

THE BRIGHT SPOTS

Status of social
inclusion through
RTE Section
12(1)(c) 2018

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STATUS OF SOCIAL INCLUSION
THROUGH RTE SECTION 12(1)(c)

2018

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The Bright Spots: Status of social inclusion through RTE Section 12(1)(c) 2018.

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Indus Action, set up in 2013, is a non-profit organization based out of New Delhi, India with a mission to enable the disadvantaged, sustainable access to legislative rights in India. The organization is currently focused on enabling children from economically weaker sections of society and other disadvantaged groups access their right to Section 12(1)(c) of the Right to Education (RTE) Act, which mandates 25% reservation in unaided private schools for children belonging to such groups. Indus Action's overarching goal is to expand access to other legislated rights for disadvantaged families once they have achieved their goal of enabling 1 million children to gain admission under 25% reservation in unaided private schools by 2020. The organization is currently active in 11 states and uses technology-based interventions along with state government support to execute RTE Section 12(1)(c).

Accountability Initiative, New Delhi at the Centre for Policy Research is a research initiative that works to address challenges to government accountability. This requires an approach that strengthens the link between citizens and government, while also creating accountability between decision makers and frontline service providers. As part of its services, Accountability Initiative provides regular, accessible, and relevant analyses of the implementation of government programs.

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List of abbreviations

AWP&B	Annual Work Plan and Budget
BMC	Brihanmumbai Municipal Corporation
BPL	Below Poverty Line
CEPT	Centre for Environmental Planning and Technology
CSC	Common Support Centres
CSR	Corporate Social Responsibility
DCPCR	Delhi Commission for Protection of Child Rights
DG	Disadvantaged Group
EWS	Economically Weaker Section
FAQ	Frequently Asked Question
GIS	Geographic Information System
GPS	Global Positioning System
ID	Identity
IIMA	Indian Institute of Management Ahmedabad
IVRS	Interactive Voice Response System
KG	Kindergarten
MCD	Municipal Corporation of Delhi
MHRD	Ministry of Human Resources and Development
MICA	Mudra Institute of Communications, Ahmedabad
MIS	Management Information System
NCPCR	National Commission for Protection of Child Rights
NCT	National Capital Territory
NGO	Non-Governmental organization
No.	Number
NUEPA	National University of Educational Planning and Administration
PAB	Project Approval Board
PIL	Public Interest Litigation
RTE	The Right of Children to Free and Compulsory Education Act or Right to Education Act
SAC	State Advisory Committee
SCPCR	State Commission for Protection of Child Rights
SMS	Short Messaging Service
SPD	State Project Director
SSA	Sarva Shiksha Abhiyan
U-DISE	Unified District Information System for Education
UT	Union Territory
YoY	Year Over Year

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We would like to thank state/UT education departments of Government of Gujarat, Chhattisgarh, Delhi and Maharashtra for providing us with data to arrive at critical insights for the purpose of identifying best practices for implementation of RTE Section 12(1)(c).

IIM Ahmedabad

We are grateful to Prof. Ankur Sarin and Prof. Ambrish Dongre for providing their support, suggestions and feedback on the report.

Partner Entrepreneurs and State Leads, Indus Action

Indus Action partners with local entrepreneurs or places state teams in different states to conduct operations for RTE Section 12(1)(c) implementation. The state teams and entrepreneurs are responsible for conducting on-ground awareness campaigns for the provision, assist beneficiaries with application support and provide support to governments with a partnership agreement for technical design consultancy for online admission systems.

Various interviews were conducted with all such representatives in 11 states/UTs to find salient details of operations and state government policy for RTE Section 12(1)(c). We are grateful to all partner entrepreneurs and state leads for their valuable insights into operations on the ground.

Foreword

As a welfare state, the struggle of India to provide a decent schooling to all children surely ranks among its biggest challenges. The Right of Children to Free and Compulsory Education Act (2009) was a much delayed but a necessary acknowledgement of the responsibilities that the state had towards the education of its children. Like most policies, it remains far from perfect. However, while some critics have been strident in simply negating the functioning of the Act; a few have taken on the challenge of working on the ground, towards achieving an equitable education system. This report represents one of those efforts and Indus Action deserves our gratitude for it. As one of the first organisations to begin engagement with the mandate's implementation, the efforts of Indus Action continue to be an inspiration to others.

The report primarily deals with Section 12(1)(c) of the RTE Act, or the "25 percent mandate". Undoubtedly one of the most controversial provisions of the act, the mandate is remarkable not only because it was audacious but also for its pragmatism. Overcoming the public versus private provision of schooling arguments, it recognized the growth of private schools and the necessity of involving them with the responsibility of fulfilling the social objectives of schooling. Not surprisingly, the Act has faced deep resistance. As unfortunate as the resistance has been, it has brought to the forefront, deeply held prejudices and inequalities that characterize Indian society. The resistance by private schools and the government's struggle to deal with it only reinforces the need to question the increased privatization of education in India. There are many interested parties that would like the mandate be consigned to the category of "failed

to be implemented" policies. They do so without disclosing their own private interests or viable alternatives consistent with the Constitution. The unequivocal message that this report carries is the necessity for all stakeholders to discuss ways to make the mandate work. The mandate cannot be wished away.

