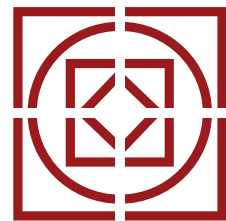


Policy Roundtables

CCS organizes policy roundtables, a means of engaging with legislators on issues of national importance in order to address the existing gaps between policy research and policy making.

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Centre for Civil Society

Right to Education Model Rules

CCS Legislative Analysis 4

March 2010

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Model Rules under the Right of Children to Free and Compulsory Education Act 2009

CCS Legislative Analysis 4

The Right to Education (RTE) Act 2009 is a legislative attempt at ensuring the achievement of the fundamental right of universal, free and compulsory elementary education as per the 86th Constitutional Amendment. Some salient features include:

- Every child of the age of 6 to 14 years has a right to free and compulsory education in a neighborhood school till completion of elementary education.
- Private schools are required to admit at least 25 per cent of government sponsored children from weaker sections and disadvantaged groups.
- All schools except private unaided schools are to be managed by School Management Committees with 75 per cent parents and guardians as members.
- All schools except government schools are required to be recognized by meeting specified norms and standards within 3 years to avoid closure.

The RTE Model Rules finalized in February 2010 provide guidelines to be followed by the states to implement the RTE Act. Some of these rules, however, need to be reassessed in order to maximize the chances for success in their implementation. The School Choice Campaign of CCS proposes the following 8 specific changes as pointers for a serious discussion on this critical issue:

1. Implementation of 25 % reservation: The Model Rules hardly provide any details on the implementation of the 25 per cent reservation in private schools. Several important questions need to be answered systematically and comprehensively for this critical idea of the RTE Act to work well:
 - How are weaker and disadvantaged sections defined and verified?
 - How will the government select these students for entry level class?
 - Would the admission lottery be conducted by neighbourhood or by entire village/town/city? How would the supply-demand gaps in each neighbourhood be addressed?
 - What will be the mechanism for reimbursement to private schools?
 - How will the government monitor the whole process? What type of external vigilance/social audit would be allowed/encouraged on the process?
 - What would happen if some of these students need to change school in higher classes?

2. Reimbursement of per-child expenditure: The reimbursement to private unaided schools for the 25 per cent quota should be calculated not only on the basis of the recurring expenditure in government schools but should also include the fixed or capital expenditures with due allowance for depreciation of assets and interest costs. Like with other infrastructure PPPs, the government can specify the life cycle of the capital

Existing Clause	Reworded Clause/ Comments
<p>8 (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.</p>	<p>8 (1)The total annual recurring <i>and capital</i> 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.</p>

3. Recognition criteria for schools: In order for a school to get recognized, the Model Rules require the school to be registered either as a Society or Trust and run on a not-for-profit basis. Both of these provisions go against the spirit of the Act which despite many attempts did not require schools to be non-profit. Any individual or association that is allowed by general laws should be able to run a school, but all schools including Government Schools must be required to meet quality, accountability and transparency norms.

<p>Recognition of schools for the purposes of Section 18 of RTE ACT</p> <p>“11 (1) Every school, other than a school established, owned or controlled by the State Government or Local Authority, established before the commencement of this Act shall make a self declaration within a period of three months of the commencement of the Act, in Form No. 1 to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the following conditions:</p>	<p><i>Replace the existing S.11(a) and (b) with:</i></p> <p>“11 (1) Every school, <i>including</i> a school established, owned or controlled by the State Government or Local Authority, established before the commencement of this Act shall make a self declaration within a period of three months of the commencement of the Act, in Form No. 1 to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the following conditions:</p>
<p>11 (1) (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;</p> <p>(b) the school is not run for profit to any individual, group or association of individuals or any other persons;</p>	<p>11(1)(a) the school is registered as a public institution, which would come under the purview of the Right to Information Act 2005;</p> <p>(b) the school shall make its annual audited accounts accessible to the public as well as in its office;</p>

4. Usage of school building: The rules stipulate that schools can only be used for purposes of education and skill development. However many schools are used as community centres, as polling booths, as shelter during natural calamities. Moreover, several governments have encouraged use of school buildings after regular school hours for computer, life-skills classes, as training centres, often with a charge to add to the resources of the school. It seems unwise to take away other options as long as concerned authorities (including School Management Committees) agree that the other use does not hinder the raison d'être of the school.

