

DRAFT STATE MODEL RULES PREPARED BY THE DEPARTMENT OF EDUCATION, GOVERNMENT OF ANDHRA PRADESH	Comments from Centre for Civil Society, Delhi
<p><b>Short Title</b></p> <p>1. These Rules may be called the “Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010”</p> <p><b>Commencement</b></p> <p>2. They shall come in to force with effect from 1<sup>st</sup> April, 2010</p> <p><b>Definitions:</b></p> <ul style="list-style-type: none"> <li>• Act” means the Right of Children to Free and Compulsory Education Act, 2009.</li> <li>• “<b>Anganwadi</b>” means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India</li> <li>• <b>Mandal Educational Officer</b> means the officer responsible for implementing the programmes for elementary education at the mandal level.</li> <li>• <b>Collector</b> means the head of civil and revenue administration in the district</li> <li>• <b>District</b> means a revenue district of the State.</li> <li>• <b>District Educational Officer</b>, means officer responsible for implementing the programmes for elementary education at district level.</li> <li>• <b>Gram Panchayat</b> means Gram Panchayat constituted under the Andhra Pradesh Panchayat Raj Act, 1994.</li> <li>• <b>Mandal Resource Person</b> means resource teacher who coordinates academic activities in a cluster of schools.</li> <li>• <b>Local authority</b> means, the, mandal pairshad/zilla parishad/municipalities as the case may be, in their respective jurisdiction for the purposes of the Act.</li> </ul>	

- **Elementary school:** means a school that imparts education between class I and Class VIII. It includes all existing schools in Andhra Pradesh, namely, primary, upper primary & high schools having these classes.
- **Neighborhood** area of a school means the habitations in a walking distance of 1 km for a primary school, 3 kms for an upper primary/high school having classes VI to VIII.
- **Primary school,** means a school that imparts education between class I and class V.
- **Child** means any child in the age group of 6 to 14 years and includes a child who has completed five years of age as on 1<sup>st</sup> September of the year of admission.
- **Free Education means** includes providing free text books, note books @ 1 ote book per subject and other writing material and midday means in neighborhood schools.
- **Ward Member,** means elected member of a ward of Gram Panchayat.
- **Councilor,** means elected member of a ward of an urban local body.
- **Corporator,** means elected member of ward of a municipal corporation within limits of Andhra Pradesh or of the Greater Hyderabad Muncipal Corporation.
- **Sarpanch,** means elected head of the Gram Panchayat.
- **School Mapping,** means planning school location to overcome social barriers and geographical distance and includes assessing availability of schooling facilities for elementary education based on certain fixed norms and standards in terms of location, infrastructure, teachers, distance matrix between one habitation and other habitations. It includes The GIS mapping of all the school in Andhra Pradesh prepared by the Rajiv Vidya Mission(SSA) Andhra Pradesh.
- **State** means the State of Andhra Pradesh

- **State Government** means the Government of Andhra Pradesh
- All other words and expressions used herein and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.
- **The Academic Authority under the Act**” means the State Project Officer, Sarva Siksha Abhiyan, and it includes the Commissioner and Director of School Education, Andhra Pradesh.
- **“The implementing Authority of the Act”** means the State Project Office, Sarva Shiksha Abhiyan, and it includes the Commissioner and Director of School Education, Andhra Pradesh.
- A child belonging to socially disadvantaged group means and includes a child belonging to the schedule caste, schedule tribe, children with special need and HIV affected/infected children.
- A child belonging to Weaker Sections means a child belonging to BC, Minorities and includes OCs whose parents income does not exceed Rs.60,000/- per annum.
- “Special Category” in relation to a school means the residential schools including KGBVs and Minority residential schools run by APREIS, APSWREIS, APTWREIS, Ashram Schools run by ITDAS, Sports Schools run by SSAP in addition to Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School for the purpose of section 2(n)(IV) of the Act.
- “Walking Distance” means the distance covered by a child on foot from centre of his/her habitation to the school on the socially accepted path.

**This clause narrows the scope for future changes of organizational structure**

**This narrows the scope for future changes of poverty definitions**

**This narrows the scope for future changes in kinds of schools**

**“Socially accepted path” is undefined and difficult to maintain.**

<ul style="list-style-type: none"> <li>• “Out of School Child” means a child in the age group of 6-14 who has not completed elementary education (who is either never enrolled in the school or dropped out without completing elementary education). A pupil of an elementary school absent for more than one month shall also be considered to an out of school child.</li> </ul>	
<p><b>4</b> (1) The School Management Committee/ local authority shall identify children requiring special training and organise such training in the following manner, namely:</p> <p>(a) The special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in section 29(1).</p> <p>(b) It shall be provided in classes held on the premises of the school, or through classes organised in safe residential facilities.</p> <p>(c) It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose.</p> <p>(d) The duration shall be for a minimum period of three months which may be extended, based on periodical assessment of learning progress, for a maximum period not exceeding two years.</p> <p>2) The child shall, upon induction into the age appropriate class, after special training, continue to receive special attention by the teacher to enable him/her to successfully integrate with the rest of the class, academically and emotionally.</p>	
<p><b>Access to Educational Facilities under the Act</b></p> <p><b>5</b> (1) The areas or limits of neighborhood within which a school has to be established by the State Government shall be as under:</p> <p>(a) In respect of children in classes I - V, a school shall be</p>	

established within a walking distance of one km of the neighborhood.