As the report points out there has been significant progress on several fronts. There is plenty to be learned from the digitization of the application process in several states. Far from being a panacea, the report points out the potential to make the application process more inclusive and efficient. However, the matter of non-initiation of the implementation process in some states remains a concern for the society and government at large. We hope all stakeholders of the mandate will take heed to some of the exemplars pointed to in the report.

Given that the country goes back to the polls soon, the report is a particularly important one. Nearly half the households in the country have a child whose schooling is to be governed by the RTE. Other than the very rich, expenditure on schooling constitutes a significant share of expenditure in almost all the households. As citizens, we need to be asking our public leaders and other important stakeholders their positions on this mandate and the RTE more generally. By producing an excellent grounded analysis of a mandate that has implications beyond schooling, the report points us in that direction and I congratulate the authors again.

Ankur Sarin
Indian Institute of Management, Ahmedabad



Executive Summary

Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, is a landmark provision that aims to better social inclusion and enable school choice, by reserving a minimum of 25% of all entry-level seats in private unaided, non-minority and special category schools for children from Economically Weaker Sections and Disadvantaged Groups of society. This provision of the RTE Act has faced major difficulties related to government will, policy gaps and implementation challenges. This report evaluates the extent of implementation of the Act, identifies key gaps in policy and implementation on the ground and aggregates best policy practices across states to provide solutions to challenges faced by states.

Our analysis of the extent of implementation of the provision shows that after rapid growth until 2015, the progress of implementation slowed down in between, with the 2018-19 academic year signalling an upswing in a few states. Assuming a modest factor of 1.1 children per family studying under EWS/DG quota under RTE 12(1)(c), approximately 20 lakh families stood to benefit from this provision in 2017 alone, assuming all the available seats were filled. Even assuming a conservative estimate of 50% seats as being perceived as high-quality by parents, nearly 10 lakh seats would be filled under this provision every year. Despite 9 years of its enactment, 5 states and Union Territories and yet to notify the provisions of the Act.

Further, evidence suggests that only only 22 states/UTs have notified their per-child costs, which is a necessary pre-requisite for claiming reimbursements from the Centre. Nearly 80% of private schools meant to comply with the provision are not participating in the admission process nationally and only 22% of the available seats are filled. The reimbursement rate has improved significantly in recent years with states being reimbursed ~60% of the costs claimed from the central government. However, the process of state-to-school reimbursement is extremely slow and there is no data available to understand how much of disbursement to private schools is still pending.

An analysis of the gap between the percentage of total seats and the percentage of total enrolments in all Indian states shows that a few states have consistently outpaced others in the implementation process, significantly having a higher share of the total enrolments as compared to their share of total number of seats. Half of the top states accounting for 85% of seats have a negative difference between percentage of seats and percentage of enrolments, indicating that a lot needs to be done to improve on-ground operations.


The states which have implemented the provision need to focus on operational efficiency, improving on-ground awareness and eliminating key policy and implementation gaps that pose challenges to the Act's promise of

access to better quality education. Issues such as incorrect school mapping, delays in lottery allotments and admissions, lack of a transparent and strong grievance redressal system as well as the absence of an easy-to-manage reimbursement process, create roadblocks for states in the implementation of processes aimed at providing citizens access to constitutional and legislated rights. Definitional and applicability issues continue to plague implementation in states and in the absence of any structured grievance redressal mechanism, courts have become increasingly involved for resolution. Many states have moved onto centralised, online portals for filing applications. The increased adoption of the online process has proven successful in increasing the scale of implementation in few states. However, online systems have also had technical issues and widespread inaccuracies in data especially with regard to school mapping and vacancies being reported. The lack of designated application centres to assist beneficiary parents and guardians while making school choices during the application process has also been found wanting. It was also found that schools were citing non-payment of reimbursement as grounds for rejection of admissions to lottery winners. Also, the ineffectiveness of some of the mandated overseeing bodies such as the State Advisory Council and State Commissions for Protection of Child Rights has left little scope for grievance redressal and procedural oversight.

Segregation in classrooms is still an unfortunate reality that refuses to fade away. Without the necessary training to manage classrooms with children from different socio-economic backgrounds and a lack of sensitisation among private school educators, the situation has led to the creation of biases in their perceptions and treatment of students enrolling under the 12(1)(c) provision.

In the backdrop of increased litigation surrounding the RTE Act and the 12(1)(c) provision in particular, legal developments are also explored to understand the pressing issues that have affected the states. Judicial interventions around the age criteria for children, mandatory document requirements and the applicability of RTE to minority schools, are expected to bring in greater clarity in policy and would help ease implementation in the future.

However, in the face of several challenges, several bright spots have emerged around the implementation of RTE 12(1)(c) and these have been interspersed throughout the report. They speak of efforts and initiatives that have stood out in the implementation of the provision across the country. In the "Setting the Agenda" chapter, we have attempted at the aggregation of some of the best practices being followed by the states and have made suggestions at easing some of the issues that have been affecting implementation across states. These are primarily related to



improved school mapping, policy clarity, using government infrastructure to set up application centres and helpline for grievance redressal, resetting 25% admission cycle in line with the school academic year, post enrolment tracking for reimbursements and enhancing the quality of online application systems.