Existing Clause	Reworded Clause/ Comments
11 (1)(d) the school buildings or other structures or the grounds are used only for the purposes of education and skill development;	11 (1)(d) the school buildings or other structures or the grounds are used for the purposes of education and skill development; <i>Provided that the school buildings or other structures or the grounds can be used for any other legal purpose after approval by the School Management Committee, as long as it does not hinder the provision of education and skill development.</i>

5. Salary, allowances and conditions of service of teachers: The RTE Act defines the 'child,' 'school,' and various 'authorities' but unfortunately not the 'teacher.' The recent comments by the Hon'ble MHRD Minister suggest that each teacher must meet minimum qualifications but beyond that the relationship between the teacher and the school will be left for them to determine. A "permanent cadre" suggests feudal employer-employee relationships. Section 18 in the Model Rules applies to teachers hired by the State or local authority.

18 (1) The State Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.	18 (1) The State Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers <i>hired by it</i> in order to create a professional /... / cadre of teachers.
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6. Disciplinary action against teachers: The Model Rules give School Management Committees the responsibility to monitor that teachers perform their duties but does not give them any authority to ensure that they indeed do. If we expect School Management Committees to carry out their tasks effectively then they must have necessary attendant powers. Therefore, the terms and conditions of services of teachers should clearly specify that that the School Management Committees can take disciplinary action against teachers as intended by the Act in Section 24(2)

18(2) In particular and without prejudice to sub rule (1), the terms and conditions of service shall take into account the following, namely - (a) Accountability of teachers to the School Management Committee constituted under Section 21.	18(2) In particular and without prejudice to sub rule (1), the terms and conditions of service shall take into account the following, namely - (a) Accountability of teachers <i>including the authority to take disciplinary action</i> to the School Management Committee, constituted under Section 21.
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7. Composition and functions of the School Management Committee: In order to fulfill its function to engage parents for all sections of society and to be held accountable, the School Management Committee members cannot only work on a voluntary basis, but must be rewarded accordingly.

Existing Clause	Reworded Clause/ Comments
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 appointed date, and reconstituted every two years.	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 appointed date, and reconstituted every two years. <i>The members should be reimbursed for travelling and daily allowances as in accordance with the orders issued by the Local Authority.</i>

8. Evaluation and Assessment: The provisions on evaluation and assessment of teacher performance and student achievement can be tweaked to enable greater accountability and responsiveness

13 (6) (d) Ensure the enrolment and continued attendance of all the children from the neighbourhood in the school; 22 (2) (c) prepare guidelines for putting into practice continuous and comprehensive evaluation	13 (6) (d) Ensure the enrolment and continued attendance, <i>and assessment of learning</i> of all the children from the neighbourhood in the school; 22 (2) (c) prepare guidelines for putting into practice continuous and comprehensive evaluation of <i>teacher competencies and student learnings</i>
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MODEL RULES UNDER THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

PART I - PRELIMINARY

Short title, extent and commencement

- 1 (1) These Rules may be called the Right of Children to Free and Compulsory Education Rules, 2009.
- (2) They shall come into force from (Date)
- (3) They shall extend to the whole of (Name of State)

Definitions

- 2 (1) In these rules, unless the context otherwise requires, -
 - (a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009.
 - (b) “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
 - (c) “appointed date” means the date on which the Act comes into force, as notified in the Official Gazette
 - (d) “Chapter”, “section” and Schedule” means respectively Chapter, section of, and Schedule to, the Act.
 - (e) “Child” means any child of the age of 6 to 14 years
 - (f) “Pupil Cumulative Record” means record of the progress of the child based on comprehensive and continuous evaluation
 - (g) “school mapping” means planning school location to overcome social barriers and geographical distance
- (2) All references to “forms” in these Rules shall be construed as references to forms set out in Appendix I hereto.
- (3) All other words and expressions used herein and not defined but defined in the Act shall have the same meanings respectively assigned to them in the Act.

PART II – RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION

Special Training for the purposes of first proviso to section 4

- 3** (1) The School Management Committee/ local authority shall identify children requiring special training and organise such training in the following manner, namely:
- (a) The special training shall be based on specially designed, age appropriate learning material, approved by the academic authority specified in section 29(1).
 - (b) It shall be provided in classes held on the premises of the school, or through classes organised in safe residential facilities
 - (c) It shall be provided by teachers working in the school, or by teachers specially appointed for the purpose.
 - (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.
- (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.

