

GOVERNMENT OF ANDHRA PRADESH
Department of School Education

STANDARD OPERATING PROCEDURES
(SOP)/ Guidelines for

IMPLEMENTATION OF
SECTION 12 (1) (C) OF THE RTE ACT, 2009
2022-2023

Model Guidelines for Effective Implementation

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ACRONYMS & ABBREVIATIONS

APSERM	Andhra Pradesh School Education Regulatory and Monitoring Commission
MEO	Mandal Educational Officer
BPL	Below Poverty Line
CBSE	Central Board of Secondary Education
CCC	Child Care Centres / Institutions
CPO	Child Protection Officer
CRC	Cluster Resource Centre
CSC	Common Service Centres
CSE	Commissioner School Education
CWSN	Children with Special Need
DAMC	District Admission Monitoring Committee
DEO	District Education Officer
DIET	District Institute for Education and Training
DG	Disadvantage Groups
GRM	Grievance Redressal Mechanism
EWS	Economically Weaker Section
ICPS	The Integrated Child Protection Scheme
ICT	Information and Communication Technology
IPC	Indian Penal Code
J.J. Act	Juvenile Justice (Care and Protection of Children) Act, 2015
MDM	Midday Meal
MHRD	Ministry of Human Resource Development

MoE	Ministry of Education
NCERT	National Council of Educational Research and Training
NCPCR	National Commission for Protection of Child Rights
POCSO Act	Protection of Children from Sexual Offences Act, 2012
PTA	Parent Teachers Association
PTM	Parent Teachers Meeting
PwD	Persons with Disabilities
RTE Act	The Right of Children to Free and Compulsory Education Act, 2009
SCERT	State Council of Educational Research and Training
SCPCR	State Commission for Protection of Child Rights
SMC	School Management Committee
UNCRC	United Nations Convention on the Rights of the Child

DEFINITIONS

Government means the State Government of Andhra Pradesh.

Andhra Pradesh School Education Regulatory and Monitoring Commission or APSERMC means the Commission formed under the Andhra Pradesh School Education Regulatory and Monitoring Commission Act, 2019(Act No. 21 of 2019)

Child means a child as defined in Section 2(c) of the Right of Children to Free and Compulsory Education Act, 2009; and read with Rule 3(I)(3) of the Rules.

Child belonging to disadvantaged group means and includes a child belonging to the schedule caste, schedule tribe, orphans, Migrant and Street children, Children With Special Needs and HIV affected/infected children as per the Rule 3(I)(4) under the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010.

Child belonging to weaker section means A child means a child belonging to EWS or Backward Communities, Minorities whose parents' income criteria are specified by the Government.

Child with disability (Children with special needs) includes -

- A. a child with "disability" as defined in clause (i) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996);
- B. a child, being a person with disability as defined in clause (j) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999);
- C. a child with "severe disability" as defined in clause (o) of section 2 of the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999).

Commissioner/ Director of School Education means the /Commissioner/Director of the School Education appointed under sub-section (1) of Section 3 of the Andhra Pradesh Education Act,1982.

Competent Authority means the District Level Education Officer responsible for implementation, administration of all education related schemes, policies, laws/legislations etc. in the district.

District Educational Officer (DEO) means the District Education Officer appointed under sub section (1) of the section 4 of the Andhra Pradesh Education Act,1982 and responsible for implementation of programmes for elementary education at district level

DAMC means District Admission Monitoring Committee set up in each district, under paragraph 7 of A.P RTE Rules, 2010 and as per SOP of NCPCR .

Elementary Education means a school that imparts education between Class I & Class VIII. It includes all existing schools in Andhra Pradesh, namely Primary, Upper Primary & High Schools having these classes.

Guardian, in relation to a child, means a person having the care and custody of that child and includes a natural guardian or guardian appointed or declared by a court or a statute;

Local authority means a Municipal Corporation or Municipal Council or Zilla Parishad or Nagar Panchayat or Panchayat, by whatever name called, and includes such other authority or body having administrative control over the school or empowered by or under any law for the time being in force to function as a local authority in any city, town or village.

National Commission for Protection of Child Rights means the National Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4

of 2006).

