

Forum for Right of Children for Free and Compulsory Education Act 2009 Andhra Pradesh

Comments and Feedback on the Draft Rules proposed by Government of Andhra Pradesh:

Section/Clause	Comment/Feedback
<p>1. These Rules may be called the "Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010". Commencement</p>	
<p>2. They shall come into force with effect from 1st April 2010.</p>	
<p>3. In these rules, unless the context otherwise requires – 'Act' means The Right of Children to Free and Compulsory Education Act 2009.</p> <p>Anganwadi' means an Anganwadi Centre established under the Integrated Child Development Scheme of the Ministry of Women and Child Development of the Government of India</p> <p>“Mandal Educational Officer' means the officer responsible for implementing the programmes for elementary education at the mandal level.</p> <p>'Collector' means the head of civil and revenue administration in the district.</p> <p>'District' means a revenue district of the State.</p> <p>'District Educational Officer' means officer responsible for implementing the programmes for elementary education at district level.</p>	<ul style="list-style-type: none"> • There is no clarity on the role of Project Officer, RVM (SSA) and District Educational Officer – Reg the term 'Elementary Education'.

'Gram Panchayat' means Gram Panchayat constituted under the Andhra Pradesh Panchayati Raj Act 1994.

'Mandal Resource Person' means resource teacher who coordinates academic activities in a cluster of schools

'Local authority' means, the mandal parishad / zilla parishad / municipalities as the case may be, in their respective jurisdictions for the purposes of the Act.

'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 male or female in the age group of 6 to 14 years and includes a child who has completed five years of age as on 1st September of the year of admission.

Free Education means and includes providing free textbooks, notebooks @ 1 notebook per subject and other writing material and midday meals in neighbourhood schools.

- Need to also mention the schools under different managements i.e., Private schools/ Aided Schools/Municipal Schools/Govt Schools/Schools under the Societies/Special Category schools.
- 3kms for Upper Primary/High School is far. Need to change the distance to 1 km only. Otherwise state to ensure the safe transportation facility.
- The term 'writing material' need be clarified – (it is what material?)
- State also to ensure to provide workbooks

<p>'Ward Member' means elected member of a ward of Gram Panchayat</p> <p>'Councilor' means elected member of a ward of an urban local body</p> <p>Corporator means elected member of ward a of a Municipal Corporation within the limits of Andhra Pradesh or of the Greater Hyderabad Municipal Corporation</p> <p>'Sarpanch' means elected head of the Gram Panchayat</p> <p>"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 schools in Andhra Pradesh prepared by the Rajiv Vidya Mission (SSA), Andhra Pradesh</p> <p>'State means the state of Andhra Pradesh</p> <p>'State Government' means the Government of Andhra Pradesh</p> <p>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.</p> <p>"The Academic Authority under the Act" means The State Council for Educational Research and Training, Hyderabad, Andhra</p>	<p>for all the children up to Elementary level. There is no mention of this.</p> <ul style="list-style-type: none"> • Also include uniform and school bag
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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, orphans, 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.

Specified 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 SAAP in addition to Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik School for the purposes 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.

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 be an out of school child.

<p><u>Special Training For Out of School Children</u></p> <p>4. (1) The School Management Committee/ local authority shall identify children requiring <u>special training</u> and organize 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 organized in <u>safe residential facilities</u>.</p> <p>(c) It shall be provided by teachers working in the school, or by <u>teachers specially engaged</u> 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>	<ul style="list-style-type: none"> • The term ‘Special Training’ need be defined. • How do understand the term ‘safe residential facilities’? There should be an elaborative mention. • ‘Teachers specially engaged’ by whom? Is it the school HM or the local authority? • The process/end-point of mainstreaming need to be mentioned too as this is one of the most important factor for retention of the out of school children after they have been mainstreamed apart from close monitoring and follow-up.
<p><u>Access to Educational Facilities under the Act</u></p> <p>5 (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>1 (a) In respect of children in classes I - V, a school shall be established within a walking distance of one km of the neighborhood.</p> <p>2 (b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of 3 km of the neighborhood.</p>	

(2) Wherever required, the State Government shall upgrade existing primary schools with classes I - V by adding classes VI-VIII and incase of existing Upper Primary schools having classes I –VII by adding class VIII.