(b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of 3 km of the neighborhood.

2) Wherever required, the State Government shall upgrade existing schools with classes I - V to include classes VI – VIII. In respect of schools which start from class VI onwards, the State Government shall endeavour to add classes I – V, wherever required.

3) In areas with difficult terrain, risk of landslides, floods, lack of roads and in general, danger for young children in the approach from their homes to the school, the State Government/Local Authority shall locate the school in such a manner as to avoid such dangers, by reducing the limits specified under sub-rule (1).

4) For children from small hamlets, as identified by the State Government/Local Authority, where no school exists within the area or limits of neighbourhood specified under sub-Rule (1) above, the State Government/Local Authority shall make adequate arrangements, such as free transportation, residential facilities and other facilities, for providing elementary education in a school, in relaxation of the limits specified under sub-Rule (1).

5) In areas with high population density, the State Government/local authority may consider establishment of more than one neighbourhood school, having regard to the number of children in the age group of 6-14 years in such areas.

6) The Local Authority shall identify the neighbourhood school(s) where children can be admitted and make such information public for each habitation within its jurisdiction.

7) In respect of children with disabilities which prevent them from accessing the school the State Government/Local Authority will endeavour to make appropriate and safe transportation arrangements for them to attend school and complete elementary education. In case of severe disability the Government shall make arrangements for home based education of such children who cannot be safely transported to neighborhood schools.

8) The Government/Local Authority shall ensure that access of children to the school is not hindered on account of social and cultural factors and the neighborhood school shall admit children belonging to socially disadvantaged groups and weaker sections and the state shall endeavor to discourage setting up of schools exclusively for socially disadvantaged groups in their respective habitations in future.

#### **Duties of State Government and Local Authority**

6 (1) The Government/Local Authority shall ensure **that** a child attending a school of the State Government or local authority referred to in sub-clause (i) of clause (n) of section 2, a child attending a school referred to in sub-clause (ii) of clause (n) of section 2 in pursuance of clause (b) of sub section (1) of section 12, and a child attending a school referred to in sub-clause (iii) (to the extent of the residential schools run by APREIS, APSWREIS, Gurukulam and other schools run by Government Educational Societies, (iv)of clause (n) of section 2 of the Act in pursuance of clause (c) of sub section (1) of section 12 of the Act shall be entitled to free text books, writing materials and

**This narrows the scope for future changes of kinds of schools**

uniforms.

Provided that a child with disabilities shall also be provided free special learning and support material

Provided further that all the teachers in regular schools shall be trained in appropriate teaching methods for CWSN for the purpose of inclusive education.

*Explanation* : In respect of the child admitted in pursuance of clause (b) of sub-section (1) of section 12 and a child admitted in pursuance clause (c) of sub-section (1) of section 12, the responsibility of providing the free entitlement shall be of the school referred to in sub-clause (ii) of clause (n) of section 2 and of sub-clauses (iii) and (iv) of clause (n) of section 2, respectively.

2) For the purpose of determining and for establishing neighbourhood schools, the State government/local authority shall undertake school mapping, and identify all children, including children in remote areas, children with disabilities, children belonging to disadvantaged groups, children belonging to weaker sections and children referred to in section 4, within a period of one year from the appointed date, and every year thereafter updated as on 30<sup>th</sup> September of each year.

3) The State government/local authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school.

(4) For the purposes of clause (c) of section 8 and clause (c) of section 9, the State Government and the Local Authority shall ensure that a child belonging to a weaker section and a child belonging to disadvantaged group is not segregated or

discriminated against in the classroom, during mid day meals, in the play grounds, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.

**Maintenance of records of children by local authority:**

**7. (1)** The Local Authority shall maintain a record of all children, in its jurisdiction, through a household survey, from their birth till they attain 14 years.

A unique number may be given to every child to monitor his/her enrolment attendance learning achievement and transition to next higher classes.

(2) The record, referred to in sub-Rule (1), shall be updated each year.

