

STUDENT FIRST!



BULLETIN ISSUE 12, MARCH 2010

Editorial

2010 will be a landmark year for Indian primary education since the Right to Education Act (RTE) will come into effect in April and change the education system forever. The Model Rules for the RTE Act that was released Jan 20, 2010 include more details but we still have some questions and doubts. What follow below are some thoughts around these Rules that are intended for States to use when making their own adaptation and legislation. Our full statement is called "Right to Education Model Rules. CCS Legislative Analysis 4" and is available in hard copy format and online at the School Choice Campaign website.

The most discussed and important feature of the RTE Act, and accordingly the Rules, is the use of non-governmental schools, including high end private elite schools, to supply education to poor children for free while the State funds some portion of the tuition fees. Millions of deprived school children which have hitherto only been referred to government schools of all kinds of quality standards will get a chance to enter the private schools through a 25 per cent reservation for "disadvantaged groups and weaker sections".

In the Rules there are more details for implementation of this grand task but some questions still remain. For instance:

- 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?
- What will be the mechanism for reimbursement to private schools?
- How will the government monitor the whole process?

We also want to emphasize the need for private/nongovernmental schools receiving reimbursement from State Governments that the costs should be based on an average of the total per- student expenses including capital costs and costs for education at all levels incurred by the State and Local Governments. As the Rules state now, only recurring costs will be reimbursed.

This change to include 25 per cent poor children in private schools will not be easy as many high profiled private schools will try with all their might to stop these new students from getting admitted. The transition period will be hard and we at SCC will keep an eye on both the private schools and the State government authorities responsible for implementation.

Another issue we want to highlight in the Rules is the unfair recognition criteria which exempt all government schools from the binding law to prove themselves worthy of recognition. Three years to comply with infrastructure demands and five years to formal teacher qualifications are mandatory for all non-governmental schools. We think same rules should apply to all schools and it is possible to create independent boards that inspect all schools irrespective of status. Furthermore, school of all kinds, including profit making schools, must be allowed to function, not just not-for-profit trusts. A fair and simple rule for all schools is best.

The Rules state further that there should be a professional and permanent cadre of teachers. We have nothing against professional teachers, on the contrary, but a permanent cadre of employees has a feudal ring to it that sounds wrong in the 21st century. If the school is attractive teachers will stay on, otherwise they will leave.

The Rules do not focus enough on student outcomes but more on incomes such as teacher salaries, school buildings etc. Enrolment rather than education seems still more important in the Rules.

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School Management Committees, only applying to government school, are left without real power and support in the Rules. We want to give them power enough to assess not only students' achievements but also teachers' competencies and take disciplinary actions against teachers when needed.

The Committee members should be adequately reimbursed for their important work and not as now stated in the Rules being only volunteers.

In all the RTE is the grandest voucher - like scheme ever, giving the poor a chance to enter private schools they never dreamed of, as CCS President Dr Parth J. Shah mentioned last year <http://parthjshah.in/node/545> . Of course we would have liked RTE to go all the way and provide school vouchers to all parents including parents who already send their wards to private schools of all kinds. Instead of what looks like to be a hard fought lottery by the poor to enter the private schools, vouchers could have been a smoother and more just mechanism.

But we do not want to be lowering the euphoria of the Right to Education. The Act is a great achievement and we are as happy about it as everybody else. Hope you agree and read our legislative analysis of the Model Rules with that in mind.

Jan Sjunnesson Rao
Associate Director
School Choice Campaign



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 five 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?

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 including other costs related to elementary education at all levels of the State Government. Like with other infrastructure PPPs, the government can specify the life cycle of the capital.

Existing Clause	Reworded Clause/ Comments
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.	8 (1) The total annual recurring and capital expenditure on elementary education at all levels incurred by the State and Local Governments, 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.

2. 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.

Recognition of schools for the purposes of Section 18 of RTE ACT	Replace the existing S.11(a) and (b) with:
“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: 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; (b) the school is not run for profit to any individual, group or association of individuals or any other persons;	“11 (1) Every school, including 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: 11(1)(a) the school is registered as a public institution, which would come under the purview of the Right to Information Act 2005; (b) the school shall make its annual audited accounts accessible to the public as well as in its office;“

3. 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; 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.

