



## HOUSE OF REPRESENTATIVES

H. No. 5269

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NOEL, BATERINA, DATUMANONG, NICOLAS, SINGSON, TOMAWIS,  
ZUBIRI, DEL MAR AND VILLAROSA, PER COMMITTEE REPORT NO. 1562

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AN ACT ESTABLISHING AT LEAST ONE SPECIAL EDUCATION  
(SPED) CENTER FOR EACH SCHOOL DIVISION AND AT LEAST  
THREE SPED CENTERS IN BIG SCHOOL DIVISIONS FOR  
CHILDREN WITH SPECIAL NEEDS (CSNs), 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:*

1           SECTION 1. *Title.* – This Act shall be known as the “Special Education  
2 Act of 2006”.

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

7           It is also the policy of the State to give full support for their welfare and  
8 development to ensure their full integration to society as well as to facilitate  
9 their active participation in the affairs of the State. Towards this end and also  
10 pursuant to the mandate stated in Section 13, Article II; Section 13, Article  
11 XIII; Section 1 and Section 2, paragraphs 1 and 3, Article XIV of the 1987  
12 Constitution; Article 3 of Presidential Decree No. 603 (The Child And Youth  
13 Welfare Code) and Sections 12-14 of Republic Act No. 7277 (Magna Carta  
14 For The Disabled), the State shall institutionalize an adequate and relevant  
15 educational program for every child with special needs through the  
16 establishment of Special Education (SPED) centers and of their vital support  
17 mechanisms. Thus, all CSNs, irrespective of the degree of sensory, physical or  
18 intellectual disability or needs, will have the opportunity to be educated in the  
19 most educationally enhancing environment consistent with the provision of a  
20 quality education that best meets their needs.

1           SEC. 3. *Objectives.* -- The objectives of the SPED Act of 2006 are:

2           (a) To provide access to basic education among CSNs, namely the  
3           gifted/talented, the mentally retarded, the visually impaired, the hearing  
4           impaired, the orthopedically/physically handicapped, the learning disabled, the  
5           speech defectives, the children with behavior problems, the autistic children  
6           and those with health problems through the formal system and other alternative  
7           delivery services in education;

8           (b) To ensure that CSNs fully develop their abilities, talents, interests  
9           and all aspect of their development to become more responsible for their lives  
10          and more effective partners in all of the affairs and concerns of the country.

11          (c) To ensure that CSNs understand, appreciate and respect differences  
12          amongst groups and members in society and also to understand the nature of  
13          society in which they live;

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

18          (e) To equip the parents, caregivers and teachers with the capabilities  
19          to identify, prevent, refer and intervene with the developmental disorders and  
20          disabilities of children as well as in the relevant individual programming  
21          planning for the student where such program differs significantly from the

1 standard curriculum and other matters that enhance the role of parents and  
2 other caregivers as the primary educators and caregivers of their children from  
3 birth onwards;

4 (f) To involve private groups, local government units (LGUs) and  
5 national agencies other than the Department of Education (DepEd) in the  
6 education of CSNs; and

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

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

12 (a) “Disability” refers to: (1) a physical or mental impairment that  
13 substantially limits one or more psychological, physiological or anatomical  
14 function of an individual or activities of such individual; (2) a record of such  
15 an impairment; and (3) being regarded as having such an impairment.

16 (b) “Impairment” refers to any loss, diminution or aberration of  
17 psychological, physiological or anatomical structure or function.

18 (c) “Handicap” refers to a disadvantage for a given individual,  
19 resulting from an impairment or a disability, that limits or prevents the function  
20 or activity that is considered normal given the age and sex of the individual.

1 (d) "Disabled persons" refer to those suffering from restriction or  
2 different abilities, as a result of a mental, physical, sensory or neurological  
3 impairment, to perform an activity in the manner or within the range  
4 considered normal for a human being.

5 (e) "Marginalized/disadvantaged disabled persons" refer to disabled  
6 persons who lack access to rehabilitative services and educational  
7 opportunities due to poverty, abandonment, illness and other forms of neglect.  
8 For purposes of this Act, the word "poor" refers to persons who either have no  
9 means of livelihood or have incomes below the poverty threshold as  
10 determined by the National Statistics Coordinating Board (NSCB ).