The report also provides frameworks for a model MIS system that provides for end-to-end integration that is accessible to all stakeholders in the process, with features detailed for school registration, student registration, lottery, admissions, student attendance and learning outcomes tracking, reimbursements and grievance redressal modules. The report delves separately into a model reimbursement framework that provides policy clarifications around the scope of reimbursements, and suggests an integrated online module for streamlining the process. The module also proposes a tracking mechanism to monitor the state-to-school transfer process and explores the scope of social audits to enhance accountability.



A photograph of school children inside a bus, overlaid with a purple tint. A large white number '1' is positioned on the right side of the image. The children are looking towards the camera with various expressions.

Chapter 1

Introduction to
RTE 12(1)(c)

Introduction to RTE 12(1)(c)

Historical synthesis of the implementation of the provision

Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act, 2009, is a landmark and progressive provision, that was drafted to improve equity in education in India, by enhancing educational opportunities and improving social inclusion. In addition to identifying the role of different stakeholders in securing equity, this Act also placed the responsibility of the provision of quality education on private unaided schools.

“12. For the purposes of this Act, a school:

(1) (c) 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 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 where a school specified in clause (n) of section 2 imparts pre-school education, the provisions of clauses (a) to (c) shall apply for admission to such pre-school education.”

(The Right of Children to Free and Compulsory Education Act, 2009)

Key features of RTE 12(1)(c)

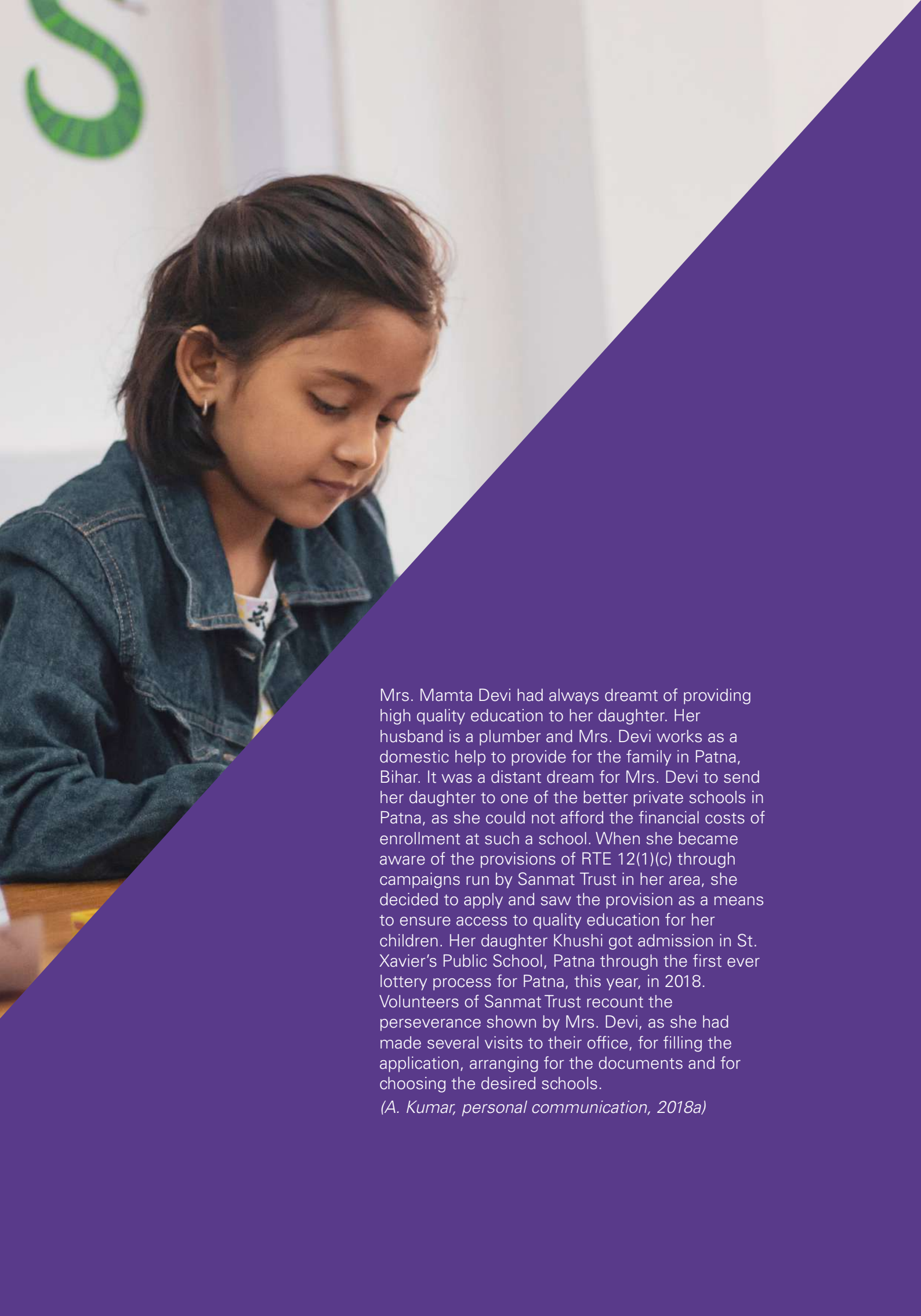
- **Applicable to Private unaided schools**
- **Minimum of 25% seats in Entry-level classes to be reserved**
- **For children from Economically Weaker Sections and Disadvantaged Groups**