Neighbourhood School means school as defined in the rule 17 of the AP RTE rules 2022

Notification means a notification published in the Official Gazette.

Parent means a person as defined under section 2(k) of the RTE act

Parent-Teacher Association (PTA) means an association constituted in schools, specified in sub-clause (iv) of clause (n) of section 2 of the RTE Act, 2009, consisting of the representatives from the parents or guardians of children admitted in such school, teachers parents.

Prescribed means prescribed by Rules made under the RTE Act,2009.

School, as defined in section 2(n) of the RTE Act, 2009 means any recognised school imparting elementary education and includes;

- i. a school established, owned or controlled by the Government or a local authority;
- ii. an aided school receiving aid or grants to meet whole or part of its expenses from the Government or the local authority;
- iii. a school belonging to specified category; and
- iv. an unaided school not receiving any kind of aid or grants to meet its expenses from the Government or the local authority;

Section 12 (1) (c) states that school specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall admit in class I, to the extent of at least twenty-five per cent of the total strength of that class in the previous year i.e., 2021-2022, children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion:

Provided further that where a school specified in clause (n) of section 2 imparts pre- School Education, the provision of clause (a) to (c) shall apply to such pre-school Education.”

State Commission for Protection of Child Rights means the State Commission for Protection of Child Rights constituted under section 3 of the Commissions for Protection of Child Rights Act, 2005 (4 of 2006).

A. INTRODUCTION

I. BACKGROUND

Defining the 'extent of school's responsibility for free and compulsory education' and for the role of schools in extending opportunity to children for inclusive elementary education, the RTE Act, 2009 outlined responsibility of private schools for including children from socially and economically disadvantaged sections of society. To achieve this, the schools specified in sub-clauses (iii) and (iv) of clause (n) of section 2 shall have to reserve twenty five percent of the seats in primary level of the total enrollment of previous year i.e., academic year 2021-2022.

The Standard Operating Procedure (SOP) for Implementation of Section 12 (1) (c) of the RTE Act, 2009 has been developed to present a systematic mechanism/procedure to be followed by the Government in making the entire process.

II. RATIONALE & NEED

The RTE Act, 2009 has mandated SCPCR with the responsibility of monitoring the implementation of the Act. Specifically, section 31 and 32 of the Act states that SCPCR shall examine and review the safeguards for rights provided by or under this Act and recommend measures for their effective implementation.

III. OBJECTIVE OF THE Standard Operating Procedures (SOP)

The SOP has been developed to provide a model framework to the District Educational officers for effective implementation of section 12 (1) (c) of the RTE Act, 2009. It provides a step-by-step guide to facilitate the streamlining the system of admission and to ensure that children enjoy their rights throughout the learning process after getting admission in the school. Since, extending the fundamental rights to the children is the responsibility of the State, the procedures defined in this document are keeping in view the existing mechanisms that could be utilized in the process.

IV. FOR WHOM THE SOP IS INTENDED

The SOP is primarily intended for all the authorities involved in the process of implementation of the Act including Government, Local Authorities, Officials in Department of Education, schools defined under sub-clause (iii) and (iv) of section 2(n) of the RTE Act, 2009 for carrying out the process in timely and transparent manner, whereby children and their parents/guardians face minimal problems during the admission process. It would also be useful for parents/guardians to get the understanding of the entire procedure

and for making informed choices. This will in turn be helpful in preventing discrimination and harassment of children later in the school due to issues with financial basis.

V. ESSENTIAL CONSIDERATIONS/KEY DETERMINANTS

The Right to Education Act, 2009 has been enacted to implement the Fundamental Right to elementary education as enshrined in Article 21A of the Constitution of India. This right is to be extended to children based on the key guiding principles of the United Nations Convention on the Rights of the Child (UNCRC) of 1989. The authorities extending the right to education of children should be aware of and their actions should be guided by the guiding principles of UNCRC and Constitution of India.

1. Fundamental Right of the Children

Since the 86th Amendment of the Constitution, elementary education is the fundamental right of all children in the age of 6-14 years and the responsibility of extending this right to all children is with the concerned authorities. Section 12 defines the extent of the school's responsibilities and the duty of enforcing this provision is a collective obligation of the concerned authorities, Departments, Ministries.