(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 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 or any other place as identified by the State Government/Local Authority, where no school exists within the area or limits of neighborhood specified under sub-Rule (I) above, the 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 (I).

(5) In areas with high population density, the Government/local authority may consider opening of more sections in the neighborhood school or to establish more than one neighborhood 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 neighborhood 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 Government/Local Authority shall endeavor 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

<p>cannot be safely transported to neighborhood schools.</p> <p>(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.</p>	
<p><u>Duties of State Government and Local Authority</u></p> <p>6. (I) 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 of the Act, a child attending a school referred to in sub-clause (ii) of clause (n) of section 2 of the Act in pursuance of clause (b) of sub section (1) of section 12 of the Act, 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</p> <p>(1) of section 12 of the Act shall be entitled to free text books, writing materials and uniforms.</p> <p>Provided that a child with disabilities shall also be provided free special learning and support material.</p> <p>Provided further that all the teachers in regular schools shall be trained in appropriate teaching methods for CWSN for the purpose of inclusive education.</p> <p><i>Explanation:</i> In respect of the child admitted in pursuance of clause (b) of sub-section (I) of section 12 of the Act and a child admitted in pursuance clause (c) of sub-section (1) of section 12, of the Act the</p>	

<p>responsibility of providing the free entitlements shall be of the school referred to in sub-clause (ii) of clause (n) of section 2 of the Act and of sub-clauses (iii) and (iv) of clause (n) of section 2, of the Act respectively.</p> <p>(2) For the purpose of determining and for establishing <u>neighborhood schools</u>, the 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 30th September of each year.</p> <p>(3) The Government/local authority shall ensure that no child is subjected to caste, class, religious or gender abuse in the school and that no child is denied admission into any school public or private on the basis of caste / class / religion and gender.</p> <p>(4) For the purposes of clause (c) of section 8 and clause (c) of section 9, the 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 ground, in the use of common drinking water and toilet facilities, and in the cleaning of toilets or classrooms.</p>	<ul style="list-style-type: none"> • Though the rule supports establishing neighborhood schools based on the number of children in the locality there should be some process of checks and balance to note whether the child identified is already enrolled in a school or in the register of any of the neighborhood schools so that we can avoid double counting and later rationalizing schools.
<p><u>Maintenance of records of children by local authority</u></p> <p>7 (1) The Local Authority shall maintain a record of all children, in its jurisdiction, through a <u>household survey</u>, from their birth till they attain the age of 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.</p> <p>(2) The record, referred to in sub-Rule (1) above, shall be updated</p>	<ul style="list-style-type: none"> • The frequency of such survey need to be included and also to mention the role of civil society groups/Non-governmental organizations/corporate volunteers to get involved in such surveys. Also it is very important to issue 'Child ID Card' along with the Unique ID Number. This would

each year.

(3) The record, referred to in sub-Rule (1) above 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 has attended (up to age 6) or attending.

(d) 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 sections 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 as to monitor not only the academic progress of children

facilitate the child/parent and the school authorities to track the admission of the child and also would give an access for the child to get admission through-out the academic year any where in the state. The data base of such IDs can be maintained in the Mandal Resource Centers/School Complex Schools (these centers need to be updated / strengthened). – There is no clarity in this section regarding the above points.

- There must be a comprehensive Child Tracking Tool which covers as most (almost all)of the data points are covered in the CLTS including details on migration, along with Child ID Card and Unique ID.