**Bright Spot: 25% reservation;
a boon for the marginalised**

Zoya's father was an auto driver who passed away a month and a half month before the RTE application forms were opened for the general public in Maharashtra in 2018. As per the Muslim custom of Iddat, when a husband dies, the wife enters a period of mourning and cannot step outside her house for any reason for 4 months. Hence, Zoya's mother was not able to fill the RTE form. Zoya's older siblings were already studying in Brihanmumbai Municipal Corporation (BMC) schools. Tapasya Pratishthan, a social service organisation, heard about her situation and convinced Zoya's mother to provide all relevant documents for applying through RTE under the 25% admission quota. Volunteers also provided assistance in applying for an Income Certificate for Zoya's mother. Zoya got selected in Little Mary English School in the first lottery round. Admission under the RTE 25% quota ensured that Zoya's family wouldn't be burdened by the tuition fee that the school would otherwise charge. She also received uniforms and books from the school for free.

(T. Sutradhar, personal communication, 2018)



Mrs. Mamta Devi had always dreamt of providing high quality education to her daughter. Her husband is a plumber and Mrs. Devi works as a domestic help to provide for the family in Patna, Bihar. It was a distant dream for Mrs. Devi to send her daughter to one of the better private schools in Patna, as she could not afford the financial costs of enrollment at such a school. When she became aware of the provisions of RTE 12(1)(c) through campaigns run by Sanmat Trust in her area, she decided to apply and saw the provision as a means to ensure access to quality education for her children. Her daughter Khushi got admission in St. Xavier's Public School, Patna through the first ever lottery process for Patna, this year, in 2018. Volunteers of Sanmat Trust recount the perseverance shown by Mrs. Devi, as she had made several visits to their office, for filling the application, arranging for the documents and for choosing the desired schools.

(A. Kumar, personal communication, 2018a)

Scope of RTE 12(1)(c)

As of 2016-17, the annual number of seats in India reserved for EWS and ADG category students in unaided private schools stood at 21.8 lakhs, down from 22.7 lakhs in 2015-16 (Figure 1a). Cumulatively, since 2013, nearly 1 crore seats should have been allotted to children under the provision.

Assuming a modest factor of 1.1 children per family studying under EWS/DG quota under RTE 12(1)(c), approximately 20 lakh families stood to benefit from this provision in 2017 alone, assuming 100% seats are filled. Even assuming a conservative estimate of 50% seats to be perceived as high-quality by parents, nearly 10 lakh seats would be filled under this provision every year.

Figure 1: Trends in yearly number of available seats under RTE 12(1)(c)

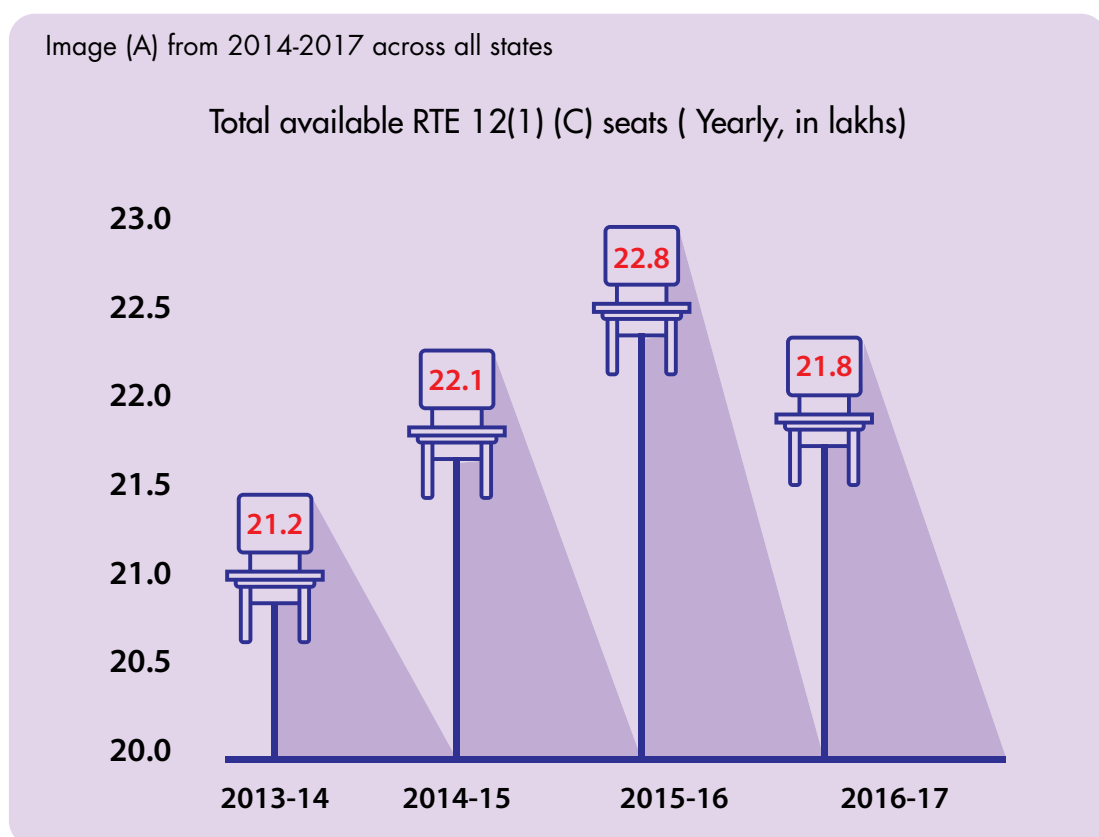
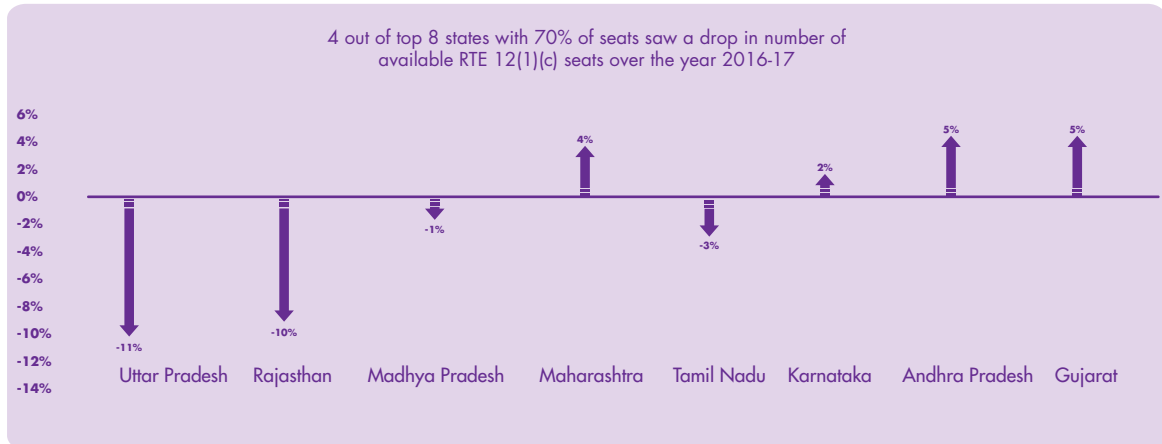