(3) The record, referred to in sub-Rule (1), shall be maintained transparently, in the public domain, and used for the purposes of clause (e) of section 9

(4) The record, referred to in sub-Rule (1) shall, in respect of every child, include

(a) name, sex, date of birth, (Birth Certificate Number), place of birth;

(b) parents' / guardians' names, address, occupation;

(c) pre-primary school/Anganwadi centre that the child attends (upto age 6);

(d) elementary school where the child is admitted;

(e) present address of the child;

(f) class in which the child is studying (for children between age

6-14), and if education is discontinued in the territorial jurisdiction of the Local Authority, the cause of such discontinuance;

(g) whether the child belongs to the weaker section within the definition given above.

(h) whether the child belongs to a disadvantaged group within the definition given above.

(i) details of children requiring special facilities / residential facilities on account of migration and sparse population; age appropriate admission; disability

(5) The Local authority shall ensure that the names of all children enrolled in the schools under its jurisdiction are publicly displayed in each school.

6) The Government in consultation with Commissioner and Director of School Education and State Project Office Rajiv Vidya Mission (Sarva Shiksha Abhiyan), shall evolve a child tracking system so to monitor not only the academic progress of children in the schools, their retention and transition.

7) The Government shall make appropriate arrangements for tracking the children migrating from one district to another within the state or children of the families migrating from Andhra Pradesh to other States or children of the families migrating from other states into Andhra Pradesh along with their parents.

8) The Government shall provide seasonal hostels in the villages known for migration of labour, either on a seasonal basis or for a longer time cycle so that the children will stay back when their parents migrate to other places and so that these children are provided education and suitable residential facility in spite of their parents migration.

<p>9) The Government shall make arrangements for the education of the migrant children coming from other states, by setting up on-site schools at the work places where the migrant labour from other states are engaged in any economic activity in groups, in consultation with the state concerned where from the labour have migrated with families and children and as far as may be practicable, the teaching material and the text books shall be in their respective mother tongue.</p>	
<p><b>Admission of children belonging to weaker section and disadvantaged group</b></p> <p>8 (1) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of clause (c) to section 12 (1) shall not be segregated from the other children in the classrooms nor shall their classes be held at places and timings different from the classes held for the other children.</p> <p>(2) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall ensure that children admitted in pursuance of clause (c) to section 12 (1) shall not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and ICT facilities, extra-curricular and sports.</p> <p>3) The areas or limits of neighborhood specified in Rule 5 (I) shall apply to admissions made in pursuance of clause ( c) to Section 12(1) of the Act.</p> <p>Provided that the school may, for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) to section 12 (1), extend these limits with the prior approval of the State Government.</p> <p>4) The Sarpanch (SMC) shall maintain list of the children belonging to disadvantaged groups and weaker section in the</p>	

neighborhood area of every private school and specified category schools within his/her jurisdiction.

5) The following order of preference shall be followed by the schools covered by sub-Clause II, III, IV of Clause (n) of Section 2 of the Act in admitting the children.

A) disadvantaged groups:

Orphans, HIV affected and disabled	5%
SC	10%
ST	4%

B) Weaker sections which includes 6%

Others viz. BC, Minorities, OCS (whose annual income is less than Rs. 60,000 per annum)	----
Total	25%
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NOTE: 1) The above split-up of reservation in sequential order is applicable to private schools in plain areas. Where orphans, HIV affected and disabled are not available or available only to a certain extent such vacancies will be filled by STs and SCs. After exhausting all applications for admission of Orphans, HIV affected and disabled, SC and ST if any seats remain unfilled such will be added to the percentage of weaker sections.

2) In Tribal areas all ST children should be admitted first. After exhausting applications of ST children, SC children may be admitted. After exhausting the SC, the remaining seats will be filled by others.

3) In Minority institutions, all candidates belonging to minority concerned should be considered for filling first. After exhausting applications of Minorities the left over seats may be filled in the order of ST, SC and BC.

**Reimbursement of per-child expenditure by the State Government**

9 (1) The total annual recurring expenditure incurred by the State Government, whether from its own funds, or funds provided by the Central Government or by any other authority, on elementary education in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in all such schools, shall be the per-child expenditure incurred by the State Government.

*Explanation* - For the purpose of determining the per-child expenditure, the expenditure incurred by the State Government or local authority on schools referred to in sub-clause (ii) of clause (n) of section 2 and the children enrolled in such schools shall not be included.

(2) Every school referred to in clauses (iii) and (iv) of clause (n) of section 2 shall maintain a separate bank account in respect of the amount received by it as reimbursement under subsection (2) of section 12.

3) There shall be a committee at the State level comprising Secretary Finance, Principal Secretary Primary Education, Secretary School Education, Commissioner and Director of School Education and State Project Director, SSA for the purpose of assessing per child expenditure incurred by the State and the local authority for reimbursement of expenditure to the schools under section 12(2) of the Act.