PART III – DUTIES OF STATE GOVERNMENT, LOCAL AUTHORITY

Areas or limits for the purposes of section 6

- 4** (1) The areas or limits of neighbourhood within which a school has to be established by the State Government shall be as under -
- (a) In respect of children in classes I - V, a school shall be established within a walking distance of one km of the neighbourhood.
 - (b) In respect of children in classes VI - VIII, a school shall be established within a walking distance of 3 km of the neighbourhood.
- (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.
- (8) The State Government/Local Authority shall ensure that access of children to the school is not hindered on account of social and cultural factors.

Duties of State Government and Local Authority for the purposes of Sections 8 and 9

- 5** (1) 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) and (iv) of clause (n) of section 2 in pursuance of clause (c) of sub section (1) of section 12 shall be entitled to free text books, writing materials and uniforms.

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

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.

- (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 for the purposes of clause (d) of section 9

- 6** (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.
 - (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 meaning of clause (e) of section 2 of the Act;
 - (h) whether the child belongs to a disadvantaged group within the meaning of clause (d) of section 2 of the Act;
 - (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.

PART IV – RESPONSIBILITIES OF SCHOOLS AND TEACHERS

Admission of children belonging to weaker section and disadvantaged group for the purposes of clause (c) to section 12 (1)

- 7 (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.
- (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.
- (3) The areas or limits of neighborhood specified in Rule 4 (1) shall apply to admissions made in pursuance of clause (c) to section 12 (1).

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.

Reimbursement of per-child expenditure by the State Government for the purposes of section 12(2)

- 8 (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.

Documents as age proof for the purpose of section 14

- 9 Wherever a birth certificate under the Births, Deaths and Marriages Certification Act, 1886 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 –

- (a) Hospital / Auxiliary Nurse and Midwife (ANM) register record
- (b) Anganwadi record
- (c) Declaration through an affidavit of the age of the child by the parent or guardian

Extended period for admission for the purposes of section 15

- 10** (1) Extended period of admission shall be six 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.

Recognition of schools for the purposes of section 18

- 11** (1) Every school, other than a school established, owned or controlled by the State Government or Local Authority, established before the commencement of this Act shall make a self declaration within a period of three months of the commencement of the Act, in Form No. 1 to the concerned District Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule and the 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;
- (2) Every self declaration received in Form 1 shall be placed by the District Education Officer in public domain within fifteen days of its receipt.
- (3) The District Education Officer shall conduct on-site inspection of such schools which claim in

Form No. 1 to fulfill the norms and standards and the conditions mentioned in sub- Rule (1) within three months of the receipt of the self declaration.

- (4) After the inspection referred to in sub-Rule (3) is carried out, the inspection report shall be placed by the District Education Officer in public domain and schools found to be conforming to the norms, standards and the conditions shall be granted recognition by the District Education Officer in Form No. 2 within a period of 15 days from the date of inspection.
- (5) Schools that do not conform to the norms, standards and conditions mentioned in sub rule (1) shall be listed by the District Education Officer through a public order to this effect, and any time within the next two and a half years, such schools may request the District Education Officer for an on-site inspection for grant of recognition.
- (6) Schools which do not conform to the norms, standards and conditions mentioned in sub rule (1) after three years from the commencement of the Act, shall cease to function
- (7) Every school, other than a school established, owned or controlled by the State Government or local authority established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-Rule 1) in order to qualify for recognition.

Withdrawal of recognition to schools for the purposes of sections 18(3) and 12(3)

- 12** (1) Where the District Education Officer on his own motion, or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognised under rule 12, has violated one or more of the conditions for grant of recognition or has failed to fulfill the norms and standards prescribed in the Schedule, he shall act in the following manner:
- (a) Issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month.
 - (b) In case the explanation is not found to be satisfactory or no explanation is received within the stipulated time period, the District Education Officer may cause an inspection of the school, to be conducted by a Committee of three to five members comprising of educationists, civil society representatives, media, and government representatives, which shall make due inquiry and submit its Report, along with its recommendations for continuation of recognition or its withdrawal, to the District Education Officer.
 - (c) The District Education Officer shall forward the Report of the Committee, along with his comments, to the State Commission for Protection of Child or the Right to Education Protection Authority, as the case may be, with a copy to the State Education Department.