Image (B) major states in 2016-17



(Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

School with	2016-17
0 Enrolment in Class I	11%
0-10 enrolment in class 1	17%
10-30 enrolment in class 1	7%
30-60 enrolment in class 1	-3%
60-100 enrolment in class 1	-8%
>100 enrolment in class 1	-12%

Table 1: Percentage increase/decrease in number of private unaided schools in U-DISE in 2016-17 over 2015-16 categorized by total enrolment in Class 1 in the schools (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

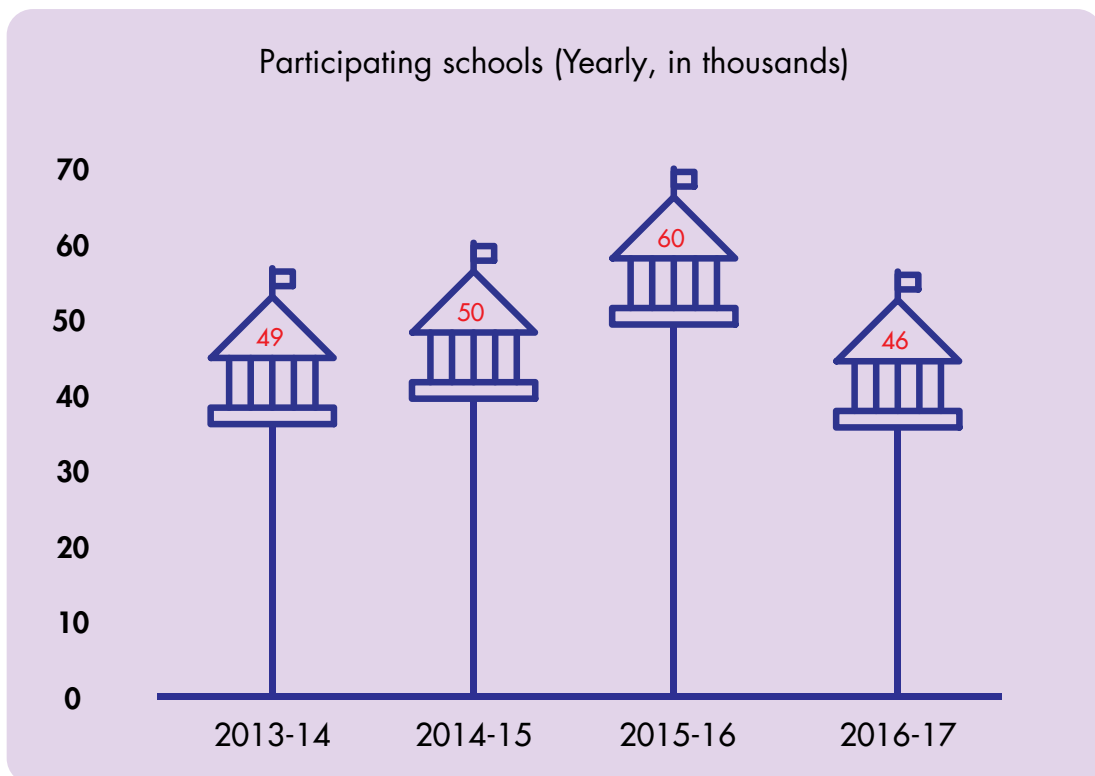
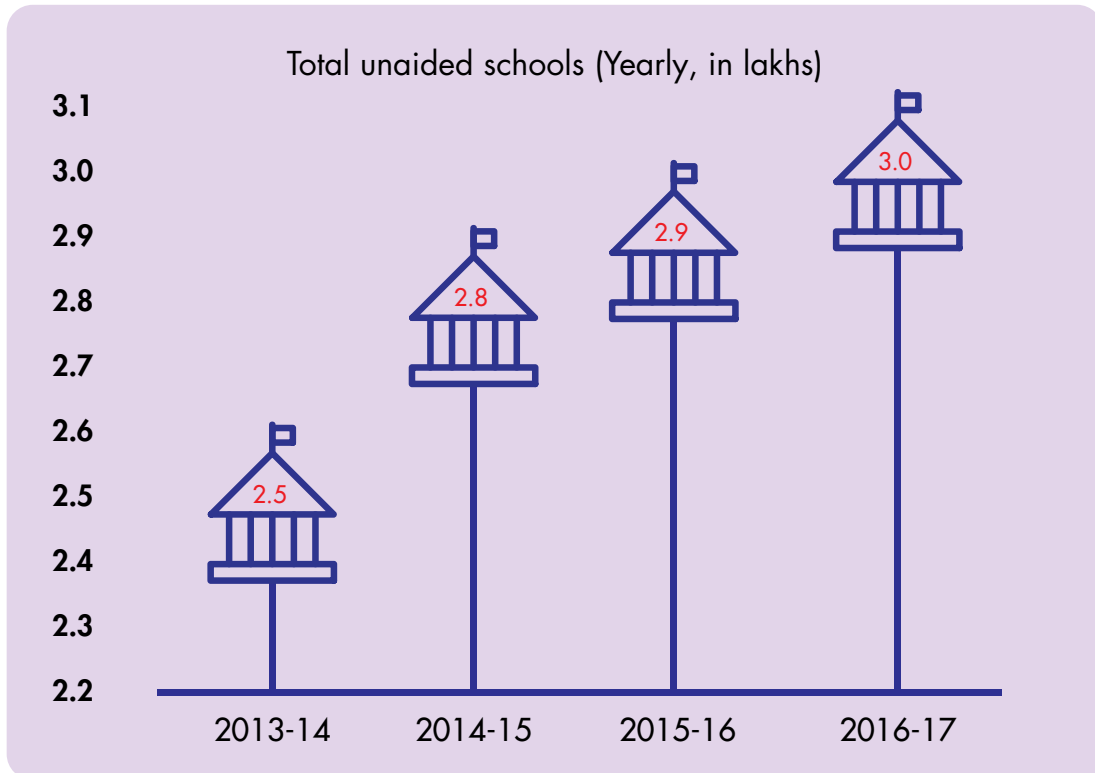


Figure 2: Number of total unaided private schools increased from 2014-17, but number of participating² schools witnessed a decline over the same period (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

¹ A participating school is one that has at least one RTE 12(1)(c) admission in the given academic year

Initially till 2015, total RTE 12(1) (c) seats increased mainly due to a sharp increase in total number of private schools (Figure 2), which included schools with high enrolment in Class I. However, in 2016-17, while the number of private schools with low Class I enrolment (<30) increased, the number of schools with high Class I enrolment (>30) reduced. Additionally, the number of schools with 0 enrolment in Class 1 increased by 11% in 2016-2017 over 2015-2016 (Table 1). Hence, the total number of available seats reduced. The total number of participating schools also fell in 2016-17 by 23% from 2015-16, largely due to non-compliance with the Act (Figure 2). An increase in the number of schools with 0 enrolment in Class I could mean that more number of private