4) The committee shall meet within three months after the commencement of the Act and thereafter every year in December to assess per child expenditure for the next academic session.

5) The State project Director, SSA, on the basis of the decision of the committee, shall communicate to the District Educational

**Annual capital expenditure by private schools should be added to the total amount for reimbursement**

Officer for the reimbursement of the fee against the reservation of children in the schools under section 12 of the Act: read with section 8 and 9 of the Act: provided that where such school is already under obligation to provide free education to a specified number of children on account of it having received any land, building, equipment or other facilities, either free of cost or at a concessional rate, such school shall not be entitled for reimbursement to the extent of such obligation.

6) The reimbursement will be made directly, by way of RTGS/NEFT transfer, in the separate bank account maintained by the school in two installments during the academic year. First installment of 50% will be reimbursed in the month of September and balance will be reimbursed in the month of January.

7) The school shall in the month of July, submit the list of the students admitted in the school to the District Educational Officer for reimbursement to the school under section 12 of the Act. District Educational Officer shall verify or cause to be verified the enrolment of the children before making the reimbursement of the first installment. He/she shall reimburse the final installment in the coming January again after verification of the enrollment of children and attendance of every child subject to a minimum of 80% attendance every month.

8) The school wise names of the students admitted in the private schools and the specified schools under section 12 of the Act shall also be maintained in the electronic form and will be displayed in a manner as determined by the Committee constituted under rule 9(3) above.

#### **Birth Certificate for Admission**

Wherever a birth certificate under the Births, Deaths and

**The reimbursement of the final installment should also be based on evaluation of student outcomes**

Marriages Certification Act, 1969 is not available, any one of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools –

- ) Hospital / Auxiliary Nurse and Midwife (ANM) register record
- (b) *Anganwadi* record
- (c) **Self Declaration by the parent or guardian**

**Normal period of Admission:**

**11-A)** The normal period of admission in to any school, for the purposes of this Act, shall be from **15<sup>th</sup> April to 22<sup>nd</sup> June of each year**

Extended Period of Admission:

11-(1) Extended period of admission shall be three months from the date of commencement of the academic year of a school.

2) Where a child is admitted in a school after the extended period, he or she shall be eligible to complete studies with the help of special training, as determined by the head of the school.

School Recognition:

12(1) Every school, other than a school established, owned or controlled by the Central Government, the State Government or the local authority, established before or after the commencement of the Act for imparting elementary education shall make an application in the form of self-declaration-cum-application in the Form-1 as shown in the appendix within a period of three months from the commencement of the Act to the District Educational Officer, who shall be designated authority to issue certificate of recognition to the school under section 18 of the Act. The application shall also mention the neighborhood area of the school that shall be covered under the provision of

clause © of sub-section-2 of section 12 of the Act. The application addressed to the District Educational Officer shall be submitted to him/her through the Mandal Education Officer. The school, at first, shall furnish information in the electronic form in website maintained for the purpose so that the school information is, immediately, put on the public domain. The school shall get a receipt and registration number after filing the data in the website. Thereafter, the school shall submit the application form along with the copy of the receipt to the Mandal Education Officer who shall acknowledge receipt of the application.

2) The District Educational Officer may make or any cause to be made inspection of the school to verify if the school seeking recognition fulfills the norms and standards prescribed under section 19 of the Act. The District Educational officer sand the inspecting authority, if it is other than the District Educational officer, shall have power to seek information relevant for the grant of the recognition and make inspection of the records to verify the information submitted in the application form for seeking recognition.

3) The Mandal Educational Officer or a team of such officers as may be prescribed by the District Educational Officer shall verify the information submitted by the school in the application form and send the application form in original along with his/their report to the District Educational officer for consideration within a week of receipt of the application.

4) The District Educational Officer on being satisfied that the school fulfills the norms and standards prescribed under section 19 and section 25 of the Act shall issue the recognition certificate in Form-2 as shown in the appendix. The certificate shall be for a period of three years and shall be issued with in 30 days form the date of making application for recognition. The

certificate of recognition shall be subject to following conditions.

(a) the school is run by a society registered under the Societies Registration Act, 1860 (21) of 1860), or a public trust constituted under any law for the time being in force;

(b) the school is not run for profit to any individual, group or association of individuals or any other persons;

(c) the school conforms to the values enshrined in the Constitution;

(d) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;

(e) the school is open to inspection by any officer authorized by the State Government/Local Authority;

(f) the school furnishes such reports and information as may be required by the Director of Education/District Education Officer from time to time and complies with such instructions of the State Government/ Local Authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;

g) the school shall maintain norms and standards specified under section 19 of the Act.