- (2) The State Commission for Protection of Child Rights or the Right to Education Protection Authority, as the case may be, shall, after seeking explanation from the concerned school and after due examination, prepare and send its recommendations to the State Education Department.
- (3) The State Education Department, shall, on the basis of the recommendations referred to in sub-Rule (2) convey its decision to the District Education Officer.
- (4) The District Education Officer shall, on the basis of the decision of the State Education Department, pass an order cancelling the recognition granted to the school. The order of derecognition shall be operative from the immediately succeeding academic year and shall specify the neighbourhood schools to which the children of the de-recognised schools shall be admitted.

PART V - SCHOOL MANAGEMENT COMMITTEE

Composition and functions of the School Management Committee for the purposes of section 21

- 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 appointed date, and reconstituted every two years.
- (2) Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children.
 - (3) The remaining twenty five percent of the strength of the SMC shall be from amongst the following persons
 - a) One third members from amongst the elected members of the local authority, to be decided by the local authority;
 - b) One third members from amongst teachers from the school, to be decided by the teachers of the school;
 - c) Remaining one third from amongst local educationists / children in the school, to be decided by the parents in the Committee
 - (4) To manage its affairs, the School Management Committee shall elect a Chairperson and Vice Chairperson from among the parent members. The Head teacher of the school or where the school does not have a head teacher, the senior most teacher of the school, shall be the ex-officio Member-Convener of the School Management Committee.

- (5) 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.
- (6) The School Management Committee shall, in addition to the functions specified in clauses (a) to (d) of section 21 (2), perform the following functions, for which it may constitute smaller working groups from amongst its Members :
 - (a) communicate in simple and creative ways to the population in the neighbourhood of the school, the rights of the child as enunciated in the Act; as also the duties of the State Government, local authority, school, parent and guardian;
 - (b) Ensure the implementation of clauses (a) and (e) of section 24 and section 28,
 - (c) Monitor that teachers are not burdened with non academic duties other than those specified in section 27;
 - (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 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.
 - (j) Prepare an annual account of receipts and expenditure of the school.
- (7) Any money received by the School Management Committee for the discharge of its functions under this Act, shall be kept in a separate account, to be made available for audit every year.
- (8) The accounts referred to in clause (j) to sub-Rule (6) and sub-Rule (7) should be signed by the Chairperson/ Vice-Chairperson and Convenor of the School Management Committee and made available to the local authority within one month of their preparation.

Preparation of School Development Plan for the purpose of section 22

- 14** (1) The School Management Committee shall prepare a School Development Plan at least three months before the end of the financial year in which it is first constituted under the Act.

- (2) The School Development Plan shall be a three year plan comprising three annual sub plans
- (3) 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.
- (3) 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.

PART VI – TEACHERS

Minimum Qualification for the purposes of section 23 (1)

- 15 (1)** The academic authority notified in pursuance of sub-section (1) of section 23, shall, within three months of such notification, lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.
 - (2) The minimum qualifications laid down by the academic authority referred to in sub-Rule (1) shall be applicable for every school referred to in clause (n) of section 2.

Relaxation of minimum qualification for the purposes of section 23 (2)

- 16 (1)** The State Government shall estimate the teacher requirement as per the norms in the Schedule for all schools referred to in clause (n) of section 2 within the State, within six months from the commencement of the Act.
 - (2) Where a State does not have adequate institutions offering courses or training in teacher education, or persons possessing minimum qualifications as laid down under sub-Rule (2) of Rule 15 are not available in sufficient numbers in relation to the requirement of teachers estimated under sub-Rule (1), the State Government shall request, within one year of the commencement of the Act, the Central Government for relaxation of the prescribed minimum qualification.

- (3) On receipt of the request referred to in sub-Rule (2), the Central Government shall examine the request of the State Government and may relax the minimum qualifications by way of a Notification.
- (4) The Notification referred to in sub-Rule (3) shall specify the nature of relaxation and the time period, not exceeding three years, but not beyond five years from the commencement of the Act, within which the teachers appointed under the relaxed conditions acquire the minimum qualifications prescribed by the academic authority notified under sub-section (1) of Section 23.
- (5) After six months after the commencement of the Act, no appointment of teacher for any school can be made in respect of any person not possessing the minimum qualifications prescribed by the academic authority notified under sub-section (1) of Section 23 without the notification referred to in sub-Rule (3).
- (6) A person appointed as a teacher within six months of the commencement of the Act, must possess at least the academic qualifications not lower than higher secondary school certificate or equivalent.

