

10 JUL 12 2013

SENATE

Senate Bill No. **1157**

INTRODUCED BY SEN. MANNY VILLAR

EXPLANATORY NOTE

The democratization of access to quality education particularly for children and youth with special educational needs such as the gifted, the gifted but physically handicapped, the fast learners, the mentally retarded, the visually-impaired (blind), the hearing-impaired (deaf), the orthopedically-handicapped, the speech defectives, those with behavioral problems, those with learning disabilities and those with special health problems and others has not received as much attention as it should have.

The progress of special education has been hampered by various constraints. Besides the lack of classrooms, physical facilities and special equipment suitable to the needs of the disabled, the death of specially trained teachers and school administrators for the various exceptionalities has remained a perennial problem. As of 2005, only 4,673 teachers across the country have been trained for the abovementioned children and youth with special needs, one reason why only less than 2% of the total number of these minors can be served. Parent education is an urgent need in the campaign to enhance home-school relationships and to maximize their scene of competence and involvement in the education of their handicapped and as well as the gifted children.

Over the years, the government has worked for the improvement of the delivery system despite and against any constraints. These efforts can only be sustained if they are anchored on a legal mandate that fully support and ensures the continuity of long-term programs to help develop the potential of handicapped and gifted persons. In this way, self-reliance that has been wanting among the handicapped who are potential assets to themselves and to the country could be developed.

With the advent of the worldwide movement of "Education For All" (EFA), adequate provision for the education of the handicapped and the gifted will contribute to the achievement of its objectives which emphasizes the eradication of illiteracy, greater effectiveness of learning for all and the acquisition of basic skills, knowledge and attitudes to empower them for a better quality of life.

To provide, therefore, for the educational needs of the gifted and the handicapped children and youth through a positive program of action and as an expression of the deep concern and to give fuller meaning to the democratization

of education towards their upliftment, this bill is recommended for immediate approval.



MANNY VILLAR

10 JUL 12 A9:13

SENATE

Senate Bill No. 1157

INTRODUCED BY SEN. MANNY VILLAR

**AN ACT
TO EXPAND AND REVITALIZE THE SPECIAL EDUCATION PROGRAM FOR
GIFTED AND HANDICAPPED CHILDREN AND YOUTH IN THE PHILIPPINES**

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

SECTION 1. *Declaration of Policy.* – There shall be established a comprehensive educational program for children and youth with special needs in the pre-elementary, elementary, secondary and post secondary levels throughout the country with the following essential program components:

- a) Educational diagnosis and assessment essential in the proper identification of these minors
- b) Teacher-education (pre-service and a continuing in-service training) for teaching and non-teaching personnel to ensure staff competence;
- c) Expanded curriculum development and evaluation to meet the diversified needs of the clientele; and
- d) Continuing research as basis for the improvement of instruction at all levels and in planning and service programming activities including the purchase of special facilities and equipment.

SECTION 2. *Definition of Terms.* – For the purpose of this bill, the following terms are operationally defined:

a) Children with behavioral problems – those who cannot adjust to the socially accepted norms of behavior and, consequently, disrupt their academic progress, the learning efforts of their classmates and interpersonal relations. The two categories of children with behavior problems are:

1) The socially maladjusted – they are chronic juvenile offenders who regularly disregard broader social values and rules as a matter of course, substituting in their stead the values and rules of their peer group. Their accepted code of conduct is truancy, fighting and defiance against constituted authority.

2) The emotionally disturbed – those who, although not afflicted with insanity or mental defect, are unable to maintain typical social relations with others and the community, in general, due to emotional problems or complexes.

b) Children and Youth – persons below twenty-one years of age except those emancipated in accordance with law.

c) Fast learner – one who is endowed with an above average intellectual capacity.

d) Handicap – a disadvantage of a given individual resulting from an impairment or disability.

e) Handicapped individual – any individual who has a physical or mental disability, which for such individual constitutes or results in a substantial handicap to employment and can reasonable be expected to profit from training or vocational rehabilitation.

f) Hearing impaired – one who is deaf or hard-of-hearing. The deaf person is one whose hearing is non-functional for ordinary purposes of life. The hard-of-hearing has a sense of hearing which, although defective, is functional with or without a hearing aid.

g) *Learning disability* – a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, or of environmental, cultural or economic disadvantage.

h) *Mentally gifted and talented* – one who is identified at the preschool, elementary or secondary level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability, or in the performing and visual arts, and who by reason thereof, require services or activities not ordinarily provided by the school.

i) *Mentally retarded* – one who possesses significantly sub-average general intellectual functioning existing concurrently with impairments in adaptive behavior and manifested during the developmental period.

j) *Orthopedically handicapped* – one whose impairment permanently or temporarily interferes with the normal functions of the joints, muscles or limbs.

k) *Special education* – the education of persons who are physically, mentally, emotionally, or culturally different from the so-called “normal” individuals such that they require modification of school practices and services to develop them to their maximum capabilities.