4. Teachers: The RTE Act defines the ‘child,’ ‘school,’ and various ‘authorities’ but unfortunately not the ‘teacher.’ A “permanent cadre” suggests feudal employer-employee relationships. Section 18 in the Model Rules applies to teachers hired by the State or local authority.

Existing Clause	Reworded Clause/ Comments
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 hired by it in order to create a professional /... / cadre of teachers.

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

Existing Clause	Reworded Clause/ Comments
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, and assessment of learning of all the children from the neighbourhood in the school; 22 (2) (c) prepare guidelines for putting into practice continuous and comprehensive evaluation of teacher competencies and student learnings

5. School Management Committee: The Model Rules give School Management Committees (SMCs) 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 SMCs 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 the SMCs can take disciplinary action against teachers as intended by the Act in Section 24(2)

Existing Clause	Reworded Clause/ Comments
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 including the authority to take disciplinary action to the School Management Committee, constituted under Section 21.

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. The members should be reimbursed for traveling and daily allowances as in accordance with the orders issued by the Local Authority.

Model Rules under the Right of Children to Free and Compulsory Education act, 2009 is available at http://education.nic.in/Elementary/RTI_Model_Rules.pdf

FACTSHEET

Percentage of children in different types of schools in rural India 2009

Age group	Govt.	Pvt.	Other	Not in School	Total
Age: 6 -14 ALL	73.0	21.8	1.2	4.0	100
Age: 11-14 ALL	70.0	23.0	1.0	6.0	100
Age: 11-14 BOYS	69.4	24.4	0.9	5.3	100
Age: 11-14 GIRLS	70.9	21.2	1.1	6.8	100
Age: 15-16 ALL	56.9	24.9	0.8	17.4	100
Age: 15-16 BOYS	57.1	25.3	0.8	16.8	100
Age: 15-16 GIRLS	57.0 17.8 100	24.4	0.8	17.8	100

Note: 'OTHER' includes children going to madarssa and EGS. 'NOT IN SCHOOL' = dropped out + never enrolled

Source: *Annual Status of Education Report (ASER), 2009*

<http://www.asercentre.org/asersurvey/asere09/pdfdata/National%20Report%20Card.pdf>

Stakeholders discuss RTE Model Rules

School Choice Campaign (SCC) in partnership with the India International Centre (IIC) organized a RTE Model Rules Consultation with key stakeholders and policy makers to discuss the recommended rules and the implementation of the 25% reservation in private schools on the 16 March 2010 at IIC, New Delhi.

The objective of the consultation was to facilitate fruitful discussion amongst education experts to provide a timely and much needed feedback to the Union Government, which in turn will help State Governments in developing their rules on innovative ideas on the implementation of the Act.

The consultation was attended by 23 experts wherein issues of closure of unrecognized schools in three years time, reimbursement to private schools, curriculum development, learning assessment and ratings of all school by independent parties and the role and power of School Management Committees were discussed at length. School Choice Campaign presented its model on the implementation of the 25% reservation in private schools followed by a discussion on the same.

In order to continue discussion amongst stakeholders and monitor proper implementation of the Act, SCC proposed that a national Right to Education Coalition be formed. To facilitate this and to mainstream information distribution on the RTE Act, the Campaign launched www.righttoeducation.in.

If you are interested in joining the Coalition email at schoolchoice@ccs.in



Amit Kaushik, Parth J. Shah, Gurcharan Das & Kavita Sharma : facilitating the consultation



Where Private and Public Co-Exist: The Opportunity in the Right to Education Act

“Over the years, India has aspired to provide education to every child in the age group of 6-14. Sadly, as some recent surveys and data show, there is a huge gap between aspirations and actual achievements. This gap can only be filled by encouraging private involvement over and above reforming government schools”, says Dr Parth J Shah in his article in Pragati, March 2010.