11 (f) "Children and youth with special needs" refer to those who are  
12 gifted and are fast learners and those who are disabled, impaired and  
13 handicapped and in need of SPED as well as services for rehabilitation. He/she  
14 differs from the average child in: (1) mental characteristics; (2) sensory  
15 abilities; (3) neuromuscular or physical characteristics; (4) social attributes; (5)  
16 has multiple handicaps; and/or (6) has a developmental lag to such an extent  
17 that requires the use of modified school practices or SPED services to develop  
18 him/her to maximum capability. They may fall within the ages zero to twenty-  
19 one (0-21) years and may be classified as follows:

20 (i) "Gifted children and Fast learners" are those capable of superior  
21 performance and these include those with demonstrated achievement or

1 potential ability in one or more of the following areas: general intellectual  
2 ability, specific academic aptitude, creative or productive thinking ability,  
3 leadership ability, ability in the visual or performing arts and psychomotor  
4 ability, or those individuals who consistently manifest the following cluster of  
5 traits: above average ability (including intelligence), high creativity (implies  
6 the developmental appreciation of innovative ideas) and high task commitment  
7 (related to a high degree of motivation) and those who by reason thereof,  
8 require services or activities not ordinarily provided by the school.

9 (ii) "The mentally handicapped/mentally retarded" are those who have  
10 substantial limitation in present functioning characterized by significant sub-  
11 average intellectual functioning, existing concurrently with related limitations  
12 in two or more of the applicable adaptive skill areas: communication, self-  
13 care, home living, social skills, community use, self-direction, health and  
14 safety, functional academics, leisure and work.

15 (iii) "The visually impaired" are those who are blind or have a low  
16 vision. A person is blind if he has a visual capacity of 20/200 or less in a better  
17 eye after maximum correction. The low vision person retains a relatively low  
18 degree of vision and can read only enlarged print or regular or regular print  
19 under special conditions.

20 (iv) "The hearing impaired" are those who are deaf or hard-of-hearing.  
21 The deaf person is one whose hearing is nonfunctional for ordinary purposes in

1 life. The hard-of-hearing has a sense of hearing which *although defective is*  
2 functional with or without a hearing aid.

3 (v) "Students/children with behavior problems" are those who cannot  
4 adjust to the socially accepted norms of behavior and, consequently disrupt  
5 their academic progress, the learning efforts of their classmates and  
6 interpersonal relations.

7 (vi) "The orthopedically handicapped" are those whose impairment  
8 permanently or temporarily interferes with the normal functions of the joints,  
9 muscles or limbs.

10 (vii) "Students/children with special health problems" are those who  
11 have health conditions that tend to keep children out-of-school or those with  
12 chronic and/or debilitating illness like cardiac (heart) diseases, asthma,  
13 diabetes, tuberculosis and other respiratory ailments, carcenonza, epilepsy,  
14 malnutrition and others.

15 (viii) "Students/children with learning disabilities" are those who  
16 although normal in sensory, emotional and intellectual abilities exhibit  
17 disorders in perception, listening, thinking, reading, writing, spelling or  
18 arithmetic. They have such conditions as perceptual handicap, brain injury,  
19 minimal brain dysfunction, dyslexia and developmental aphasia.

1 (ix) "The speech impaired" are those whose speech differs from the  
2 average so far as to draw unfavorable attention to the manner of speaking  
3 rather than to the thought conveyed.

4 (x) "Persons with autism" are those with developmental disabilities,  
5 having onset before thirty (30) months of age which is marked by disturbance  
6 in development, language and relationship with persons, activities and objects  
7 and which may coexist with intellectual disability and epilepsy. Children  
8 afflicted with this disorder have perceptual, cognitive, communication and  
9 social difficulties which change over time.

10 (g) "Auxiliary aids and services" refer to services that are basically  
11 noneducation, but impinge on the education process of the child with special  
12 needs. These include:

13 (1) Therapy;

14 (2) Qualified interpreters or other effective methods of delivering  
15 materials to individuals with hearing impairments;

16 (3) Qualified readers, taped tests or other effective methods of  
17 delivering materials to individuals with visual impairments;

18 (4) Acquisition or modification of equipment or devices; and

19 (5) Other similar services and actions or all types of aids and services  
20 that facilitate the learning process of people with mental disability.



