The Secretary of Education is hereby authorized to give grants to, or enter into
18 cooperative arrangements or contracts with public or private nonprofit
19 agencies, institutions or organizations for the establishment or creation of
20 SPED Centers or the implementation of programs such as the following:

21 (a) Technical assistance to SPED Centers;

22 (b) Training of professionals or related services personnel including all
23 regular teachers who are preparing to serve or are serving children with special
24 needs for inclusion and mainstreaming;

25 (c) Replication of successful innovative approaches in providing
26 educational or related services to children with special needs;

27 (d) Facilitation of parental involvement in the education of their
28 children with special needs;

1 (e) Diagnosis and educational evaluation of children with special
2 needs;

3 (f) Consultative, counseling and training services for the families of
4 children with special needs; and

5 (g) Familiarization of the municipality or city being served by a SPED
6 Center with the problems and potentialities of such children.

7 SEC. 10. *Continuing Research to Identify the Needs of Children With*
8 *Special Needs.* – The DepED, by itself or in coordination with organizations
9 or institutions, shall undertake continuing research to identify and design
10 programs that shall meet the full range of needs of children with special needs:
11 *Provided,* That such continuing research shall also be used to develop
12 instructional techniques for use by the SPED Centers towards improving the
13 children’s acquisition of skills necessary for their transition to independent
14 living, vocational training or competitive development: *Provided, further,*
15 That such continuing research shall be used by the DepED in designing a
16 physical education and therapeutic recreation program to be used by the SPED
17 Centers to increase the potential of the children for community participation.

18 SEC. 11. *Student Assistance.* – The DepED shall provide financial
19 assistance to the marginalized or disadvantaged children with special needs at
20 the elementary and secondary levels which may come in the form of
21 scholarship grants; allowances for transportation, food, lodging and books;
22 student loan programs; artistic and cultural tours; training programs; subsidies;
23 and other incentives. These include those who lack access to rehabilitative
24 services and educational opportunities due to being poor, as defined in
25 Republic Act No. 8425, otherwise known as the “Social Reform and Poverty
26 Alleviation Act”, have been abandoned, are ill, or are neglected.

27 Marginalized or disadvantaged children with special needs coming from
28 indigenous communities shall be given priority in the grant of assistance.

1 Special equipment like wheelchairs, crutches, special toilet and hygiene
2 requirements; hearing aids, eyeglasses and such other assistive devices
3 required by the students to optimize education and participation in the
4 educational process shall also be provided for free or at discounted rates to
5 deserving students, and at very affordable rates, in general, through a
6 reasonable funding scheme that shall be designed by the DepED.

7 SEC. 12. *Recreational and Artistic Opportunities.* – The DepED shall
8 institute a program for children with special needs that will afford them full
9 opportunities for:

10 (a) Safe and wholesome individual as well as interactive group
11 recreation and social activities,

12 (b) Optimal use of their leisure hours; and

13 (c) Advancement of their physical, mental, social and cultural
14 development.

15 SEC. 13. *Special Instructional Materials.* – Publishers shall grant the
16 DepED the authority to transcribe adopted instructional materials into Braille,
17 large type and audio-tape, without penalty or payment of royalty in accordance
18 with Republic Act No. 8293, otherwise known as the “Intellectual Property
19 Code of the Philippines”. Further, a publisher of a newly adopted instructional
20 material shall provide, not later than the second working day after the adoption
21 of a textbook title by the DepED, the computerized files as specified by the
22 DepED which may be copied and distributed upon request, to a Schools
23 Division for instructional purposes.

24 Copies of these instructional materials shall be furnished without cost to
25 either the children with special needs or the teacher who is handling their
26 instruction.