<p>in the schools, their retention and transition.</p> <p>(7) The Government shall make appropriate arrangements for tracking the children migrating from one district to another with in 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.</p> <p>(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> <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 labor from other states are engaged in any economic activity in groups, in consultation with the state concerned where from the labor have migrated with families and children and as far as may be practicable, the <u>teaching material and the textbooks</u> shall be in their respective mother tongue.</p>	<ul style="list-style-type: none"> • Include the point that the child tracking system (by issuing a child ID card) would also facilitate to track the place of study at a particular point of time during the academic year. • Along with the ‘Teaching material and textbooks’, there should a mention of ‘Learning Material’ which can facilitate the learning process.
<p><u>Admission of children belonging to weaker section and disadvantaged group</u></p> <p>8 (1) The school referred to in clauses (iii) and (iv) of clause (n) of section 2 of the Act shall ensure that children admitted in pursuance of clause (c) to section 12 (l) of the Act 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 of the Act shall ensure that children admitted in</p>	

pursuance of clause (c) to section 12 (1) of the Act 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.

Provided further 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 Government.

4) The Sarpanch (SMC) shall maintain list of the children belonging to disadvantaged groups and weaker sections in the 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. Clauses 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 others

viz., BC, Minorities, OCs (whose annual income is less than Rs. 60,000/- per annum) = 6%

Total = 25%

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

- The mention of 'Sarpanch' is reflecting rural set-up only. Need to incorporate Ward member/Counselor/Corporator in the terms.
- Further to give clarity, it will be more feasible and practically possible to have the list of children, with SMC (Parents/SHG members/School) instead political / elected representatives.

<p>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.</p> <p>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.</p> <p>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.</p>	
<p><u>Reimbursement of per-child expenditure by the State Government</u></p> <p>9 (I) The total annual recurring expenditure incurred by the State Government, whether from its own funds, or funds provided by the Central Government, 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.</p> <p><i>Explanation</i> - 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 of the Act and the children enrolled in such schools shall not be included.</p> <p>(2) Every school referred to in sub clause(iv) of clause (n) of section 2 shall maintain a separate bank account in respect of the amount received by it as reimbursement under sub-section (2) of section 12.</p>	

(3) There shall be a committee at the state level comprising Secretary Finance, Principal Secretary Primary Education, Secretary School Education, Commissioner and Director School Education and State Project Director Rajiv Vidya Mission (Sarva Shiksha Abhiyan) 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 Rajiv Vidya Mission (Sarva Shiksha Abhiyan), on the basis of the decision of the committee, shall communicate to the District Educational 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.

- Constitution of this kind of committees would surely give authentication to the data. This committee must have the representation of Pvt Schools Management Association and also 3-4 NGOs working in education with a good track record.

<p>(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 enrolment of children and attendance of every child subject to a minimum of 80% attendance every month.</p> <p>(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.</p>	
<p><u>Birth Certificate for Admission</u> 10- Wherever a birth certificate under the Registration of Births and Deaths Act 1969 is not available, anyone of the following documents shall be deemed to be proof of age of the child for the purposes of admission in schools – (a) Hospital/ Auxiliary Nurse and Midwife (ANM) register record (b) <i>Anganwadi</i> record (c) Self declaration by the parent or guardian</p>	
<p><u>Normal period of Admission.</u> 11-A) The normal period of admission into any school, for the purposes of this Act, shall be from 15th April to 22nd June of each year.</p> <p><u>Extended Period of Admission</u> 11- (1) <u>Extended period of admission</u> shall be three months from</p>	<ul style="list-style-type: none"> • <i>For a child admitted in the middle of the year, it says that the child can get special.</i>