2. Inclusion and Non-Discrimination

One of the duties of Appropriate Authorities enlisted in section 8 of the RTE Act, 2009 is to ensure that the child belonging to the weaker section and the child belonging to the disadvantaged group are not discriminated against; and ensure compulsory admission, attendance and completion of elementary education by every child. Also, section 17 of the Act, prohibits any kind of physical punishment or mental harassment to the child.

3. Best Interest of the Children

The SOP is based on the principle of the best interest of the child and every rule, mechanism, action and decision followed by the authorities should keep the child at the center of all decisions.

4. Multi-sectoral Approach

In addition to the Authorities and their specific duties specified in the RTE Act, 2009; the meaningful and effective implementation of the Act requires support and coordination with other Departments/Institutions as well. Hence, it is the collective responsibility of the State and all concerned stakeholders to help in

implementation of the Act.

5. Awareness at all Levels.

An essential pre-requisite for safeguarding a child's right is a well-informed and sensitive Authorities and aware parents and children about their legal rights.

6. Capacity Building & Training

For inclusion and non-discrimination of children in the school environment, teachers should be trained about their duties and accountability; and should be oriented towards the legal rights of children.

7. Monitoring & Grievance Redressal Mechanism

A robust and transparent monitoring mechanism and clearly defined grievance redressal mechanism would help in identifying the gaps and fix accountability of the stakeholders.

B. STANDARD OPERATING PROCEDURES (SOP)

The Standard Operating Procedures are an effective tool in explaining, elaborating outlining the “what” of Laws and policies into the “how” in a systemized and structured design. The present SOPs also intend to provide a clear and defined set of guidelines that will make the implementation more transparent and unambiguous. The process has been broadly structured into three phases- preparatory phase; processing applications, selection and admission;and after completion of the admission process.

I. PREPARATORY PHASE

The pre-admission phase is for streamlining the essential pre-requisites on part of the Government, Local Authorities, and schools to ensure a smooth and transparent admission process where all eligible children have equal opportunity to seek admission under section 12 (1) (c).

1. Advertisement

The Government and the Local Authority shall advertise the schedule of admission under section 12 (1) (c) through print media; electronic media as well as locally used medium of broadcasting/publicizing the important announcements especially in rural and urban remote areas. The advertisement shall contain essential information regarding the admission process such as important dates, online link, toll free helpline number and basic information on help desks.

2. Schedule of Admission

The calendar for admissions under section 12 (1) (c) shall be same for the entire State and shall be scheduled in such a manner that the admission process is completed before the beginning of admission of children under the non-DG/EWS category. This will ensure that all children, if so they desire, have equal opportunity to apply for admission for a paid seat as well.

3. Centralized Online System

- a. To fulfill its responsibility for ensuring that the children belonging to weaker section and the children belonging to disadvantaged group are not prevented from pursuing and completing elementary education on any grounds, the State Government (section 8, RTE Act, 2009) has developed a Aadhar based centralized online portal <https://cse.ap.gov.in> for admissions under section 12 (1) (c).

The online portal shall be universally accessible especially to people in remote areas and to CWSN/PwDs as per guidelines for Indian Government website issued by NIC and Department of Administrative Reforms and Public Grievances (D/o AR&PG), Government of India, available at

https://darp.gov.in/sites/default/files/Guidelines_for_Government_websites_0_0.pdf

- b. The online portal shall have all the necessary information regarding the admissions under section 12 (1) (c). This must include the following information (but not limited to)
 - i. The notified State Rules and guidelines;
 - ii. Notify the definition of children belonging to disadvantaged groups and children belonging to weaker section.