h) The school shall give the reservation of minimum 25% in class I for the children of disadvantaged groups and children of weaker sections from the neighbourhood area. In case the private school is an aided school it shall provide free and compulsory elementary education to such proportion of children admitted therein as its annual recurring aid or grants so received bears to its annual recurring expenses, subject to a minimum of 25%.

i) the school having having pre-school education shall also give reservation of at least 25% of its enrolment at the initial stage of admission to the children of disadvantaged groups and the children of weaker sections of the neighborhood area under section 12 of the Act:

**The use of school buildings for legal purposes after school hours with the approval of the School Management Committee should be permitted.**

j) the school shall submit every year, before the commencement of academic session, fee to be charged from the children to the Educational Officer.

k) the school shall comply with the provision of the Act:

l) the recognition shall be withdrawn in case of violation of the conditions of recognition.

m) Based on the need and demand, as per the social norms only the government has to give the permission for opening the private schools and the appropriate authority shall monitor time to time.

5) Should a school fail to fulfill the following norms:

i) Pupil – teacher ratio as specified in section 25 of the Act, the District Educational Officer shall issue a provisional certificate granting permission to run the school for a period upto six months from the date of commencement of the Act. The provisional certificate shall be issued in the Form-3 as shown in the appendix.

6) If a school fulfills norms mentioned in section 25 of the Act, but does not fulfill other norms and standards specified in the schedule of the Act the District Educational officer shall issue a provisional certificate granting permission to run the school for a period up to three years from the date of commencement of the Act. The provisional certificate shall be issued in the Form-4 as shown in the appendix.

Provided that if the school fulfills the required norms and standards within the time frame specified in the provisional certificate, the certificate issuing authority, on a receipt of application for recognition, satisfy himself/herself and shall issue the certificate of recognition as laid down under, Sub-rule

**This gives government schools a monopoly status and should be deleted. The RTE Act already prescribes recognition norms for private schools and therefore this Rule is unnecessary.**

4.

Provided further that if the school does not claim recognition with in the period specified in the provisional certificate it shall cease to be recognized school and running of such a school shall be punishable under section 19 of the Act. The authority granting recognition shall issue an order in writing giving reasons for refusal to grant recognition to the school. The order shall pasted at a prominent place in the school and will be put on the public domain. This order shall also contain the name/names of the neighborhood school/schools where the children of the unrecognized school will be admitted.

7) No new school shall be opened after the commencement of the Act without obtaining recognition certificiate issued under section 18 of the Act.

8) The recognition certificate issuing authority shall inspect or cause the school to be inspected every year to verify fulfillment of conditions of recognition.

9) Where a school contravenes the conditions of recognition or any provision of the Act the authority issuing the certificate of recognition shall issue show cause notice of withdrawl of recognition. The school shall be given at least one month time to file the reply. If the authority is not satisfied with the reply, the school shall be given opportunity to hearing before taking a decision on withdrawl of recognition shall be operative from the immediately succeeding academic year. The order will be a speaking order ad it shall contain the name/names of the neighbourhood school/schools where the children of the de-recognised school will be admitted.

10) Appeal against the order issued under sub rule (5) or sub rule (8) may be filed before the Collector of the district within 15

<p>days from the date of receipt of the order. The collector shall at first, decide, admissibility of the appeal and once the appeal has been admitted for hearing, the order under appeal shall remain suspended till the final decision of the appeal. The Collector, after giving opportunity of hearing to both the parties will pass the order within two months from the date of submission of appeal. The order of the Collector shall be final.</p> <p>11) Information of recognition of any school will be sent to the local authority i.e. to the urban local body in case the school is situated in the urban area and to the Gram Panchayat in case the school is situated in the rural area, so that the local public representative have knowledge of establishment of recognized private schools.</p>	
<p><b>13</b> (1) A School Management Committee shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the appointed date, and reconstituted every two years.</p> <p>2) The composition of the committee will be as follows:</p> <p>a) The committee in case of a primary school shall be a 27 member committee. Of them 24 members shall be from the mother/father or guardian of the children enrolled in the school. One member shall be the elected representative one member may be the nominee of the mahila samkhyas of the village concerned. The head teacher or the in charge head teacher of the school shall be ex-officio member/convener of the committee.</p>	

- b) In the primary school members will be selected as follows:
- i) Mother./father or guardian of each such child who has I, II, III and IV;
  - ii) Mother/father or guardian of each of such child who has secured lowest percentage of marks in the annual examinations secured highest percentage of marks in the annual examination of the preceding academic session in Class of the preceding academic session in class I, II, III and IV; Mother/father or guardian of children one each belonging to scheduled castes, scheduled tribes and other backward classes and muslim minority categories who have secured highest percentage of marks in their respective category in the annual examination of the of the preceding academic session in classes I to IV taken together thus taking four parents of the categories noted above from each class.
  - iii) Corporator/Counselor of the ward in urban areas and one member of the ward of the Gram Panchayat in rural areas incharge of education, where the school is situated;
  - iv) Head teacher or the incharge head teacher of the school shall be the member convener.
  - v) An eminent educatinist or a philanthropist or a person who supports the school in the neighborhood or an eminent NGO representative as co-opted by the SMC.
- Provided that 50% of the members of the SMC shall be women.
- c) Inca an upper primary school, having primary section also, in addition to the categories noted above, additional members will be selected as follows:
- i) Mother/father or guardian of each of such child who has secured highest marks in the annual examination of the preceding academic session in classes V and VI.

