

# **The Right of Children to Free and Compulsory Education Act 2009**

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**VC – 26-02-2010**

# **86<sup>th</sup> Constitutional Amendment, 2002**

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- **Art 21-A** inserted in Fundamental Rights
    - *The State shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner as the State may, by law, determine.*
    - *Right of Children to Free and Compulsory Education Act 2009 notified on 27th Aug. 2009*
    - *Act will be in force from 1<sup>st</sup> of April 2010*
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# The Act: Child rights

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- Defines 'free' as **removal of any financial barrier** by the state that prevents a child from completing eight years of schooling
- **Compulsory means- compulsory admission, attendance and completion of EE.**
- And defines 'compulsion' as **compulsion on the state/ local bodies**, rather than targeting parents, fundamental duty of parents to send children to schools
- Not enrolled/dropout children be admitted to age appropriate class
  - Special training to enable such children to be at par with others
  - Child so admitted entitled to completion of EE even after age 14
- Softens barriers like birth certificate, transfer certificate, etc
- No child shall be psychologically abused by calling him/her 'failed' in any class upto class 8, or expelling him/her from school
- Bars corporal punishment, mental harassment
- Provide education facility in neighborhood within 3 years

# Teachers

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- ❑ Qualification for appointment of teachers to be laid down by academic authority authorised by Central Government
  - ❑ Lays down academic responsibilities of teachers
  - ❑ Prohibits private tuition by teachers
  - ❑ Prohibits deployment of teachers for non-education purpose, except decennial census, disaster relief and elections
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# Schools

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- Community participation ensured through School Management Committee(SMC) comprising elected reps, teachers and parents
    - $\frac{3}{4}$  members from among parents of children in the school; 50% women
    - Proportionate representation to weaker and deprived sections
    - SMC to plan, manage and monitor – in collaboration with the local authority
  - Norms and standards specified
    - Infrastructure
    - PTR
    - School days; working days for teachers
    - Facilities
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# PTR

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- Requirement of additional teachers to maintain PTR –within 6 months

At primary level

- Admitted children Up to 60 -Two
  - Between 61 to 90 - Three
  - Between 91 to 120 - Four
  - Between 121 to 200 - Five
  - Above 150 - 5 teachers + one Head teacher
  - Above 200 - Pupil-Teacher Ratio 1:40  
(excluding Headteacher)
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# PTR

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At upper Upper primary level

- (1) At least one teacher per class so that class there shall be at least one teacher each for—
    - (i) Science and Mathematics; (ii) Social Studies;
    - (iii) Languages.
  - (2) At least one teacher for every thirty-five children.
  - (3) Where admission of children is above one hundred—
    - (i) a full time head-teacher;
    - (ii) part time instructors for—
      - (A) Art Education;(B) Health and Physical Education;
      - (C) Work Education.
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# INFRASTRUCTURE

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All-weather building consisting of—

- (i) at least one class-room for every teacher* and an office-cum-store-cum-Head teacher's room;
- (ii) barrier-free access;*
- (iii) separate toilets for boys and girls;*
- (iv) safe and adequate drinking water facility* to all children;
- (v) a kitchen where mid-day meal is cooked in* the school;
- (vi) Playground;*
- vii) arrangements for securing the school building by boundary wall or fencing.

# Minimum number of working days

*Working Days* in an academic year

(i) *Class 1 to 5 – 200 days*

(ii) *Class 6 to 8 – 220 days*

*Instructional hours* in an academic year

(iii) *Class 1 to 5 – 800 hours*

(ii) *Class 6 to 8 – 1000 hours*

4. Minimum number of working hours per week for the teacher- 45 teaching plus preparation hours.

5. Teaching learning equipment Shall be provided to each class as required.

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# Library and Play material

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- Library - There shall be a library in each school providing newspaper, magazines and books on all subjects, including story-books.
  - Play material, games sports equipment- Shall be provided to each class as required.
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# Schools