- iii. Admission of children with special needs (CWSN) should be prioritized.
- iv. Defining the neighborhood criteria; however, as per MoE's Guidelines under section 35(1) of the RTE Act, 2009, there is no compulsion on child to seek admission only in the school in his/her neighborhood;
- v. Entitlements of children admitted under the DG/EWS category;
- vi. Medium of instruction in school;
- vii. Instruction manual for filling up the form;
- viii. list of documents required;
- ix. details of help desks for facilitating the application process;
- x. Toll-free helpline number for redressing the issues during and after the admission process;
- xi. Details of timeline for call of applications from eligible children;
- xii. Deadline for submission of application forms;
- xiii. Date of list of eligible children after verification of documents;
- xiv. Date of draw of lots and display of list of children getting admission along with a waiting-list;
- xv. Date of admission in schools and beginning of the academic session;
- xvi. The Mandal Educational Officers and District Educational Officers shall have separate login links for the portal.

c. The online portal should provide real-time information on

- 4. Location and details of schools Geographic Information System (GIS) mapping of all schools in the neighborhood;
- 5. Class-wise total number of seats;
- 6. Class-wise number of seats for admissions under DG/EWS category;
- 7. Class-wise number of seats for admissions of CWSN under DG/EWS category;
- 8. School-wise; class-wise and category-wise number of seats vacant under DG/EWS category.

9. School-wise detail of the entry-level class i.e. whether the school has pre-primary classes or the entry level class in a particular school is class I.

d. Based on the A. P. School Education Regulatory Commission Act, the school-wise fee structure of the schools in the current session; estimate fee structure for the next five years; co-curricular activities offered by the school should also be included in the portal.

10. Defining children belonging to disadvantaged group and the children belonging to weaker section

ii. the Scheduled Caste

iii. the Scheduled Tribe

iv. Other Backward Class (non-creamy layer)

v. the Denotified Tribes (DNTs) and Nomadic Tribes(NTs)

vi. Children with disabilities/special needs (CWSN) as per the section 2 (zc) and The Schedule Of the Rights of Persons with Disabilities (RPwD) Act, 2016

vii. Children suffering from HIV/AIDS

viii. Children eligible for sponsorship under section 45 of the Juvenile Justice Act, 2015

ix. Children of martyred soldiers/Central Armed Police Forces (CAPFs) or those killed in line of duty.

x. Transgenders /LGBTQ

xi. Children of deprived communities such as traditional sex workers

b. The children belonging to disadvantaged group shall include the children from

c. The children belonging to weaker section shall include (in order of preference)

In rule 3, in sub-rule (1) for clause "(5), A child belonging to weaker sections means a child belonging to BC, Minorities and includes OCs whose parents' income does not exceed Rs.1,20,000/-per annum in Rural areas and Rs.1,44,000/-per annum in Urban areas." as prescribed in G.O.Ms.No.50 SE (Prog-II) Dept., Dt.01.10.2020 and Go.Ms.No.63 SE (Prog-II) Dept., Dt.28.12.2020.

5. The List of valid documents required for the application

process as proof of residence shall include any one of the following-

- a. UID- Aadhaar Card (As per Unique Identification Authority of India's circular dated 05.09.2018 and Cabinet Secretariat's OM dated 19.12.2017 no child can be denied admission or any other benefits for non-availability of Aadhaar Card)
- b. Voter Identity card
- c. Electricity Bill
- d. Telephone Bill
- e. Water Bill
- f. House Tax Receipt
- g. Driving License
- h. Copy of Rent Agreement
- i. House Hold Card (Ration Card)
- j. Certificate by Employer
- k. Certificate from Tehsildar/Local Authority
- l. Certificate from Child Welfare Committee (CWC), in case of children declared CNCP or CICL are residing in a Child Care Institution (CCI) and children defined in sub-point 4 (a) (7) of point I above.
- m.If the children defined in sub-point 4 (a) (7) of point I above, are not staying with their extended family but are residing in a Child Care Institution (CCI); the Aadhar number can be sought as per provisions under the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016 and subsequent Aadhaar (Enrolment and Update) Regulations, 2016.

6. Other essential documents for ascertaining the eligibility criterion

- a. For children with disability, certificate issued by the persons having requisite qualifications and experience as certifying authorities, designated by the Government or as the case may be, as per the Guidelines for Evaluation and Procedure for Certification of Various Specified Disabilities notified under the Rights of Persons with Disabilities (RPWD) Act, 2016.
- b. Children infected or affected with HIV/AIDs, will also have to submit their own or the medical certificates of their parents.