schools started reporting enrolment from Class 2 onwards instead of Class 1 in 2016-17, potentially to circumvent RTE 12(1)(c). There have also been allegations of schools gunning for minority status to escape scrutiny under strict RTE provisions of minimum infrastructure requirements for a school. Minority schools are exempted from RTE 12(1)(c) reservations currently. From 2014-2016, the number of minority-managed educational institutions in the country more than doubled. In 2016-17 alone, nearly 10,000 additional minority institutions have opened. Contrary to this sharp increase, the non-minority schools have seen a fall of 0.1% in the same period (NUEPA, 2016).



A young child with dark hair, wearing a red long-sleeved shirt and blue shorts, is sitting on a red and blue striped rug. The child is looking down at several papers scattered on the floor. The background is slightly blurred, showing more papers and a book. The overall scene is dimly lit with a purple tint.

Chapter 2

**Operational
life cycle of RTE
12(1)(c)**

Operational life cycle of RTE 12(1)(c)

Stages of conversion funnel

The on-ground implementation of RTE 12(1)(c) goes through 5 stages in the entire process as explained in Figure 3. First, schools release the number of seats available. Second, families identify seats among their choice of neighbourhood private schools, and apply for these seats. Once the application period is over, a lottery is conducted to assign available seats to students and those who were assigned seats are notified. Families then choose to proceed with admission into the schools they were allotted or opt for another school. In some states, this results in further rounds of lottery to assign still-unfilled seats. Finally, students are admitted into their chosen school and begin studying there. Some continue to study, while others may drop out.