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- No capitation fees
  - Penalty: fine upto 10 times the capitation
- No screening for admission
  - Penalty: fine of Rs 25,000 for 1<sup>st</sup> contravention and Rs 50000 for each subsequent contravention
- No school without recognition
  - Penalty: Rs one lakh; in case of continuing contravention, penalty of Rs 10,000 for day
  - No recognition w/o fulfilling norms and standards
  - Three years initial grace period to fulfill norms. However, the PTR to be ensured within 6 months in every school- vacancy not to exceed 10%
- All unaided schools to provide free education to at least 25% children from the neighbourhood – as a measure of ensuring common schooling (starting with class 1 and also nursery where it exists with school)
  - ~~Costs reimbursed @ per child expenditure incurred by the State or actual fee charged, whichever is less~~

# Curriculum

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- Curriculum by prescribed academic authority should:
  - Conform to constitutional values
  - Make child free from fear, trauma and anxiety
  - Be child centred, child friendly; provide for learning through activities, discovery and exploration
  - Medium of instruction – child mother tongue to the extent possible
  - Provide for comprehensive and continuous evaluation
- No Board examinations till completion of EE

## Appropriate Government, Local Authority

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- ❑ Ensure free and compulsory education
  - ❑ Provide schools in neighbourhood within 3 years
  - ❑ Children belonging to weaker sections and disadvantaged groups not to be discriminated against
  - ❑ Infrastructure, school building, teaching staff, learning equipment
  - ❑ maintain records of children up to the age of fourteen years residing within its jurisdiction, in such manner as may be prescribed;
  - ❑ Special training for previously not enrolled or drop out children to enable them to be at par with others
  - ❑ Monitoring of admission, attendance, completion of EE
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# **Responsibilities for State Govt. & local authorities**

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- ❑ Good quality EE conforming to specified norms and standards
- ❑ Timely prescription of curriculum, courses of study, teachers' training

## **Additional Responsibilities for local authorities**

- ❑ *ensure admission of children of migrant families;*
  - ❑ *monitor functioning of schools within its jurisdiction; and*
  - ❑ *decide the academic calendar.*
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# Teacher's Academic Responsibility

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- ❑ maintain regularity and punctuality in attending school;
- ❑ *conduct and complete the curriculum in accordance with the provisions of sub-section (2) of section 29;*
- ❑ *complete entire curriculum within the specified time;*
- ❑ *assess the learning ability of each child and accordingly supplement*
- ❑ additional instructions, if any, as required;
- ❑ *hold regular meetings with parents and guardians and apprise them about*
- ❑ the regularity in attendance, ability to learn, progress made in learning and any
- ❑ other relevant information about the child; and
- ❑ *perform such other duties as may be prescribed.*

# Protection of Right

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- Act assigns NCPCR/SCPCR additional functions
    - Examine and review safeguards for rights under this Act, recommend measures for effective implementation
    - Inquire into complaints relating to child's right to free and compulsory education
  - NCPCR/SCPCR have powers assigned under Section 14 and 24 of the Commissions for Protection of Child Rights Act
  - Where SCPCR not constituted, appropriate Government may constitute an Authority
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# Actions being undertaken at State level

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- Review of existing M.P. Jan Shiksha Adhiniyam 2002 - by 31 st March
  - Enactment of Rules under the Act- by 31 st March
  - Prescribe neighbourhood and ensure access to all children in 'neighbourhood' so prescribed
  - Notify plan for automatic progression from primary to upper primary; designate schools and feeder school
  
  - Children should not have to run from pillar to post for transition to u/primary in schools that terminate at primary stage.
  
  - Ensure all schools conform to norms and standards prescribed in schedule- identify gaps and design plan of action- shall be communicated by 27 th Feb 2010
  
  - Review content and curriculum in line with Section 29.
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# Actions being undertaken at State level

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- ❑ Policy for recruitment and redeployment of teachers being put up to Cabinet to ensure that the prescribed PTR is attained in all schools within 6 months.
  - ❑ Notify/ reiterate that teachers shall not be deployed for non-academic work, except as provided under RTE.
  - ❑ Notify that teachers shall not give private tuitions.
  - ❑ Ensure no-detention policy.
  - ❑ Ensure open admission policy throughout the year and lay norms.
  - ❑ Ensure no-expulsion policy/ Ban corporal punishments
  - ❑ Institute system of ongoing and continuous evaluation; prescribe manner in which children would be awarded certificates at end of EE
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## **Actions being undertaken at State level**