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

4           (i) "Private sector participation" encompasses all forms of  
5 indispensable, substantial and meaningful participation of private individuals,  
6 partnerships, groups or entities, community-based organizations or  
7 nongovernmental organizations (NGOs) in the delivery of educational and  
8 rehabilitative services for students and CSNs.

9           (j) "Basic Education" refers to at least six years of elementary  
10 education and at least four years of secondary education including preschool  
11 education.

12           (k) "Special Education" refers to basic education that takes into  
13 account the special needs of both disabled and gifted children that requires a  
14 systematic and deliberate process for them to achieve functional literacy and  
15 which will bring the individual to the highest level of his potential and  
16 capacity. It is also defined as that type of education tailored to meet the needs  
17 of children who cannot profit because of disabilities or exceptional abilities.  
18 The trend in SPED is towards integration with the education of normally-abled  
19 children.

20           (l) "Functional literacy" refers to the level of literacy necessary for the  
21 student or child to become a useful citizen and effective member of the society.

1           SEC. 5. *Coverage.* -- This Act shall cover all students and CSNs  
2 nationwide.

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

13           The BSPED shall function as a regular Bureau of the DepEd under the  
14 direct supervision of the department secretary and shall be headed by a director  
15 and assistant director.

16           Three division chiefs shall serve as heads for the (1) gifted children  
17 division (GCD); (2) children with disabilities division (CDD); and the (3)  
18 special services and auxiliary aids division (SSAAD), and whose staff shall be  
19 equitably distributed in accordance with the current needs and concerns of their  
20 respective divisions. They shall assist the director in the formulation,

1 implementation and improvement of the framework and components of the  
2 SPED program.

3 The Philippine Printing House for the Blind under the existing  
4 organizational structure of the DepEd shall become part of the SSAAD and  
5 shall take charge of the production of materials that convey information to a  
6 student or otherwise contribute to the learning process.

7 *SEC. 7. SPED Centers in Regular Schools.* – At least one SPED center  
8 for each school division and at least three SPED centers in big school divisions  
9 shall be established in regular schools where there are no existing SPED  
10 centers. These SPED centers shall be administered by the principal of the  
11 regular school.

12 The SPED center shall function as the resource center for the  
13 implementation of inclusive education that will accept all kinds of children on  
14 regular schools. It shall (a) support CSNs integrated/included in regular  
15 schools; (b) assist in the conduct of school-based training; (c) produce  
16 appropriate teaching materials; and (d) conduct assessment of CSNs.

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

1 Regular teachers currently handling SPED of CSNs shall henceforth be  
2 classified as SPED teachers.

3 There shall be an assistant principal for each SPED center. He/she shall  
4 administer and supervise the alternative educational programs, early  
5 intervention programs, monitoring, supervision and technical assistance and  
6 human resource training/SPED personnel enhancement programs, referral and  
7 placement procedures, advisory services and other components of the SPED  
8 program in his/her jurisdiction. He/she shall also be responsible for the  
9 formation and supervision of placement committee under his/her jurisdiction as  
10 well as in the resolution of disagreements on placement and services.

11 The SPED teachers and school administrators managing SPED centers  
12 and special schools shall be assigned a salary grade which is three salary  
13 grades higher than that of a regular teacher and school administrator  
14 respectively.

15 *SEC. 8. Other Personnel of SPED Centers.* – One educational  
16 psychologist or psychometrician, one physical therapist and one education  
17 supervisor for each city and province shall comprise the administrative core  
18 and placement committee of the SPED unit in the area. They shall also be  
19 jointly tasked to develop and maintain a data bank in SPED in their respective  
20 jurisdictions. The placement committee shall, among others, ensure that  
21 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 possible in the availment of  
3 educational services, in consultation with, and active participation of, parents.

4       SEC. 9. *Itinerant SPED Teachers.* – Itinerant SPED teachers shall also  
5 be appointed whenever necessary. He/she shall assist isolated or remote  
6 schools with specialized equipment, individual programs, curriculum  
7 adjustment, teaching aids and building modifications.