<p>the date of commencement of the academic year of a school.</p> <p>(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 <u>special training</u>, as determined by the head of the school.</p>	<p><u>training</u>’.</p> <ul style="list-style-type: none"> • This needs to be incorporated in detail - what will be the methodology? • Who will provide it? (During school hours or after etc.) • Is there a role for NGOs in providing this? • This point also to be addressed how we can make the remedial support during regular school hours.
<p><u>School Recognition</u></p> <p>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-I as shown in the appendix within a period of three months from the commencement of the Act to the District Education 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 (c) 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</p>	<ul style="list-style-type: none"> • The ‘School Recognition’ needs be a transparent process and the report needs to be shared. Most of the time the norms and standards are assigned and are on the papers but the recognition is provided not taking into consideration these norms and standards. Lets work of getting these processes straight esp. with many Affordable private school mushrooming everywhere these days. • These norms and standards should be followed by govt schools too. In the section where there are mentioning about the possibility of establishing neighborhood schools based on the need these norms and standards need to be followed/taken into consideration for both govt and private schools.

receipt of the application.

(2) The District Educational Officer may make or may 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 and the inspecting authority, if it is other than the District Education Officer, shall have power to seek information relevant for the grant of the recognition and to make inspection of the records to verify the information submitted in the application form for seeking recognition.

(3) The Mandal Education 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 within 30 days from 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 is open to inspection by any officer authorized by the State Government/
Local Authority;

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

(f)-the school shall furnish such reports and information as may be required by the State Government, Commissioner and Director School Education and District Educational Officer from time to time and comply with such instructions of the State Government/Local Authority as may be issued to secure the continued fulfillment of the conditions 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 reservation of minimum of 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 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 neighbourhood area under section 12 of the Act;

(j)- the school shall submit, every year, before the commencement

of academic session, fee to be charged from the children to the District Educational Officer

(k)-the school shall comply with the provisions of the Act;

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

(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 up to 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 receipt of application for recognition, satisfy himself/ herself and shall issue the certificate of recognition as laid down under. Sub -rule 4.

Provided further that if the school does not claim recognition within the period specified in the provisional certificate it shall cease to be recognised 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 be 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 neighbourhood school / schools where the children of the unrecognised school will be admitted.

(7) No new school shall be opened after the commencement of the Act without obtaining recognition certificate 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 provisions of the Act the authority issuing the certificate of recognition shall issue show cause notice of withdrawal 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 of hearing before taking a decision on withdrawal of recognition. The order of withdrawal shall be in writing. The order of de-recognition shall be operative from the immediately succeeding academic year. The order will be a speaking order and 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 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

<p>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 local public representatives have knowledge of establishment of recognised private school.</p>	
<p><u>School Management Committee</u></p> <p>13-(1) A School Management Committee shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the commencement of the Act 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 <u>27 member committee</u>. 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 smakhya 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> <p>(b) In the primary school members will be selected as follows-</p>	<ul style="list-style-type: none"> • It says it will be a 27-member committee - that's too large, they will never be active. There needs to be a smaller and more dynamic committee. (A committee of 10-12.) • Children also should be made part of SMCs • There needs to be presence of SHG Groups along with the parents of best-scoring and worst-scoring child; among the 50% women

<p>(i) mother / father or guardian of each of such child who has secured highest percentage of marks in the annual examination of the preceding academic session in class I, II, III, and IV;</p> <p>(ii) mother / father or guardian of each of such child who has secured lowest Percentage of marks in the annual examination of the preceding academic session in class I, II, III, and IV;</p> <p>(iii) 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 preceding academic session in classes I to IV taken together thus taking four parents of the categories noted above from each class.</p> <p>(iv) 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;</p> <p>(v) Head teacher or the in charge head teacher of the school shall be the member convener.</p> <p>(vi) An eminent educationist or a philanthropist or a person who supports the school in the neighborhood or an eminent NGO representative as co-opted by the SMC.</p> <p>Provided that 50% of the members of the SMC shall be women.</p> <p>(c) In an upper primary school, having primary section also, in addition to the categories noted above, additional members will be selected as follows-</p> <p>(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</p>	<p>participation.</p>
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(ii) Mother / father or guardian of each of such child who has secured lowest marks in the annual examination of the preceding academic session in classes V and VI

(iii) 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 preceding academic session in classes V to VII taken together;

(iv) 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;

(v) Head teacher or the in 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 in charge 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.