- c. Transgender children shall submit a medical certificate issued by Civil surgeon/ Superintendent of Government notified hospitals as a proof of their eligibility under the provision.
- d. For children applying under the EWS category, the AAY Card or the Rice card will suffice as proof of income. In case the family income increases, the child will be allowed to continue free education under the provision if the annual income does not exceed the prescribed limit of that defines "other poor socio-economic groups" specified by the State annually.
- e. The certificates that shall be valid as a birth certificate includes all proof valid under the Aadhaar (Enrolment and Update) Regulations, 2016; Hospital/Auxiliary Nurse and Midwife (ANM) register record; Anganwadi record; Declaration through an affidavit of the age of the child by the parent or guardian.

7. School Readiness

Before the announcement of the new admissions in a given academic year, the Competent Authority shall organize an orientation and training of schools authorities on the admission procedure, documentation required, lottery system, information to be dispensed etc in each district. The schools shall be responsible to nominate at least two teachers as well as one administrative staff responsible for the admission process (one of these trainees must either be the Principal or the Vice-Principal of the school) to undergo this training. The objective of these training will be to orient, sensitize and provide knowledge of the procedure to the school staff for developing understanding of the provisions of Section 12 (1)(c) and associated legal provisions. In addition, the staff members shall develop awareness towards the spirit of social justice and equality that the provision ensures and must develop an understanding of the values of inclusion and equality.

8. Public awareness

- a. The Local Authority (ies); unaided schools and Non-Government organizations (NGOs) in the local area shall hold admission rallies, public announcements, distribute pamphlets to raise awareness in the local area during the quarter when the admissions take place.
- b. The school shall display on their notice board, all information with regards to admissions at an accessible place.

9. District Admission Monitoring Committee:

There shall be a District Admission Monitoring Committee (DAMC) instituted in each district and the concerned District Education Officer shall be the Chairperson for the DAMC.

- a. The DAMC shall maintain the Register/database of grievances and will take immediate appropriate action for their redressal. The information shall also be made available on the website at <https://cse.ap.gov.in> by DAMC.
- b. The DAMC shall prepare cluster/zone-wise vacancy data for free-seats and shall forward the names of children to schools where vacant seats are available, for admission against free-seats, following the principle of neighborhood school.
- c. The DAMC may call for the details from any school under its jurisdiction for ensuring compliance of this order/notification.
- d. The DAMC shall establish a Help-Desk in the district office to help parents/guardians regarding Admissions and related procedures, during office hours manned by a minimum of two well-conversant officials of the District/Zone. The help desk shall be functional till the admission process is closed after completion of the three rounds of lottery or as and when all seats are filled.
- e. The tenure of the committee shall be only for the period of admission process i.e., from the announcement of the admission process till all the seats are filled up or all eligible children secure their admission, as the case may be.
- f. In case the aggrieved party is not satisfied by the decision of the committee, the District Collector and Magistrate shall be the final appellate authority.
- g. If it is established that the documents submitted by the parents/guardians are forged, appropriate legal action may be initiated.
- h. Similarly, in case the allegations made by the school against any person are not found to be true, appropriate legal action may be initiated.
- i. The decision on any dispute shall be taken within three days.

II. PROCESSING APPLICATIONS, SELECTION & ADMISSION

1. Help-desks

- A. The Local Authority shall ensure that no charges are incurred from parents/guardians for the services offered at the help-desk. These services shall be a part of the role and responsibilities of the Local Authorities and schools and a voluntary service by the interested NGOs.
- B. The helpdesk shall stay functional till the completion of the admission process for the particular academic session.
- C. The admission under DG/EWS category shall be included as one of the services under the Common Service Centres (CSC) Scheme to help people in rural areas who do not have access to technology in filling up the application form. The applicant shall receive a receipt of submission of form. The form shall be automatically transferred to the State centralized Portal under the specific District.