**This will lead to unnecessary complications and there is no rationale for restricting membership of SMCs to parents of children securing the lowest and highest marks. A fairer system would be to allow the entire body of parents to vote and elect the members of the SMC.**

**Terms “eminent”, “philanthropist”, “person who supports the school in the neighbourhood” are vague and should be defined clearly.**

**This will lead to unnecessary complications and there is no rationale for restricting membership of SMCs to parents of children securing the lowest and highest marks. A fairer system would be to allow the entire body of parents to vote and elect the members of the SMC.**

- ii) Mother/father or guardian of each of such child who has secured lowest marks in the annual emanation of the preceding academic session in classes V and VI
- iii) Corporator/Counselor of the ward in urban areas and one member of the ward of the Gram Panchayat in rural areas, where the school is situated;
- iv) Head teacher or the charge head teacher of the school shall be the member convener.

**3) The Sarpanch shall be the chairperson of the SMC.**

- i) There shall be a vice-chairperson of the committee elected from amongst the members.

Provided further that if the chairperson is not from the scheduled castes, or scheduled tribes or other back ward classes, the vice-chairperson shall be from these classes.

**4) The vice chairperson will be elected from amongst the members of the committee representing the parent community.**

Provided that the members representing the local bodies and the head teacher or the incharge head teacher shall not be eligible for participating in election nor they will have any voting right.

**6) The School Management Committee shall meet at least once a month and the minutes and decisions of the meetings shall be properly recorded and made available to the public.**

**7) The School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of section 21 (2) perform the following functions:**

- a) Arrange demonstrate learning outcomes of the children in the areas of reading, writing, simple arithmetic and comprehension, picking the children at random from

**It is good that members representing local bodies do not have voting rights. This will reduce political interference in the running of SMCs.**

each class and shall also pay attention to student absenteeism and teacher absenteeism and take steps to reduce the absenteeism of children in particular.

- b) Arrange to maintain a list of all children in the neighbourhood who are in the age group of 6-14 years and shall take effective steps to enroll the out of school children.
- c) Ensure the implementation of clauses (a) and (e) of section 24 and section 28.
- d) Ensure the enrolment and continued attendance of all the children from the neighbourhood in the school;
- e) Monitor the maintenance of the norms and standards prescribed in the schedule;
- f) Bring to the notice of the local authority any deviation from the rights of the child, in particular, mental and physical harassment of children, denial of admission, and timely provision of free entitlements as per section 3(2).
- g) Identify the needs, prepare a Plan and monitor the implementation of the provision of Section 4
- h) Monitor the identification and enrolment of, and facilitates for learning by disabled children and ensure their participation in, and completion of elementary education.
- i) Monitor the implementation of the mid-day meal in the school
- j) Prepare an annual accounts of receipts and expenditure of the school.

8) Any money received shall be credited to the bank account of the school management committee. The account shall be the joint account of the chairman and the convener of the committee. The account will be made available for audit when ever required. At the end of each year utilization certificate shall be submitted to the authority releasing the grants.

**The School Management should periodically monitor and verify regular and timely attendance of teachers, non-teaching staff and students. To this end, the School Management Committee should require the school to maintain attendance registers for teachers, non-teaching staff and students and have the power to approve or disapprove casual leave of teachers.**

9) The committee shall also get the accounts audited by either a chartered accountant or a local fund auditor or an auditor from the cooperative department.

**Preparation of School Development Plan**

**14.** (1) The School Management committee shall prepare a school development plan in the month of November each year by calling a Gram Sabha involving all the parents of the children enrolled in the school, the local peoples' representative of the Panchayat Raj institutions the Mahila Samakhyas and also inviting a representative of a prominent NGO working in the field of education in the neighborhood area of the school if any;

(2) The School Development Plan, shall contain the following details –

(a) Estimates of class-wise enrolment for each year;  
(b) Requirement, over the three year period, of the number of additional teachers, including Head Teachers, subject teachers and part time teachers, separately for Classes I to V and classes VI to VIII, calculated, with reference to the norms specified in the Schedule

(c) Physical requirement of additional infrastructure and equipments over the three year period, calculated, with reference to the norms and standards specified in the Schedule

(d) Additional financial requirement over the three year period, year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4, entitlements of children such as free text books and uniforms, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.