- ‘Sarpanch’ the term is the reference for rural/panchayath set-up. Urban political representatives i.e., Ward member/Counselor/ Corporator – these terms also need to be included in point (3).

(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 to demonstrate learning outcomes of the children in the areas of reading, writing, simple arithmetic and comprehension, picking the children at random from 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 neighborhood who are in the age group 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 neighborhood 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 provisions of Section 4.

(h) Monitor the identification and enrolment of, and facilities 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.

- Need to give authority to SMC to also pay attention to teacher absenteeism. (not only children absenteeism particular)

<p>(j) Prepare an annual account of receipts and expenditure of the school.</p> <p>(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.</p> <p>(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.</p>	<ul style="list-style-type: none"> • One of the parents/women group (SHG) member also must be part of the joint account to have more transparency of accounts. Otherwise it may root to lot of corruption.
<p><u>Preparation of School Development Plan</u></p> <p>14. (1) The School Management Committee shall prepare a <u>school development plan</u> 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 Panchyat Raj institutions the Mahila Samakhyas and also inviting a representative of a prominent NGO working in the filed of education in the neighborhood area of the school, if any.</p> <p>(2) The school development plan, shall contain the following details:</p> <p>(a) Estimates of class-wise enrolment for each year;</p> <p>(b) Requirement of the number of additional teachers, including head teachers, subject teachers and part time teachers, separately</p>	<ul style="list-style-type: none"> • There should be a parameter for preparing school development plan. While preparing the plan we need to take into account of 'school's performance of the previous year'. This point is to be incorporated in this section.

<p>for Classes I to V and classes VI to VIII, calculated with reference to the norms specified in the Schedule</p> <p>(c) Physical requirement of additional infrastructure and equipments calculated with reference to the norms and standards specified in the Schedule</p> <p>(d) Additional financial requirement year-wise, in respect of (b) and (c) above, including additional requirement for providing special training facility specified in section 4, <u>entitlements of children such as free text books and uniforms</u>, and any other additional financial requirement for fulfilling the responsibilities of the school under the Act.</p> <p>(3) The school development plan should be signed by the Chairperson/Vice Chairperson and Convener of the School Management Committee and submitted to the State Government or the local authority, as the case may be , before the end of the financial year in which it is to be prepared.</p>	<ul style="list-style-type: none"> • Uniforms must be provided to all the children in Govt schools (not only in the schools under societies)
<p><u>Salary and allowances and terms and conditions of service of teachers of private unaided schools</u></p> <p>14- 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>	<ul style="list-style-type: none"> • Nothing is specified about the qualification and the basic capacity of the teachers’, especially with small private unaided schools. Most of the teachers are poorly qualified and do not have the competency to teach. There must be parameters incorporated in this section, for recruitment of teachers under terms and conditions.
<p><u>Duties of Teachers</u></p> <p>15-(1) In performance of the functions specified in sub-section (1) of section 24(1) and in order to fulfill the requirements of clause</p>	<ul style="list-style-type: none"> • There must be parameters incorporated on

<p>(h) of sub-section (2) of section 29, the teacher shall maintain a file containing the pupil cumulative record for every child including the record maintained while implementing the Learning Enhancement Programme or any other programmes that may be in force, which will be the basis for 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 sub-section (1) of section 24, a teacher shall perform the following duties assigned to him or her, without interfering with regular teaching:</p> <p>(a) Participation in training programmes;</p> <p>(b) Participation in curriculum formulation, and development of syllabi, training modules and text book development;</p>	<p>the teachers' accountability to students and their parents for learning levels.</p> <ul style="list-style-type: none"> • The most important is “The primary object of the teachers’ deliverables. Hence make the heading change to Deliverables – Instead ‘Duties’ • Since Teachers are accountable for overall development of children, there must be a reference in this point as ‘Development of Skill and talent’ in children by children.
<p><u>Grievance redressal of teachers</u></p> <p>16-(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.</p> <p>(2) There shall be a district level grievance redressal committee to redress the grievances of the teachers.</p> <p>(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</p>	