Acquiring minimum qualifications under proviso to section 23(2)

- 17 (1) The State Government shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clauses (i) and (iii) of clause (n) of section 2, who do not possess the minimum qualifications laid down under sub-Rule (2) of Rule 15 at the time of commencement of the Act, to acquire such minimum qualifications within a period of five years from the commencement of the Act.
- (2) For a teacher, of any school referred to in sub-clause (ii) and (iv) of clause (n) of section 2, who does not possess the minimum qualifications laid down under sub-Rule (2) of Rule 15 at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the Act.

Salary and allowances and conditions of service of teachers for the purpose of section 23(3)

- 18 (1) The State Government or the local authority, as the case may be, shall notify terms and conditions of service and salary and allowances of teachers in order to create a professional and permanent cadre of teachers.
- (2) In particular and without prejudice to sub rule (1), the terms and conditions of service shall take into account the following, namely -

- (a) Accountability of teachers to the School Management Committee constituted under section 21.
- (b) Enabling long term stake of teachers in the teaching profession
- (3) The scales of pay and allowances, medical facilities, pension, gratuity, provident fund, and other prescribed benefits of teachers, including those employed for the purpose of imparting special training as specified in Section 4, shall be that of regular teachers, and at par for similar work and experience.

Duties to be performed by teachers for the purpose of clause (f) to section 24(1)

- 19** (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.
- (2) In addition to the functions specified in clauses (a) to (e) of 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.
- (2) The State Government shall constitute School Tribunals at the State, District and Block levels which would act as the grievance redressal mechanism for the teachers.

Maintaining Pupil-Teacher Ratio in each school for the purposes of section 25

- 21** (1) Sanctioned strength of teachers in a school shall be notified by the State Government or the local authority, as the case may be, within a period of three months of the appointed date.
- Provided that the State Government or the local authority, as the case may be, shall, within three months of such Notification, redeploy teachers of schools having a strength in excess of the sanctioned strength prior to the Notification referred to in sub-Rule (1).
- (2) 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.

PART VII – CURRICULUM AND COMPLETION OF ELEMENTARY EDUCATION

Academic Authority for the purposes of section 29

- 22** (1) The State Government shall notify the State Council of Educational Research and Training (or its equivalent), as the academic authority for the purposes of section 29.
- (2) While laying down the curriculum and evaluation procedure, the academic authority notified under sub-Rule (1) shall
- (a) formulate the relevant and age appropriate syllabus and text books and other learning material
 - (b) develop in-service teacher training design, and
 - (c) prepare guidelines for putting into practice continuous and comprehensive evaluation
- (3) The academic authority referred to in sub-rule (1) shall design and implement a process of holistic school quality assessment on a regular basis

Award of certificate for the purposes of section 30

- 23** (1) The Certificate of completion of elementary education shall be issued at the school/block/district level within one month of the completion of elementary education.
- (2) The Certificate 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.

PART VIII – PROTECTION OF RIGHT OF CHILDREN

Performance of functions by the State Commission for Protection of Child Rights, for the purposes of section 31

- 24** (1) In respect of a State which does not have a State Commission for Protection of Child Rights, the State Government may take immediate steps to set up the Commission.
- (2) Till such time as the State Government sets up the Commission, it shall constitute an interim authority known as the Right to Education Protection Authority (REPA) for the purposes of performing the functions specified in sub-section (1) of section 31, within six months of the

commencement of Act or the constitution of the State Commission for Protection of Child Rights, whichever is earlier..

- (3) The Right to Education Protection Authority (REPA) shall consist of the following, namely –
 - (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.

Manner of furnishing complaints before the State Commission for Protection of Child Rights

- 25 (1) The State Commission for Protection of Child Rights, or the REPA, as the case may be, shall set up a child help line, accessible by SMS, telephone and letter, which would act as the forum for aggrieved child/guardian to register complaint regarding violation of rights under the Act, in a manner that records her identity but does not disclose it;
- (2) All complaints to the helpline should be monitored through a transparent ‘alert and action’ online mechanism by the State Commission for Protection of Child Rights, or the REPA, as the case may be.