8       SEC. 10. *Authority of the Secretary of Education to Give Grants to, or*  
9 *Enter Into Cooperative Arrangements for the Creation of SPED Centers.* --

10 The Secretary of Education is hereby authorized to give grants to, or enter into  
11 cooperative arrangements or contracts with public or private nonprofit  
12 agencies, institutions or organizations for the establishment or creation of  
13 SPED centers for CSNs: *Provided*, That a grant made pursuant to this Section  
14 may be made only for the following or similar programs:

15       (a) Technical assistance of SPED centers providing educational  
16 assistance for CSNs;

17       (b) Pre-service or in-service training of professionals or related  
18 services personnel preparing to serve or serving CSNs;

19       (c) Replication of successful innovative approaches to providing  
20 educational or related services to CSNs;

21       (d) Facilitation of parental involvement in the education of their CSNs;

1 (e) Diagnosis and educational evaluation of CSNs at risk of being  
2 certified CSNs;

3 (f) Consultative, counseling and training services for the families of  
4 CSNs; and

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

7 SEC. 11. *Provision for Continuing Research to Identify Special Needs*  
8 *of CSNs.* – The Bureau by itself or in association with such organizations or  
9 institutions as determined by the DepEd Secretary to be appropriate, shall  
10 undertake continuing research to identify and design programs that shall meet  
11 the full range of needs of the CSNs: *Provided, That* such continuing research  
12 shall also be used to develop instructional techniques for use by the SPED  
13 centers that will improve the acquisition of CSNs of skills necessary for  
14 transition to independent living, vocational training or competitive  
15 development: *Provided, finally, That* such continuing research shall further be  
16 used to design physical education and therapeutic recreation program for use  
17 by the centers to increase the potential of CSNs for community participation.

18 SEC. 12. *Student Assistance.* – The Bureau shall provide financial  
19 assistance to economically marginalized but deserving students with special  
20 needs at the elementary and secondary levels including any post secondary or  
21 tertiary education which may come in the form of scholarship grants,

1 transportation allowance, food allowance, board and lodging allowance, book  
2 allowance, student loan programs, artistic and cultural tours, training programs,  
3 subsidies and other incentives. Marginalized disabled persons and those  
4 coming from indigenous communities shall be the priority in the grant of the  
5 aforesaid assistance.

6 Special equipment like wheelchair, crutches, special toilet and hygiene  
7 requirements, hearing aids, eyeglasses and such other assistive devices  
8 required by the students to optimize education and participation in the  
9 educational process shall also be provided for free and at discounted rates to  
10 deserving students and at very affordable rates in general through a reasonable  
11 funding scheme that shall be designed by the Bureau.

12 SEC. 13. *Medical Assistance.* – The Bureau shall prepare a scheme that  
13 will ensure adequate and free medical assistance and intervention programs,  
14 including those essential to the student or child’s rehabilitation like therapy,  
15 psychometric assessments, medical examinations and the like with government  
16 clinics, hospitals and other health facilities. In case the medical services are  
17 not offered by the nearest or accessible government clinics, hospitals and other  
18 health facilities, or cannot be obtained by reason of critical immediacy or the  
19 need to obtain a more specialized or advanced treatment, CSNs shall be  
20 entitled to a grant of twenty percent (20%) discount from the services of

1 private hospitals and clinics: *Provided*, That these private hospitals and clinics  
2 may claim the cost as tax credit.

3 SEC. 14. *Nutritional Programs.* – The nutritional programs for CSNs  
4 shall be supervised by the National Nutrition Council (NNC) and the  
5 Department of Health (DOH) in coordination with the LGU health officer.

6 SEC. 15. *Establishment of Specialized Day Care Centers.* – Day care  
7 centers specially designed for preschool children and their parents, where early  
8 identification of disabilities and special needs and introductory educational and  
9 intervention programs will be administered, shall also be established near or  
10 within existing SPED centers or those that will be created by the Bureau with  
11 the support of the Department of Social Welfare and Development (DSWD)  
12 and LGU in the area. As far as practicable, existing day care centers and  
13 facilities shall be maximized.

14 SEC. 16. *Recreational and Artistic Opportunities.* – The Bureau shall  
15 institute a program for students or CSNs needs to afford them full  
16 opportunities for safe and wholesome recreation and activities, individual as  
17 well as social, for the wholesome use of his leisure hours and for the  
18 advancement of their physical, mental, social and cultural development.

19 SEC. 17. *Continuing Education and Assistance to Teachers/Instructors*  
20 *of Students with Special Needs.* – The Bureau shall enhance the right of the  
21 teachers/instructors to professional advancement and ensure that the teaching



1 staff will attract the best available talents through adequate remuneration,  
2 scholarship and training grants, teacher exchange programs, incentives and  
3 allowances and other means of securing job satisfaction and fulfillment as well  
4 as their long and stable tenure in their respective posts. A similar program  
5 shall be designed for support personnel like interpreters, psychologists, social  
6 workers and others also involved in the education and rehabilitation of the  
7 child.