<p>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.</p> <p>(4) The committee shall meet once in three months.</p> <p>(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.</p> <p>(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.</p> <p>(7)Every private school shall develop its own mechanism for redressal of grievances of its Teachers.</p>	
<p><u>Maintaining Pupil-Teacher Ratio in each school</u></p> <p>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</p>	

<p>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).</p> <p>(2) The Rajiv Vidya Mission and the Commissioner & Director of School Education shall review the teacher positioning every year before the academic session.</p> <p>(3) The State Government shall take effective steps to fill up 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 actual placement of the teachers.</p> <p>(4) The State Government shall cancel all such deputations of teachers where salaries are paid by the schools 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 action.</p>	
<p><u>Academic authority laying down the curriculum and evaluation procedure</u></p> <p>18- (1) The State council of Educational Research and Training (SCERT) shall be the Academic Authority for the purposes of Section 29 of the Act.</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 individuals and institutions.</p> <p>(f) Commission and undertake researches / studies on policies, programmes, curriculum, Learning outcomes of children etc.</p> <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.</p>	
<p><u>Award of certificate for completion of elementary education</u></p> <p>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.</p> <p>Provided that the private school shall stamp prominently on the certificate the number of recognition certificate issued by the competent authority.</p> <p>(2) The document referred to in sub-rule (1) shall-</p> <p>(a) Certify that the child has completed all courses of study prescribed under section</p> <p>(b) Contain the Pupil Cumulative Record of the child and also specify achievements of the child in areas of activities beyond the</p>	

<p>prescribed course of study and may include music, dance, literature, sports, etc.</p>	
<p><u>Constitution and Functions of REPA</u></p> <p>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.</p> <p>(2) The REPA shall consist of –</p> <p>(i) A chairperson who is –</p> <p>(a) A person of high academic repute or</p> <p>(b) Has been a judge of the High court or</p> <p>(c) Has done outstanding work for <u>promotion</u> of rights of the children and</p> <p>(ii) Two members of whom one shall be a women from the following areas.</p> <p>(a) Education</p> <p>(b) Child healthcare and Child development</p> <p>(c) Juvenile justice or care of neglected or marginalized children or children with disabilities</p> <p>(d) Elimination of child labor or working with children in distress.</p> <p>(e) Child psychology or sociology</p> <p>(f) Legal profession</p> <p>(iii) 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.</p> <p>(iv) All records and assets of the REPA shall be transferred to the State Commission for Protection of Child Rights immediately after its constitution.</p> <p>(v) 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.</p>	<ul style="list-style-type: none"> • After 6 months what would be the role of REPA? Can it be an independent Autonomous body? Please give clarity in this regard. • Term 'Protection' is to be added to promotion, since the purpose of constituting this committee is to protect the child rights according to RTE.

<p>(vi) The State Government shall enable constituting a Cell in the <u>State Commission for Protection of Child Rights</u> of the REPA, as the case may be, which may assist the Commission or the REPA in performance of its functions under the Act.</p>	<ul style="list-style-type: none"> • Constitution of this kind of committees would surely safe guard the 'Rights of Children' under RTE. These kind of commission/committees must have the representation of Pvt Schools Management Association and also 3-4 NGOs working in education with a good track record, to have more transparency in the decisions/outcomes.
<p><u>Constitution and Functions of the State Advisory Council</u></p> <p>21- (1) The State Advisory Council shall consist of Chairperson and Co- Chair person and thirteen members.</p> <p>(2) The Minister in-charge of the Department of Primary Education shall be the 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</p> <p>(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</p> <p>(a) At least four members should be from amongst persons belonging to SCs, STs , OBCs and minorities taking one from each of these categories;</p> <p>(b) At least one member should be from amongst persons having specialized knowledge and practical experience of education of children with special needs;</p> <p>(c) At least one member should be from amongst persons having specialized knowledge in the field of pre-primary education</p>	