2. Selection Criteria

- a. The lottery shall not be executed for those schools in which the number of applications received are less than the total number of seats available.
- b. First those applications shall be considered where the residence is within 1 km of the radius from the school. Thereafter the applicants residing within the range of 3 km radius from the schools shall be taken into consideration.
- c. Within the neighbourhood criterion of 1 km and 3 km distance, preference will be given to children who have siblings studying in the same school.
- d. If the applications of sibling category, in neighbourhood range of 0-1 km are in excess of the seats of General Category, the draw of lots of all sibling applications (which have residence within 1 km), shall be conducted to admit the students against the number of available seats.
- e. If the applications of sibling category within 0-1 km are less than the seats of non-DG/EWS category and if seats still remain vacant after exhausting sibling applications, the school shall admit the students on the basis of draw of lots from the remaining applications received under the neighbourhood range of 0- 1 km.
- f. In case the total applications of 0-1 km is less than the number of seats of non-DG/EWS category, and vacancies still remain unfilled after exhausting the applications from the distance range of 0-1 km, the applications from the second neighbourhood distance range of more than 1 km and upto 3

km shall be considered in the above manner i.e. out of the total applications from the neighbourhood range of more than 1 km and upto 3 km, admission is to be given to all siblings.

- g. If the applications of sibling category, in neighbourhood range of more than 1 km upto 3 km are in excess of the vacant seats of non-DG/EWS category, the draw of all sibling applications (which have residence within 3 km), shall be conducted to admit the students against the number of vacant seats.
 - h. If the applications of sibling category within 3 km are less than the remaining vacant seats of General Category and if seats still remain vacant after exhausting sibling applications, the school shall admit the students on the basis of draw of lots from the remaining applications received under the neighbourhood range of more than 1 km and upto 3 km.
 - i. If vacancies still remain unfilled after exhausting the applications from the distance range of more than 1 km and up to 3 km, the applications from beyond the range of neighbourhood of more than 3 km shall be considered in the above manner.
3. The Local Authority shall ensure that all parents/guardians are informed about the date of the lottery through public announcements (in local daily newspapers, radio, television etc), through notice board of the schools, through SMS etc.
 4. The results of the selection shall be informed to all parents/guardians through official letter issued by the school and school notice boards and through email/SMS. Also, school shall as per the contact details shared by the parents/guardian at the time of the admission forms, make telephonic call to the parents of the selected students.
 5. The parents/guardians shall be allowed to change the school preferences before the last date of the submission of application. After the last date, the changes made shall automatically be saved and no further change can be done by the applicants.

III. AFTER COMPLETION OF THE ADMISSION PROCESS

1. Admission Process :

- a. The portal shall contain a school-wise list of children who got selected through the lottery process. The school will then update the status of admission of each child by selecting whether the child has taken admission or not.
- b. The school shall individually approach to parents/guardian of each child for completing the

admission process.

- c. If the parents of the child to whom seat has been allotted is not traceable by the school for seven days, this may be treated as a dispute and referred to District Admission Monitoring Committee (DAMC). After the decision of DAMC, the seat may be released for admission of children in the waiting list.
- d. In case the aggrieved party is not satisfied by the decision of DAMC, the District Collector/Magistrate shall be the final appellate authority.
- e. In case such a trend is noted for a specific school, the DAMC may take suo motu cognizance and initiate inquiry. Also, if more than 5 percent seats are left vacant in a school, inquiry shall be conducted by DAMC.
- f. Any issues with regard to documents shall be directed to the DAMC.

2. Basic Essential for effective Inclusion

- a. The children shall receive their entitlements such as textbooks, uniform under the RTE Act, 2009 at least 15 days before classes/academic year begins.
- b. In case of such entitlements for which facilities are not available in the school such as Mid-day Meal, the amount equivalent to the expenditure shall be reimbursed to the child in their bank account.
- c. The children admitted under DG/EWS category shall be provided education in an inclusive environment. No separate classroom sections shall be allotted to these children nor separate place be designated for their lunch/play time.