To read complete report visit <http://parthjshah.in/node/581>

Join a Cause

India Voucher Fund

The **India Voucher Fund** is an initiative of the School Choice Campaign to establish a general fund to sponsor the education of at least 5000 children of the economically weaker section and provide them with the **Right to Education of Choice** through vouchers.

The project preparations are to start in **April 2010** starting with efforts to get potential donors and partners on board. We plan to distribute the first round of vouchers by **April- July 2011** so as to ensure that students can start their studies in the academic year starting in 2011.

For further information email at schoolchoice@ccs.in

Q & A

How is the performance of teachers in budget schools?

Private school teachers are significantly younger and more likely to be from the local area as compared to their counterparts in the government schools. Research shows that they are 2-8 percentage points less absent than teachers in government schools and 6-9 percentage points more likely to be engaged in teaching activity at any given point in time. One reason for this is likely to be that head teachers in private school are much more likely (and able) to take disciplinary action against shirking teachers than their counterparts in the government schools. We have found that only 1 head teacher in the nearly 3000 government schools we surveyed reported ever dismissing a teacher for repeated absence. Researchers Muralidharan and Kremer note that shirking teachers in the private sector are around 175 times more likely to have disciplinary action taken against them! Combining the effects of a lower pupil-teacher ratio and a higher level of teaching activity leads to a child in a private school having 3-4 times more “teacher-contact time” than in a government school in the same village.

www.righttoeducation.in

The Right to Education Act has been debated since 2002 and the discussion is not final with the Act coming to power in April 2010, rather the opposite. The implementation of the Act and the Model Rules in the States and Union Territories need a platform for open and frank discussion. SCC will provide such a platform on a new web portal – www.righttoeducation.in.

We hope to build a coalition of educational organisations, NGOs, government bodies etc. to bring all stakeholders together in building the portal. The idea is to monitor the RTE process on national, state and civil society levels. Forum discussions, news alerts, local social audit experiences, community concerns – all aspects of the RTE will be covered in the portal.

To invite other stakeholders and educational bodies to join us in a coalition building the portal is a way to broaden linkage and involvement. In fact, such a coalition has been sought after recently by educationist Vimala Ramachandran (Mint 23-02-2010). We take her words seriously and invite you to do the same.

For further details contact Jan SJ Rao at schoolchoice@ccs.in

Members of Parliament discuss RTE Act 2009 Model Rules

The School Choice Campaign in collaboration with Friedrich Naumann Stiftung organized a Policy Roundtable for Members of Parliament on 11 March 2010 at the Constitution Club to discuss, analyze and critique the Model Rules of the Right of Children to Free and Compulsory Education Act 2009. The panel for this meet constituted of Prof R Govinda, Vice Chancellor, National University of Education Planning and Administration and was attended by 6 Members of Parliament – Shri Madhu Goud Yaskhi, Shri E.M.S. Natchiappan, Shri Suresh Angadi, Shri Prem Das Rai, Shri Ninong Ering and Shri Sharad Joshi.

The discussion initiated by Dr Parth J Shah, President, Centre for Civil Society on School Management Committee functionalities, teacher accountability stipulations, school recognition norms and conditions, legal registration requirements, schools building usage and 25% reservation design led to a healthy discussion specially in light of the responses from Prof R Govinda. Participating Members of Parliament were enthusiastic to initiate similar dialogues at the state level in consultation with CCS to ensure the proper implementation of the RTE Act.



R. Govinda at the Policy Round Table



Members of the Parliament present at the meeting



Student First! Dialogue S Series:

The first Student First! Dialogue Series of 2010 organised on 11 March 2010 at the India Habitat Centre started with an open forum discussion on Implementing the 25% in the RTE Act 2009: Developing a Model. Mr Jan SJ Rao, Associate Director, School Choice Campaign chaired the program which saw the active participation of over 50 participants from various sectors- NGOs, educationists, civil society, parliamentarians, economists, corporates, parents and the youth.



The discussion addressed some critical questions that's needs to be answered systematically and comprehensively for this idea of the RTE Act to work well- definition of weaker and disadvantaged sections, selection of beneficiaries, admission criteria and process, mechanisms for reimbursements, monitoring of the project were the highlights of the discussion.