(4) The School Development Plan should be signed by the Chairperson/Vice-Chairperson and Convenor of the School Management Committee and submitted to the local authority before the end of the financial year in which it is to be prepared.

**The School Development Plan shall include assessment of student learning outcomes**

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<p><b><u>Salary and allowance and terms and conditions of service of teachers of private unaided schools.</u></b></p> <p><u>14.</u> In case of teachers of private schools salary and allowances and their terms and conditions of service shall be decided by the school management subject to legislations and regulations, if any, in force.</p> <p><u>Duties of Teachers:</u> Duties to be performed by teachers for the purpose of clause (f) to section 24(1)</p> <p><b>19</b> (1) In performance of the functions specified in sub-section (1) of section 24(1) and in order to fulfill the requirements of clause (h) of sub-section (2) of section 29 , the teacher shall maintain a file containing the pupil cumulative record for every child which will be the basis for the awarding the completion certificate specified in sub-section (2) of section 30.</p> <p>(2) In addition to the functions specified in clauses (a) to (e) of</p>	

sub-section (1) of section 24, a teacher may perform the following duties assigned to him or her, without interfering with regular teaching:

- (a) Participation in training programmes;
- (b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;

Grievance Redressal mechanism for teachers for the purposes of section 24(3)

20 (1) The School Management Committee constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein. If the SMC fails to redress the grievance of the teacher/s a committee constituted at Mandal Parishad level MPDo as the Chairman and the MEO as Convener shall sit in appeal to redress the grievance of the teacher/s as the case may be.

2) There shall be a district level grievance redressal committee to redress the grievances of the teachers.

**3)** The committee shall consist of Collector, Superintendent of Police, Chief Executive Officer, Zilla Parishad, District Medical and Health Officer, Commissioner or Chief Municipal Officers of local Urban body at the district headquarters, Assistant Commissioner Tribal Welfare and District Educational Officer. The Collector will be the chairman of the committee. The District Educational Officer shall be the convener of the committee.

4) The committee shall meet once in three months.

5) Any teacher of the school established, owned or controlled by the State Government or the local authority may submit his grievance in writing to the convener of the committee. The

grievance may also be submitted through education portal as maintained by the Rajiv Vidya Mission. The committee may after such enquiry, as it deems fit, will redress the grievance. The convener of the committee will communicate the decision to the teacher.

6) The committee, besides attending to the grievances received from the teachers, may, on its own, review the status of the various claims and service related matters of the teachers.

7) Every private school shall develop its own mechanism for redressal of grievances of its Teachers.

#### Maintaining Pupil-Teacher Ratio in each school

17-1) Sanctioned strength of teachers in every school established, owned or controlled by the State Government or the local authority shall be specified by order in writing by the Rajiv Vidya Mission and the Commissioner & Director of School Education, within a period of three months from the date of commencement of the Act.

Provided that the Rajiv Vidya Mission and the Commissioner & Director of School Education, shall, within six months of such order redeploy teachers of schools having a strength in excess of the sanctioned strength prior to the order referred to in sub-Rule (1)

2) The Rajiv Vidya Mission and the Commissioner & Director of School Education shall review positioning every year before the academic session.

3) The State Government shall take effective steps to fill up

<p>vacancies of teachers on a regular basis. If there is a delay in the recruitment the SMC concerned shall be permitted to engage qualified and trained personnel temporarily on consolidated remuneration as decided by the SMC to fill the time gap between arisal of vacancy and the actual placement of the teachers.</p> <p>4) The State Government shall cancel all such deputations of teachers where salaries are paid by the school but services are taken by some other offices or institutions.</p> <p>5) If any person of the State Government or the local authority violates the provisions of sub-section(2) of section 25, he or she shall be personally liable for disciplinary actin.</p>	
<p><b><u>Academic authority laying down the curriculum and evaluation procedure</u></b></p> <p><b>18</b> (1) TheState Council of Educational Research and Training (SCERT), shall be the academic authority for the purposes of section 29.</p> <p>(2) The academic authority notified under sub-rule (1) shall hold consultations with the Rajiv Vidya Mission, in designing the State curriculum framework, the school evaluation mechanism and the continuous component evaluation for all children in the schools and it shall:</p> <p>(a) formulate the relevant and age appropriate syllabus and text books and other learning material</p> <p>(b) develop in-service teacher training design, and</p> <p>(c) prepare guidelines for putting into practice continuous and comprehensive evaluation</p> <p>d) Develop performance indicators for the individuals and institutions along with accountability criteria towards children’s learning levels.</p> <p>e) Undertake periodic performance appraisal of individual and institutions.</p> <p>f) Commission and undertake researches/studies on policies, programmes, curriculum, learning outcomes of children etc.,</p>	<p><b>This should be done by an independent third party institution specialized in monitoring and evaluation of student learning levels</b></p>

(3) The academic authority referred to in sub-rule (1) shall design and implement a process of holistic quality assessment of all schools including the schools referred to in clause iv of sub-section (n) of section 2 of the Act, on a regular basis.