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

(e) Fifty percent of the members i.e. six members shall be 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 Welfare, the Secretary, Women & 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 once in three months

(ii) 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 for 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 misbehavior or incapacity, or on the happening of anyone or more of the following events.

i. Is adjudged insolvent; or

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

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

- These officials at Govt must be made part of the committee, not as special invitees.

- The frequency of meeting of this committee can be 2 instead 3 months.

- Make the minimum presence 60% to complete the meeting make an authentic decision.

<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 in two consecutive meetings of the Council</p> <p>(c) 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 <u>120 days</u> by making a fresh appointment in accordance with the provisions of sub-Rule (2).</p>	<ul style="list-style-type: none"> • 4 months is too long time, which will impact the acceleration of the decision and implementation. Suggestive is with in 45 days or maximum 60 days.
<p><u>Form -1</u></p> <p>SELF DECLARATION CUM APPLICATION FOR GRANT OF RECOGNITION OF SCHOOL -See Rule 12 of the Right of Children to Free and Compulsory Education Rule, 2010</p>	
<p><u>Form -2</u></p> <p>Recognition Certificate for the School under sub -rule (4) of Rule 12 of Right of Children to Free and Compulsory Education Rules, 2009 for the purpose of Section 18 of Right of Children to Free and Compulsory Education Act, 2009.</p>	
<p><u>FORM -3</u></p> <p>Recognition Certificate for the School under sub -rule (5) of Rule 12 of Right of Children to Free and Compulsory Education Rules, 2009 for the purpose of Section 18 of Right of Children to Free and Compulsory Education Act, 2009.</p>	<ul style="list-style-type: none"> • Should Elaborate “capitation fees” as schools are charging capitation fees in other names like “building development fund”, “School development Fund” , “Library Development Fund”, “Play ground development fund” etc. • All schools should have their school policy (admissions, assessments, recruitment,

	academics and other resource management) made available publically.
FORM - 4	
Recognition Certificate for the School under sub -rule (6) of Rule 12 of Right of Children to Free and Compulsory Education Rules, 2009 for the purpose of Section 18 of Right of Children to Free and Compulsory Education Act, 2009.	

Forum for Andhra Pradesh
Right of Children for Free and Compulsory Education Act 2009

S.No	Name of the Person	Organisation	Place	Contact
1	M.Anand	SABALA	Adoni, Kurnool Dist	9440503190
2	D.Anjamma	SRDS	Siddipet, Medak Dist	9989066535
3	KCS Prasad	Jana Vikasa Society	Hyderabad	9032381020
4	T.Narsaiah	Down Traden Development Society	Janagoan, Warangal	
5	J.Mallesh	Dalit Bahajan Front	Hyderabad	9160882137
6	M.Parwathi	Kadapa District Women Network Society	Kadapa	9393710807
7	M.Subba Rao	MASSES	Nellore	9573553212
8	B.Maisaiah	SRD	Nalgonda	9989077185
9	Charles Wesley	TDA	Hyderabad	9490755411
10	K.Chandramma	DBIU	Hyderabad	9573817474
11	S.Sampath Kumar	PARIVARTHANA	Ranga Reddy Dist	9848273059
12	N.Prem Kumar	CASA	Hyderabad	9849311906
13	S.John	Indian Social Institute, Bangalore	Bangalore	9901047445
14	J.D.Veera Swamy	SPOORTHY	Nalgonda	9848044951
15	Shantanu Gupta	Naandi Foundation	Hyderabad	9666641005