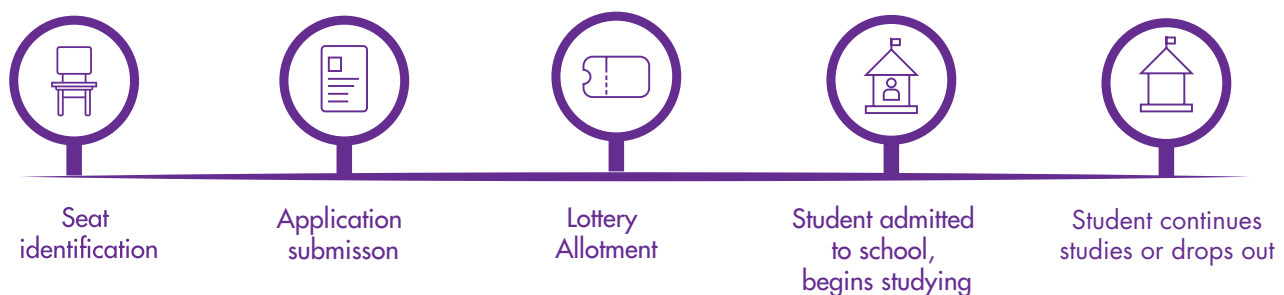


Figure 3: RTE 12(1)(c) admission process funnel for child

State	Academic Year	No. of seats	No. of unique students applying	No. of applications received for all seats	No. of lottery allotments	No. of applications not considered	No. of admissions
Delhi ³	2018-19	44879	137135	2736750	42933	NA	30769
Madhya Pradesh	2018-19	404108	294871	NA	250428	16148	148047
Gujarat	2018-19	112265	182880 ⁴	861639	86499	61935	74558
Chhattisgarh	2018-19	80216	76967	111285	NA	22231	37845
Maharashtra	2018-19	126112	199048	NA, 42676 for Thane (16594 seats)	112919	NA	73869

Table 2: Data of select states available for analysis of the conversion funnel of RTE 12(1)(c) admissions for 2018-19 application cycle

Sources: Directorate of Education, Govt. of NCT of Delhi, August 17, 2018. Delhi Commission for Protection of Child Rights, Government of Delhi, August 13, 2018, Letter No. C/RTE/DCPCR/17-18/125/4689-694, retrieved upon request. Madhya Pradesh Education Portal. 2018. State Dashboard. Retrieved August 31, 2018, from <http://www.educationportal.mp.gov.in/SPD/State/state-dashboard/MadhyaPradesh.aspx>. Govt. of Gujarat Right to Education Portal. 2018. Right to Education. Retrieved September 15, 2018, from <http://www.rtegujarat.org/>. Indore Parents' Association (IPA) v. State of Madhya Pradesh and others, Madhya Pradesh High Court, Writ Petition No. 20276 of 2010. National Informatics Commission, Govt. of Gujarat, September 15, 2018. National Informatics Commission, Govt. of Chhattisgarh, July 31, 2018. RTE 25% Admission Portal. 2018. RteIndex. Retrieved on August 31, 2018 from https://student.maharashtra.gov.in/adm_portal/Users/rteindex.

² Data of MCD schools in Delhi not compiled since process is offline, only Department of Education schools considered

³ While the number of complete applications for Gujarat were only 1.42 lakh, nearly 1.8 lakh students had applied on the portal, with ~40k applications incomplete.

Seat identification

The individual state's RTE 12(1)(c) policy dictates the following:

1. Category under which a child is eligible.
2. Income limit for the EWS category.
3. Eligibility criteria for DG category.
4. Split under the 25% reservation and specific provisions amongst student categories (e.g. girl's quotas, ordered preference for disadvantaged groups like Children with Special Needs (CWSN) etc.).
5. Category of schools that will be covered (unaided, minority, unaided schools that have received government grants in the form of land etc.).
6. Entry-level classes for admissions.
7. Documentation needed for the application and admission process.

Schools are supposed to declare seats reserved under RTE 12(1)(c) to the government to enable admissions. While RTE prescribes a minimum of 25% quota for the specific groups, there are no limitations on the quota and states are free to increase it. States such as Rajasthan have also opened registration for the provision to minority schools on their portal on a voluntary basis. Including all pre-primary classes in a school as entry points (such as KG-1 and KG-2) has also helped increase the total number of seats, as is done in Delhi and Chhattisgarh.