**Aware of certificate for completion of elementary education**

19-1) The head teacher or the in charge head teacher of the school shall issue the certificate of completion of elementary education within one month of the completion of elementary education in the Form-5 as shown in the appendix.

Provided that the private school shall stamp prominently on the certificate the number of recognition certificate issued by the competent authority.

2) The document referred to in sub-rule (1) shall—

(a) certify that the child has completed all courses of study prescribed under section 29.

(b) contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the prescribed course of study and may include music,dance, literature, sports, etc.

**Constitution and Functions of REPA**

**20-(1)** The State Government shall constitute an Authority viz., the Right to Education Protection Authority within 6 months of the commencement of the Act.

**2) The REPA shall consist of:**

a) A chairperson who is a person of high academic repute or has

been a High Court Judge or has done outstanding work for promoting the rights of children; and

(b) Two Members, of whom at least one shall be a woman, from the following areas, from

amongst persons of eminence, ability, integrity, standing and experience in –

i. education;

ii. child health care and child development;

iii. juvenile justice or care of neglected or marginalized children or children with disabilities;

iv. elimination of child labour or working with children in distress;

v. child psychology or sociology; or

vi. legal profession.

(4) The National Commission for Protection of Child Rights Rules, 2006 shall, so far as pertains to the terms and conditions, mutatis mutandis apply to Chairperson and other Members of the REPA.

(5) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.

(6) In performance of its functions, the State Commission for Protection of Child Rights or the REPA, as the case may be, may also act upon matters referred to it by the State Advisory Council.

(7) The State Government shall enable constituting a Cell in the State Commission for Protection of Child Rights or the REPA, as the case may be, which may assist the Commission or the REPA in performance of its functions under the Act.

**Constitution and Functions of the State Advisory Council**

**21** (1) The State Advisory Council shall consist of a Chairperson and Co-chair person and thirteen members.

(2) The Minister in-charge of the Department of Primary Education shall be ex-officio Chairperson of the Council. The Minister in-charge of the Department of School Education in the State Government shall be the ex-officio Co-Chairperson.

(3) Members of the Council, shall be appointed by the State Government from amongst persons having knowledge and practical experience in the field of elementary education and child development, as under

(a) At least four members should be from amongst persons belonging to SCs, STs and Minorities;

(b) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;

(c) One member should be from amongst persons having specialised knowledge in the field of pre-primary education.

(d) At least two members should be from amongst persons having specialized knowledge and practical experience in the field of teacher education

(e) Fifty percent of such members shall be from amongst women

5) Principal Secretary to Government, Primary Education and SSA shall be the convener of the council. The Secretary, School Education shall be the co-convener and the Secretary, Tribal

Welfare, the Secretary, Social Welfare, the Secretary, BC Welfare, the Secretary, Minority, the Secretary, Women and Child Welfare, the Secretary, Health, the Secretary, Panchayat Raj shall be special invitees at the meetings of the Council. One member each of the recognized teachers unions who are members of Joint Staff Council shall be the special invitees.

6) The procedure for transaction of Business of the Council shall be as under.

(i) The Council shall meet regularly at such times as the Chairperson thinks fit but three months shall not intervene between its last and the next meeting.

(ii) The meeting of the Council shall be presided by the Chairperson. If for any reason the Chairperson is unable to attend the meeting of the Council, he may nominate a member of the Council to preside over such meeting. Quorum of the meeting of the Council shall be considered complete if at least 50% of its members are present

7) The terms and conditions for appointment of Members of the Council shall be as under

(a) Every member shall hold office as such for a term of two years from the date on which he assumes office.

Provided that no member shall hold office more than two terms

(b) The member may be removed from his office by an order of the State Government on the ground of proved misbehaviour or incapacity, or on the happening of any one or more of the following events.

i. Is adjudged an insolvent; or

ii. Refuses to act or become incapable of acting; or

iii. Is of unsound mind and stands so declared by a competent

<p>Court; or</p> <p>iv. Has so abused his office as to render his continuance in office detrimental to the public interest or</p> <p>v. Is convicted for an offence by a competent Court; or</p> <p>vi. Is without obtaining leave of absence from the Council, absent from two consecutive meetings of the Council</p> <p>d) If vacancy occurs in the office of Members, whether by reason of his death, resignation or otherwise, such vacancy shall be filled within a period of 120 days by making a fresh appointment in accordance with the provision of sub-rule (2)</p>	
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