In sub-rule(4), for clause (a) and (b), the following shall be substituted name by

a.

a. Disadvantaged groups

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

b.

b. Weaker Section

Which include others viz. BC, Minority,
OC (Which annual income does not

exceed Rs:1,20,000/- per annum in rural
and Rs:1,44,000/-
Per annum in Urban area) - 6%

Total 25%

- d. The school shall ensure that the Manual for Safety and Security of Children in Schools (<https://ncpcr.gov.in/showfile.php?lid=1926>) is followed by the school and the school is not neglecting the safety of children.
- e. All schools for which School management Committee (SMC) is not mandatory under RTE Act, 2009, shall constitute a Parents-Teachers Association (PTA). The composition and process of formation of PTA is placed as Annexure I.
- f. An Anti- Bullying Committee may be constituted in school, comprising of Vice Principal, a Senior teacher, School Doctor, Counsellor, PTA representative, School Management representative, Legal representative, Peer Educators etc.

1. Monitoring and Grievance Redressal

- g. SCPCRs, as the case may be, shall be responsible for monitoring the implementation of the SoP. For this, following shall be powers of SCPCR as defined in section 31 and 32 of the RTE Act, 2009

The SCPCR constituted under section 17, of the CPCR Act, 2005 (4 of 2006) shall, in addition to the functions assigned to the that Act, also perform the following functions, namely:

- i. Examine and review the safeguards for the rights provided by or under any Law related to children and recommend measures for their effective implementation;
- ii. Inquire into complaints relating to child's right to free and compulsory education; and
- iii. Take necessary steps as provided under section 15 and 24 of the said CPCR Act, 2005.

The said Commissions shall, while inquiring into any matters relating to child's right under clause c(1) , have the same powers as assigned to them under sections 14 and 24 of the said CPCR Act, 2005.

Where the SCPCR has not been constituted the Government may, for the purpose of performing the functions specified in clause 1 (a) to 1 (c), constitute such authority, in such manner and subject to such terms and conditions, as may be prescribed.

- b. As per Section 32 of RTE Act, 2009
 - ii. Notwithstanding anything contained in section 31, any person having any grievance relating to the right of a child under this Act may make a written complaint to local authority having jurisdiction.
 - iii. After receiving the complaint under sub-section (1), the local authority shall decide the matter within a period of three months after affording a reasonable opportunity of being heard to the parties concerned.
 - iv. Any person aggrieved by the decision of the local authority may prefer an appeal to the SCPCR or the authority prescribed under sub-section 3 of section 31, as case may be.
 - v. The appeal preferred under sub-section 3 shall be decided by SCPCR or the authority prescribed under sub-section 3 of section 31, as case may be, as provided under clause (c) of sub-section (1) of section 31.
- c. Competent Authority shall conduct random checks/inspections in the schools.

C. ROLES & RESPONSIBILITIES OF STAKEHOLDERS

The aim of this section is to provide an overview of stakeholders involved in the implementation of RTE Act, 2009 with reference to section 12 (1) (c). It specifically describes the responsibilities of the key stakeholders such as Government, Local Authority, Schools, non-governmental organizations (NGOs) etc. This section endeavors to outline the specific functions of different stakeholders in extending the rights of the child in their best interests.

1. Government

- a. Define and notify the Local Authority under the RTE Act, 2009; groups included in children belonging to disadvantaged groups and children belonging to weaker section
- b. Define and notify entitlements of children admitted under the

DG/EWS category.

2. Commissioner / Director of School Education

- a. To establish an universally accessible, centralized online admission portal for admissions under section 12 (1) (c) of the RTE Act, 2009.
- b. Conduct a GIS based mapping of all schools responsible for admissions under section 12 (1) (c) as defined in the Act.
- c. Establish a system of annual mapping of children in the neighborhood including those eligible for admissions under DG/EWS category.
- d. To notify the area and limits of neighborhood schools.
- e. A toll-free centralized helpline No.14417 provided for facilitating the parents/guardians and schools for the admission process.
- f. Prepare a detailed admission schedule and ensure that the same reaches out to all children and parents in the area.
- g. Develop a detailed manual guiding the schools, parents/guardians and children for taking them through the admission process.

3. State Project Director, SamagraShiksha:

The State Project Director, SamagraShiksha shall:

Address grievances of Schools on reimbursements.