Constitution and Functions of the State Advisory Council for the purpose of section 34

- 26** (1) The State Advisory Council shall consist of a Chairperson and fourteen Members.
- (2) The Minister in-charge of the Ministry/Department of School Education in the State Government shall be the ex-officio Chairperson of the Council
 - (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
 - (4) The Department of School Education shall provide logistic support for meetings of the Council and its other functions.
 - (5) 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.
 - (6) 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 Court; or
 - iv. Has so abused his office as to render his continuance in office detrimental to the public interest or
 - v. Is convicted for an offence by a competent Court; or
 - vi. Is without obtaining leave of absence from the Council, absent from two consecutive meetings of the Council
- (c) No Member shall be removed from his office without being given an adequate opportunity of being heard.
- (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 provisions of sub-Rule (2).
- (e) Members of the Council shall be entitled to reimbursement of travelling and daily allowances for official tours and journeys in accordance with the orders issued by the State Government in relation to non-official members of the Committees and Commissions and such like categories of persons

APPENDIX

FORM I

**SELF DECLARATION CUM APPLICATION
FOR GRANT OF RECOGNITION OF SCHOOL**

**See sub-Rule (1) of Rule 11 of the
Right of Children to Free and Compulsory Education Rule, 2009**

To

The District Education Officer
(Name of District & State)

Sir,

I forward herewith with a self declaration regarding compliance with the norms and standards prescribed in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 and an application in the prescribed proforma for the grant of recognition to (Name of the school) With effect from the commencement of the school year 20.....

Yours faithfully,

Enclosure :

Place :

Date :

Chairman of Managing
Committee/Manager

A. School Details	
1.	Name of School
2.	Academic Session
3.	District
4.	Postal Address
5.	Village/City
6.	Tahsil
7.	Pin Code:
8.	Phone No. with STD Code
9.	Fax No.
10.	E-mail address if any
11.	Nearest Police Station

B. General Information		
1.	Year of Foundation	
2.	Date of First Opening of School	
3.	Name of Trust/Society/Managing Committee	
4.	Whether Trust/Society/Managing Committee/ is registered	
5.	Period upto which Registration of Trust/Society/Managing Committee is valid	
6.	Whether there is a proof of non-proprietary character of the Trust/Society/Managing Committee supported by the list of members with their address on an affidavit in copy	
7.	Name official address of the Manager/President/C/Chairman of the School	
	Name	
	Designation	
	Address	
	Phone	(O)
		(R)
8.	Total Income & Expenditure during last 3 years surplus/deficit	

C. Nature and area of School	
1.	Medium of Instruction
2.	Type of School (Specify entry & exit classes)
3.	If aided, the name of agency and percentage of aid
4.	If School Recognized
5.	If so, by which authority • Recognition number
6.	Does the school has its own building or is it running in a rented building.

7.	Whether the school buildings or other structures or the grounds are used only for the purpose of education and skill development?	
8.	Total area of the school	
9.	Built in area of the school	

D. Enrollment Status

	Class	No. of Section	No. of Students
1.	Pre-primary		
2.	I – V		
3.	VI – VIII		

E. Infrastructure Details & Sanitary Conditions

	Room	Numbers	Average Size
1.	Classroom		
2.	Office room – cum – Store Room – cum – Headmaster Room		
3.	Kitchen – Cum – Store		

F. Other Facilities

1.	Whether all facilities have barrier free access	
2.	Teaching Learning Material (attach list)	
3.	Sports & Play equipments (attach list)	
4.	Facility books in Library • Books (No. of books) • Periodical/Newspapers	
5.	Type and number of drinking water facility	
6.	Sanitary Conditions	
	(i) Type of W.C. & Urinals	
	(ii) Number of Urinals/Lavatories Separately for Boys	
	(iii) Number of Urinals/Lavatories Separately for Girls	

G. Particulars of Teaching Staff

1. Teaching in Primary/Upper Primary exclusively (details of each teacher separately)			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)

2. Teaching in Both Elementary and Secondary (details of each teacher separately)			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)
3. Head Teacher			
	Teacher Name (1)	Father/Spouse Name (2)	Date of Birth (3)
	Academic Qualification (4)	Professional Qualifications (5)	Teaching Experience (6)
	Class Assigned (7)	Appointment Date (8)	Trained or Untrained (9)

H. Curriculum and Syllabus		
1.	Details of curriculum & syllabus followed in each class (upto VIII)	
2.	System of Pupil Assessment.	
3.	Whether pupils of the school are required to take any Board exam upto class 8?	