It is a special service over and above the regular school program to meet the unique needs of a handicapped child.

l) *Special Education Center* – is an administrative unit serving children/youths with special needs which:

- 1) serves two or more types of children with special needs;

2) is administered by a SPED trained principal/head or any qualified staff;

3) provides special education services.

m) Special education teacher – any teacher who handles a class of children with special needs or renders special education services whether he is formally trained or trained through in-service training, seminars and workshops.

n) Special health problems – refer to such health conditions that tend to keep children out of school: chronic and/or debilitating illness like cardiac (heart) diseases, asthma, diabetes, TB and other respiratory ailments, carcinoma allergy, epilepsy, malnutrition, and others.

o) Special Schools – an educational unit that:

1) serves only one exceptionality

2) may or may not be residential

3) has its own appropriation

p) Speech defective/handicapped – one whose speech differs from the average so far as to draw unfavorable attention to the manner of speaking rather than to the thought conveyed.

q) Visually impaired – one who is blind or partially sighted. A person is blind if he has a visual acuity of 20/200 or less in the better eye after maximum correction. The partially seeing person retains a relatively low degree of vision and can read only enlarged print or who has some remaining vision thereby making it possible for him to read limited amounts of regular print under very special conditions.

SECTION 3. Organization. – Every school division shall organize special classes for gifted and handicapped children and youth. The organization of preschool classes for these minors shall be strongly encouraged to ensure early educational intervention.

Every school division shall also organize special education centers which shall include non-formal and outreach program for out-of-school youth.

SECTION 4. *Special Services.* – Special schools and special education centers shall offer a range of special services which shall include medical, psychological and social services, diagnostic counseling, vocational and recreational services. Regular schools with special education classes shall likewise provide the above services, among other services.

SECTION 5. *Secondary Education.* – Special schools shall provide continuing or post secondary education services and programs for the gifted and the handicapped especially for those who cannot avail of educational opportunities in regular colleges and universities.

SECTION 6. *Skills Training.* – Vocational education and training shall be provided and strengthened to render the handicapped children and youth more skillful and competitive in the labor market.

SECTION 7. *Teacher Items.* – The present items of teachers now handling special education classes shall be reclassified to special education teachers items whenever requirements are met. Items for special education supervisor in each school division and each regional office and principal or Special Education Centers shall be created for effective administration and supervision of the special education program.

SECTION 8. *Teacher Training.* – All teacher training institutions, public or private, offering Bachelor degree in Education shall offer Special Education courses as basic knowledge to students in teacher education.

SECTION 9. *Authority of the Secretary of Education, Culture and Sport.* – The Secretary of Education, Culture and Sports is charged with the administration and enforcement of the provisions of this Act and shall promulgate and issue the necessary implementing rules and regulations.

He/she is hereby authorized to adopt an ad hoc structure under his office to intensify the supervision and development efforts in special education at all levels, including out-of-school children and youth. Such structure will remain until the DECS can afford to establish a more permanent structure.

SECTION 10. *Appropriation.* – The sum of Twenty Million Pesos (P20,000,000.00) is hereby authorized to be appropriated out of the funds in the National Treasury not otherwise appropriated, to carry out the provisions of this Act. Thereafter, adequate sums as may be necessary to sustain and maintain the program mandated in this Act shall be included in the budget of the Department of Education, Culture and Sports in the General Appropriations Act.

SECTION 11. *Separability Clause.* In the event that any provision of this Act, or a part or parts thereof is declared invalid or unconstitutional, the remaining provisions or parts thereof shall be considered valid and binding for the purposes of this Act.

SECTION 12. *Repealing Clause.* - Any laws, acts, decrees, order, proclamation or regulation or part or parts thereof which are inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 13. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general publication.

Approved,