27 SEC. 14. *Incentives for Private Sector Participation.* – Partnership
28 between the government and private institutions catering to the needs of

1 children with special needs shall be encouraged. All revenues generated by the
2 SPED Center in public elementary and secondary schools, owned, operated
3 and controlled by the DepED shall be exempt from income tax. Any donation,
4 contribution, bequest and grant which may be made to the SPED Center shall
5 be exempt from donor's tax and the same shall be considered as allowable
6 deduction from the gross income in the computation of the income tax of the
7 donor, in accordance with the provisions of Republic Act No. 8424, otherwise
8 known as the "National Internal Revenue Code of 1997", as amended:
9 *Provided*, That such donations shall not be disposed of, transferred or sold.
10 Economic, technical and cultural books and publications shall be imported
11 duty-free upon certification by the DepED that such imported books and
12 publications are for economic, technical, vocational, scientific, philosophical,
13 historical or cultural purposes, in accordance with the provisions of the Tariff
14 and Customs Code, as amended.

15 SEC. 15. *Establishment of Specialized Day Care Centers.* – Day care
16 centers especially designed for pre-school children and their parents, where
17 early identification of disabilities and special needs and introductory
18 educational and intervention programs will be administered, shall also be
19 established near or within existing SPED Centers, or in other Centers that shall
20 be created by the DepED with the support of the Department of Social Welfare
21 and Development (DSWD) and the local government unit (LGU) in the area.
22 As far as practicable, the use of existing day care centers and facilities shall be
23 maximized.

24 SEC. 16. *Nutritional Programs.* – The National Nutrition Council
25 (NNC) shall determine and prescribe appropriate nutritional programs for
26 children with special needs for implementation by the Department of Health
27 (DOH) and the DepED.

1 **SEC. 17. *Parent, Sibling and Caregiver Education.*** – A formal
2 training and counseling program shall be developed through joint efforts of the
3 DepED, the DSWD and the LGUs to equip parents, siblings and caregivers of
4 children with special needs with a working knowledge of special education, an
5 understanding of the psychology of children with special needs, and the
6 awareness of their crucial role as educators so that they, in turn, can maximize
7 their knowledge and skills to fully develop the potentials of children with
8 special needs.

9 **SEC. 18. *Local Government Unit Participation.*** – The LGUs may
10 make use of their SPED Fund for the following:

11 (a) Provision of sites, buildings or centers where there are no existing
12 school facilities that may be used for the special education of children with
13 special needs, as well as the establishment of a day care center pursuant to
14 Section 15 hereof;

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

19 (c) Provision of counterpart funds for nutritional programs and the
20 training and seminars of parents and teachers, nutritional programs for children
21 with special needs in their respective localities that would be initiated by the
22 DepED, in coordination with the Department of Budget and Management
23 (DBM) and the Department of Finance (DOF).

24 **SEC. 19. *Public Information, Education and Communication.*** – A
25 nationwide information dissemination campaign on the prevention, early
26 identification and the strategic intervention programs for children with special
27 needs shall be intensified. This shall be the joint responsibility of the
28 Philippine Information Agency (PIA), the Council for the Welfare of Children

1 (CWC) and the DepED. Likewise, the DepED, in collaboration with the DOH
2 and the Department of Labor and Employment (DOLE), shall disseminate
3 materials and information concerning effective practices in working with,
4 training and educating children with special needs.

5 SEC. 20. *Appropriations.* – The Secretary of the DepED shall
6 immediately include in the Department’s program the implementation of this
7 Act, the funding of which shall be included in the annual General
8 Appropriations Act

9 SEC. 21. *Implementing Rules and Regulations.* – The DepED, in
10 coordination with the DSWD, the Department of the Interior and Local
11 Government (DILG), the DOH, the DOF, the Bureau of Internal Revenue
12 (BIR), the CWC and the National Council on Disability Affairs (NCDA), shall
13 promulgate and issue the necessary guidelines for the creation and operation of
14 SPED Centers within sixty (60) days after the effectivity of this Act.

15 SEC. 22. *Separability Clause.* – If, for any reason, a provision or part
16 hereof is declared invalid, other provisions not affected thereby shall remain in
17 full force and effect.

18 SEC. 23. *Repealing Clause.* – All laws, decrees, executive orders,
19 rules and regulations contrary to or inconsistent with the provisions of this Act
20 are hereby repealed or modified accordingly.

21 SEC. 24. *Effectivity.* – This Act shall take effect fifteen (15) days
22 after its publication in the *Official Gazette* or in a newspaper of general
23 circulation.

Approved,

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