4. Regional Joint Director:

The Regional Joint Director, School Education shall institute a mechanism for inspection every quarter to ensure:

- i. That children coming to school and are not facing any discrimination by the private school management, parents or students;
- ii. No false enrollment of children;
- iii. For Withdrawal of Recognition of Schools for non-compliance with this order and imposition of penalties therein.
- iv. Ensure that a robust Grievance Redressal Mechanism is in place as per section 32 of the RTE Act, 2009 so as to

ensure that the children belonging to weaker section and the children belonging to disadvantaged group are not discriminated against; and ensure compulsory admission, attendance and completion of elementary education by every child.

- v. To ensure that CWSN enrolled in private schools under section 12 (1) (C) received the prescribed stipend, aids and appliances and other support as CWSN received in Government schools. For this coordination with Department of Social Justice & Empowerment in the state can be sought for benefits under the Scheme of Assistance to Disabled Persons for Purchase/Fitting of Aids/Appliances (ADIP Scheme) and Scheme for Implementation of Persons with Disabilities Act, 2016 (SIPDA).
- j. Take action against the school, on recommendation of the Local Authority, in case the school fails to report the children who drop-out from the school.

5. Local Authority

- k. Ensure and monitor admission, attendance and completion of elementary education by every child within its jurisdiction.
- l. Ensure that child belonging to disadvantaged sections and weaker section are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
- m. Maintain records of children upto the age of 14 years within its jurisdiction, in such manner as may be prescribed.
- n. Hold awareness drives for disseminating information regarding the benefits of the provision and the admission procedure among general public.
- o. Conduct orientation and sensitization workshops for Schools.
- p. Constitute a DAMC for taking up issue that arise during the selection process such as submission of forged documents; allotment of duplicate seats etc.
- q. Recommend action against the school to the Government, in case the school fails to report the children who dropped-out from the school.
- r. Local Authority shall ensure redressal of grievances as per State grievance redressal mechanism under section 32 of the

RTE Act, 2009.

- s. Local Authority shall ensure that all schools under these procedures shall establish Parents-Teachers Association (PTA).

6. District -level Education Officers

- a. The DEO is responsible for implementation of 12 (1) (c) at District Level and redressing authority of grievances pertaining to admissions discrimination harassment and other wise as prescribed under Section 32 (1) & (2) of RTE Act 2009.
- b. Define the number of seats available per school within the limits of the DEOs district.
- c. In case, the application of any child is found not to be in order and is rejected, the reasons for its rejection shall be recorded and communicated to the parents.
- d. In case the number of applications for admission against the free seats is below the number of seats available, admission shall be made from the available applications and the vacant seats shall be re-notified for inviting further applications and also be notified to DAMC.
- e. Withdrawal of Recognition of Schools for non-compliance with this order and imposition of penalties therein.
- f. Mandal Educational Officer:
- g. The Mandal Educational Officer is responsible for implementation of 12 (1) (c) at Mandal Level and redressing authority of grievances pertaining to admissions discrimination / harassment authority pertaining to admissions.

7. Schools

- t. The schools shall ensure availability of entitlements such as textbooks, uniforms under the RTE Act, 2009 at least 15 days before classes/academic year begins.
- u. The school shall prescribe and follow NCERT/SCERT textbooks only and shall place the order with NCERT/SCERT as per the number of available seats for admission under the DG/EWS category.
- v. In case school provides meals to all children, the same shall also be provided to children admitted under section 12 (1) (c). In case meals are not provided by school, the amount shall be transferred to the child's account as per the per child

expenditure reimbursed by the Government.

- w. The school shall only decide the colour of the uniform. However, any specific brand, design and seller cannot be imposed/suggested by the school authorities.
- x. In case, the school is found neglecting child's safety; harassing the child; is adopting/encouraging practices that discriminate against the children; action shall be taken against the school as per section 75 of the J.J. Act, 2015.
- y. The school shall inform the Local Authority whenever a child drop outs or remains absent continuously for 30 days. In case, school fails to provide the information within one month, appropriate action shall be taken against the school by the Competent Authority under the Child Labour (Prohibition and Regulation) Act (CLPRA), 2016 and Child Labour (Prohibition and Regulation) Amendment Rules, 2017.

**S Suresh Kumar
Commissioner**