Suggestions, ideas and feedback arising from the program coupled with consultations and workshops with various stakeholders in the coming

days will be used to develop the model further. The final implementation model for the 25% reservation in private schools and CCS legislative analysis of the RTE Model Rules will be presented to MHRD and various State governments.

For further details visit www.righttoeducation.in

Sibal & Das on RTE in the Media

MHRD Minister Shri Kapil Sibal's answers to CCS Chairman Mr Gurcharan Das's keynote speech at the National Progressive Schools Conference on Friday 19 Feb 2010 sparked off a heady discussion in the media.



First, K. Sibal suggested that RTE imposes no limits on the fees and salaries of teachers in private schools, but he took it back the next day. Then he retraced that the RTE Act should not lead to closure of budget private schools. He also managed to get the Centre to hold discussion with States on relaxation of rules for private school facing closure.

See more on <http://schoolchoice.in/campaigns/sibal-and-das-on-rte.php>

Online resource for Indian Scholarships

Scholarships offer one pathway for qualified students to complete education and provide incentives for high academic performances. Scholarships in India target different socio-economic groups and provide them cash incentives from Class 1 to Ph D level study. To streamline information, SCC has developed an online resource listing all the different scholarships according to the scope of study, and contains information on eligibility criteria and scholarship benefits. The Central Government Scholarship programs are categorized on the basis of the level of study starting from school education, vocational and technical education up to higher education. Information on State Government scholarships for Delhi, Bihar and Himachal Pradesh are also available.

If you know of any other scholarship opportunities provided by the State Governments please email us the details at schoolchoice@ccs.in

To view all scholarships visit <http://schoolchoice.in/campaigns/vouc-cct-scholar.php>

Principals Forum organized for School Vouchers for Girls Pilot

First in the series of a yearly meet with the principals of empanelled schools of the School Vouchers for Girls pilot in Delhi, the Principals Forum organized on 3 February 2010 at the Jain Dharamshala, Shastri Park, North Delhi with an objective to bring school leaders together to discuss implementation processes, payment transfer mechanism and pertinent issues in mainstreaming voucher children previously studying in government schools. Dr Parth J Shah, President, Centre for Civil Society conducted a session on the School Choice Campaign and the School Vouchers for Girls pilot. This was followed by a presentation by Mr Deval Seth, Head of Strategy, ACCOR Services, on the systematic steps of "voucher payments". Ms. Janaki Rajan, Professor at Jamia Milia Islami and former Director of SCERT conducted the last session on the importance of parents counseling as well as addressed pertinent issues arising during the course of the project. Principals used this forum to raise their concerns which varied from administrative issues like parents not providing the necessary documents for admission to low attendance of the voucher students as well as provide feedback to the Campaign to better the pilot design.



Are Private Schools Better?

With the RTE Act 2009 offering 25% seats in private schools to government-sponsored poor students, Dr Parth J Shah also proposes a similar choice to the other 75% in his article published in Business Standard on 3 February 2010.

To read complete article visit <http://parthjshah.in/node/559>

WHAT'S NEW?

'Fund School Vouchers' Registry

Do you believe in the Right to Education of Choice? If yes, give poor children the opportunity to choose the best schools for themselves on your special day. Be it your wedding, birthday, anniversary or the holidays, get your friends and family to contribute on your special day to our 'Fund School Vouchers' registry in lieu of gifts. CCS graduate Struti Rajagopalan kick starts this initiative on the auspicious occasion of her wedding to Nandkumar in 2010

How does this registry work? It's simple! Invite your guests, friends and family to:

- Make online contributions through paypal using a credit card
- Send a cheque
- Wire transfer / Net transfer

If you are interested in creating your special registry with us please email at schoolchoice@ccs.in or call Shreya at 011-26537456/26521882.

To know more about the Registry visit <http://schoolchoice.in/support/rajagopalans.php>



JOIN A CAUSE! Log onto www.schoolchoice.in and join our online Signature Campaign demanding School Choice.

WRITE TO US

For comments, suggestion and feedback write to schoolchoice@ccs.in

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For comments and suggestions about the newsletter, email us at studentfirst@ccs.in.

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