- I. Certified that the school has also submitted information in this data capture format of District Information System of Education with this application.
- J. Certified that the school is open to inspection by any officer authorized by the appropriate authority;
- K. Certified that the school undertakes to furnish such reports and information as may be required by the District Education Officer from time to time and complies with such instructions of the appropriate authority or the District Education Officer as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in working of the school;
- L. Certified that records of the school pertinent to the implementation of this Act shall be open to inspection. by any officer authorized by the District Education Officer or appropriate authority at any time, and the school shall furnish all such information as may be necessary to enable the Central and / or State Government/ Local Body or the Administration to discharge its or his obligations to Parliament / Legislative Assembly of the state/Panchayat/Municipal Corporation as the case may be.

Sd./-

Chairman/Manager,
 Managing Committee
School

Place

Form II

Gram :
E-Mail:

Phone:
Fax:

OFFICE OF DISTRICT EDUCATION OFFICER
(Name of District / State)

No.

Dated:

The Manager,

Sub: Recognition Certificate for the School under sub-rule (4) of rule 11 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.

Dear Sir/Madam,

With reference to your application dated _____ and subsequent correspondence with the school/inspection in this regard, I convey the grant for provisional recognition to the _____ (name of the school with address) for Class ____ to Class ____ for a period of three years w.e.f. ____ to ____.

The above sanction is subject to fulfillment of following conditions:-

1. The grant for recognition is not extendable and does not in any way imply any obligation to recognize/affiliate beyond Class VIII.
2. The School shall abide by the provisions of Right of Children to Free and Compulsory Education Act, 2009 (Annexure I) and the Right of Children to Free and Compulsory Education Rules, 2009 (Annexure II).
3. The School shall admit in class I, to the extent of -----% of the strength of that class, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. Provided, further that in case of pre primary classes also, this norm shall be followed.
4. For the children referred to in paragraph 3, the School shall be reimbursed as per Section 12(2) of the Act. To receive such reimbursements school shall provide a separate bank account.
5. The Society/School shall not collect any capitation fee and subject the child or his or her parents or guardians to any screening procedure.

6. The School shall not deny admission
To any child for lack of age proof.
If such admission is sought subsequent to the extended provided prescribed for admission.
On the ground of religion, caste or race, place of birth or any of them.
7. The School shall ensure:
 - (i) No child admitted shall be held back in any class or expelled from school till the completion of elementary education in a school;
 - (ii) No child shall be subjected to physical punishment or mental harassment;
 - (iii) No child is required to pass any board examination till the completion of elementary education;
 - (iv) Every child completing elementary education shall be awarded a certificate as laid down under Rule 23
 - (v) Inclusion of Students with disabilities/special needs as per provision of the Act
 - (vi) The teachers are recruited with minimum qualifications as laid under section 23(1) of the Act. Provided further that the current teachers who, at the commencement of this Act do not possess minimum qualifications shall acquire such minimum qualifications with in a period of 5 years;
 - (vii) The teacher performs its duties specified under section 24(1) of the Act and
 - (viii) The teachers shall not engage himself or herself for private teaching activities.
8. The School shall follow the syllabus on the basis of curriculum laid down by appropriate authority.
9. The School shall enroll students proportionate to the facilities available in the school as prescribed in the section 19 of the Act.
10. The School shall maintain the standards and norms of the school as specified in section 19 of the Act. The facilities reported at the time of last inspection are as given under:-
 - Area of school campus
 - Total built up area
 - Area of play ground
 - No. of class rooms
 - Room for Headmaster-cum-Office-cum-Storeroom

Separate toilet for boys and girls

Drinking Water Facility

Kitchen for cooking Mid Day Meal

Barrier free Access

Availability of Teaching Learning Material/Play Sports Equipments/Library

11. No unrecognized classes shall run within the premises of the school or outside in the same name of school.
12. The school buildings or other structures or the grounds are used only for the purposes education and skill development.
13. 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;
14. The School is not run for profit to any individual, group or association of individuals or any other persons;
15. The accounts should be audited and certified by a Chartered Accountant and proper accounts statements should be prepared as per rules. A copy each of the Statements of Accounts should be sent to the DEO every year.
16. The recognition Code Number allotted to your school is ----- . This may please be noted and quoted for any correspondence with this office.
17. 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;
18. Renewal of Registration of Society if any, be ensured.
19. Other conditions as per Annexure 'III' enclosed.

Yours faithfully,

District Education Officer