8           The Bureau shall identify at least one leading institution or university in  
9 Luzon, Visayas and Mindanao whose faculty is considered or regarded as  
10 highly competent in the area of SPED and where a uniform or standardized  
11 curriculum for any post graduate studies education program shall be designed  
12 to benefit SPED teachers and other personnel of SPED centers. The manner of  
13 selection of such institution shall be provided under the Implementing Rules  
14 and Regulations of this Act.

15           SEC. 18. *Parent, Sibling and Caregiver Education.* – There shall be a  
16 formal training and counseling program for parents, siblings and caregivers of  
17 CSNs for them to acquire a working knowledge of SPED, gain an  
18 understanding of the psychology of CSNs, be aware of their crucial role as  
19 educators and so that they maximize their knowledge and skills to attain the  
20 optimum development of the potentials of the child.

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

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

13           SEC. 20. *Incentives to Private Sector Participation.* -- Partnership  
14 between the government and private institutions catering to the needs of  
15 students/CSNs needs shall be encouraged. In this regard, the DepEd in  
16 coordination with the Department of Finance (DOF), the Department of the  
17 Interior and Local Government (DILG), the Department of Science and  
18 Technology (DOST) and the Department of Trade and Industry (DTI) shall  
19 draw up a scheme to provide incentives that will include tax deductions, loan  
20 assistance, and technological or scientific assistance and tax exemptions from  
21 donor's tax on gifts or donations of real and personal properties of all kinds

1 which shall be considered as allowable deductions from the gross income in  
2 the computation of the income tax of the donor, in accordance with the  
3 provisions of the National Internal Revenue Code (NIRC), as amended:  
4 *Provided*, That such donations shall not be disposed of, transferred or sold.

5 SEC. 21. *Local Government Unit Participation.* – The LGUs shall be  
6 responsible for the:

7 (a) Provision of buildings or centers and sites where there are no  
8 existing school facilities that will house the SPED of children/students with  
9 special needs, as well as the establishment of day care centers as mentioned in  
10 Section 15;

11 (b) Organization of one parent-teacher association in every school in  
12 their respective jurisdictions offering SPED to students/CSNs;

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

17 (d) Provision of counterpart funds for the training and seminars of  
18 parents and teachers and nutritional programs for the students/CSNs in their  
19 respective localities to be determined by the Bureau, in coordination with the  
20 Department of Budget and Management (DBM) and the DOF.

1           SEC. 22. *Public Information, Education and Communication.* -- A  
2 nationwide information dissemination campaign on the prevention, early  
3 identification and intervention programs for CSNs shall be intensified. This  
4 shall be the joint responsibility of the Philippine Information Agency (PIA),  
5 the Council for the Welfare of Children (CWC) and the DepEd. The DepEd,  
6 in collaboration with the DOH and the Department of Labor and Employment  
7 (DOLE), shall also disseminate materials and information concerning effective  
8 practices in working with, training and educating CSNs.

9           SEC. 23. *Appropriations.* -- The Secretary of the DepEd shall  
10 immediately include in the Department's program the implementation of this  
11 Act, the funding of which shall be included in the annual General  
12 Appropriations Act.

13           SEC. 24. *Implementation.* -- The DepEd, through the BSPED, in  
14 coordination with the DILG, the DOH, the DOF, the CWC and National  
15 Council for the Welfare of Disabled Persons (NCWDP), shall promulgate and  
16 issue the necessary guidelines for the creation and operation of SPED centers  
17 within sixty (60) days after the effectivity of this Act.

18           SEC. 25. *Separability Clause.* -- If for any reason, a provision or part  
19 hereof is declared invalid, other provisions not affected thereby shall remain in  
20 full force and effect.

1           SEC. 26. *Repealing Clause.* – All laws, decrees, executive orders, rules  
2 and regulations contrary or inconsistent with the provisions of this Act are  
3 hereby repealed or modified accordingly.

4           SEC. 27. *Effectivity Clause.* – This Act shall take effect fifteen (15)  
5 days following its publication in two national newspapers of general  
6 circulation.

Approved,

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