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- ❑ Rules for constitution of SMCs being finalised
  - ❑ Prescribe authority, form and manner of providing/obtaining recognition.
  - ❑ Manner and extent of reimbursement of expenditure.
  - ❑ Manner of preparing school development plan by the SMCs the plan so prepared will be the basis for plans and grants.
  - ❑ Teachers to be trained for older children; arrangements for special training for older children within school and time and outside; eventually to mainstream them to age appropriate class.
  - ❑ Proposal to strengthen administrative capacities to implement the provisions of the Act under preparation.
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# **Action to be required at District level**

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- A massive campaign for publicity of the Act
  - Organising workshops with NGOs, Private schools, people's representatives, Media
  - Establishment of control room
  - Meeting with private schools and communicating provisions
  - Orientation of district and block level officers of all departments.
  - Orientation of teachers, Cluster academic coordinators.

# **Action to be required at District level**

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- Proper VER preparation through comprehensive household survey for compulsory enrolment
- Ensure enrolment of all OOSc children in schools while continuing bridging
- Verification of information available on education portal on RTE gaps
  - school wise enrolment- most critical- verify through team
  - Teachers
  - Available infrastructure

to estimate actual gaps of infrastructure, PTR

- Identify gaps in schools on PTR norms and standards e.g. libraries
  - School Report card signed by Head teacher, CAC, SMC chairperson to be uploaded
  - All e-service books to be completed by April 2010 to help identify gaps in UPS etc.
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## Action to be required at District level

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- ❑ To remove all the attachments of teachers before 1st of April 2010 and no new attachments
  - ❑ Prepare information of teachers for rationalisation
  - ❑ Mapping of habitations without Primary school Access within 1 KM and upper primary within 3 KM.
  - ❑ After publication of Rules identify neighborhood areas for Private schools . List of schools is already available in DISE .
  - ❑ Effective implementation of school chalei hum- particular focus on habitations with more OOSc children and with poor attendance (through portal)
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## **Action to be required at District level**

- ❑ Special training for out of school children- Enrolment of these children in age appropriate class and then special training through Residential and Non Residential Bridge courses
- ❑ To inform local bodies regarding provisions of RTE and their responsibilities, include RTE in the training module of newly elected representatives.
- ❑ Train Teachers for older children; arrangements for special training for older children within school and time; eventually to mainstream them to age appropriate class.
- ❑ Train teachers in schools with poor learning achievement of children- to ensure all children learn and complete EE

## **Action to be required at District level**

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- To inform all the schools and teachers-
    - No child shall be denied admission in a school for lack of age proof of transfer certificate
    - Tracking and monitoring of all the children of enrolment, attendance, upto completion of elementary education
    - No corporal punishment, mental harassment of children
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## **Action to be required at District level**

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- To inform all the schools and teachers -
    - Every teacher shall perform their academic responsibilities
    - No teacher shall engage himself or herself in private tuition or private teaching
  - No child shall be declared 'failed' in any class upto class 8, or expelling him/her from school
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## **Action to be required at District level**

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- Organise workshops and with Private schools & also inform them in writing
    - Compulsion to Provide free education to at least 25% children in class 1
    - To seek information from schools that do they have received any land, building, equipment or other facilities, either free of cost or at a concessional rate,
    - Regarding provisions of capitation fee, Screening of children or parents
    - No school without norms
    - To fulfill norms of PTR within 6 months and other norms in 3 years
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- Apply for recognition after Rules formulated

## **Action to be required at District level**

- ❑ To inform grant in aid schools that they 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 twenty-five per cent.
  - ❑ After publication of Rules, publicity in neighborhood area of private schools and habitations with children belonging disadvantaged and weaker section regarding free admissions in private schools also.
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**Thank You**

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- Notify year-round admission;
  - Onus not on the child to apply for upper primary – State to make it happen.
  - Ensure automatic transition from primary to upper primary; transfer certificate to be issued by Head Teacher
  - No denial of admission on account of birth records or other papers
  - Teachers to be trained for older children; arrangements for special training for older children within school and time; eventually to mainstream them to age appropriate class.
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