Application to schools

Applications can be made directly to schools (Odisha) or to the government authority responsible for conducting RTE 12(1)(c) admissions in the state (Rajasthan, Madhya Pradesh). State governments with an agglomeration of applications conduct lotteries at district, school or state level. Applications can be received online (Rajasthan), offline (Bihar) or both (Delhi Municipal Corporation schools are offline, Department of Education schools are online). In an online process, typically the number of school choices increase as compared with the offline process. Moving applications online have resulted in an increase in the total number of applications in states like Delhi, where school choices increased by 7 times in 2015, after the Department of Education had instituted an online Management Information System or MIS (Directorate of Education, Govt. of NCT of Delhi, 2018). In Chhattisgarh, an online school seat declaration process increased the number of seats by 46% from ~55,000 to ~80,000, in 2018 (National Informatics Commission, Govt. of Chhattisgarh, 2018). Applications may be verified by the school or the government (Uttar Pradesh), or post allotment at the admission stage (Chhattisgarh). There are instances of a large number of applications being rejected at this stage of the

process because of incorrectly filed applications or incorrect supporting documents. In Gujarat, of the 1.8 lakh applications filed, nearly 33% were not considered in 2018-2019. 23% of these applications were incomplete and nearly 10% (~17,000 applications) were rejected due to errors in the applications (National Informatics Commission, Govt. of Gujarat, 2018). Based on a sample of 875 rejections, 85% rejections were due to invalid or incomplete documentation. Half of the rejections were due to fake income certificates (Govt. of Gujarat, Right to Education, 2018a). In Chhattisgarh, out of ~76,000 applications filed, nearly ~28% were not considered. 13% of applications were incomplete or duplicate and nearly ~15% (~12,000 applications) were rejected, mainly due to documentation issues (National Informatics Commission, Govt. of Chhattisgarh, 2018).

Lottery allotment to a school

States typically conduct the Lottery either offline or online; either centralised for all districts or decentralised in separate districts. The lottery results are sent by SMS to the parents on their registered phone numbers and released online by the government. In states where private schools are responsible for the application process, the lottery is conducted by the school itself, and as a result, very few schools participate in the process, also creating a situation wherein there is a lack of transparency (Bihar). In 2018, there was a significant delay in the second-round lottery allotments in Gujarat. A Public Interest Litigation (PIL) was filed in the Gujarat High Court for the lack of participation of minority schools in RTE 12(1)(c) admissions. Because of the delay in the hearing of the PIL filed by 178 such schools (DNA, 2018), the second round of RTE 12(1)(c) admissions for nearly 39,914 seats which accounted for ~40% of the total seats in Gujarat were delayed by nearly 4 months (April 19th to August 16th) (Sharma R., 2018). Delays in allotments extend the admission cycle for students in the 25% quota significantly and create a huge risk for such students falling behind their peers in the academic calendar.



Admission/enrolment in the allotted school

Once lotteries have allotted seats, students are expected to take admission in the allotted school with all the necessary documents within a given time frame specified by the government. Private schools rely on notifications released by the government to check the students' documents and eligibility to complete the admission process. In some states, government officials check and approve documents of each application before letting a child proceed to next stage (Uttar Pradesh, Madhya Pradesh). Data shows that there is a significant drop-off of students from the lottery stage to the admission stage. In 2018, in Delhi, nearly 28% of children allotted seats were not admitted to private schools (Figure 4). The ~30% drop-off after lottery allotment is a familiar issue in Delhi, as a similar drop-off occurred in the 2016-17 academic year (V. Damera, personal communication, 2018). Common reasons cited are usually applicants being rejected admission in private schools because of the school's age norms, documents mandated by schools, the submission of fake certificates, wrong allotments as a result of incorrect mapping of schools, parents not checking admission notifications via SMS, etc. In Delhi, nearly 75% of the students that did not take admission after lottery success were allotted one of their top 5 school choices. Out of the 30% not admitted in

Delhi, 21% of students had dropped off either because they had not received the information of allotment or were allotted a school that was too far away from home. Only 2% students listed private schools being non-responsive as the reason. However, in Uttar Pradesh, out of a sample of 150 grievances received by Indus Action, nearly ~70% were related to schools not admitting child for various reasons or schools asking for fees from the child (S. Khan, personal communication, 2018). Delays in admissions under RTE 12(1)(c) have been a major challenge for nearly all the states implementing the provision. The states which have gone online typically start the application process in January-February; yet delays in the verification of applications, holding lottery for allotment, and release of its results causes the admission process to move to May, with subsequent lottery rounds further extending into June-July and admissions into August-September. In Madhya Pradesh in 2018, the application window was opened from June 8, 2018 to June 23, 2018 and lottery results were declared on July 1. The admission deadline for document verification by block officials and Aadhaar verification by schools was set as August 15, 2018, 5 months after private schools started sessions. (Tabassum, personal communication, 2018). For offline admissions, there is

no information available on when the state or private schools open applications and when admissions are conducted. Such delays in the admission process creates a situation, wherein parents opt for a government school at the onset of the school year instead of participating in a long drawn out process under RTE 12(1)(c). Private schools also tend to fill in seats technically assigned to the 25% quota, with other applicants citing a delayed admission process as the reason. Such delays in state administrative matters are not limited to RTE 12(1)(c). States also face delays in the release of textbooks, uniforms and other articles meant for distribution in government schools at the beginning of the academic year. Mass teacher transfers are also delayed post April and

sometimes happen in the middle of the academic year. The operational processes on the ground for RTE 12(1)(c) are slow to respond and as most processes are still offline, typically 25-40% of the time is spent on collecting information from decentralised operational units to issue executive orders (A. Kumar, personal communication, 2018b). In the case of RTE 12(1)(c), the delay is particularly damaging as the child is not able to attend school, and ends up having to acclimatise to a competitive environment in private schools with time lost in the academic calendar. It is also not known if schools are putting in the required efforts to bring late entrants up to speed to their peers in classrooms.

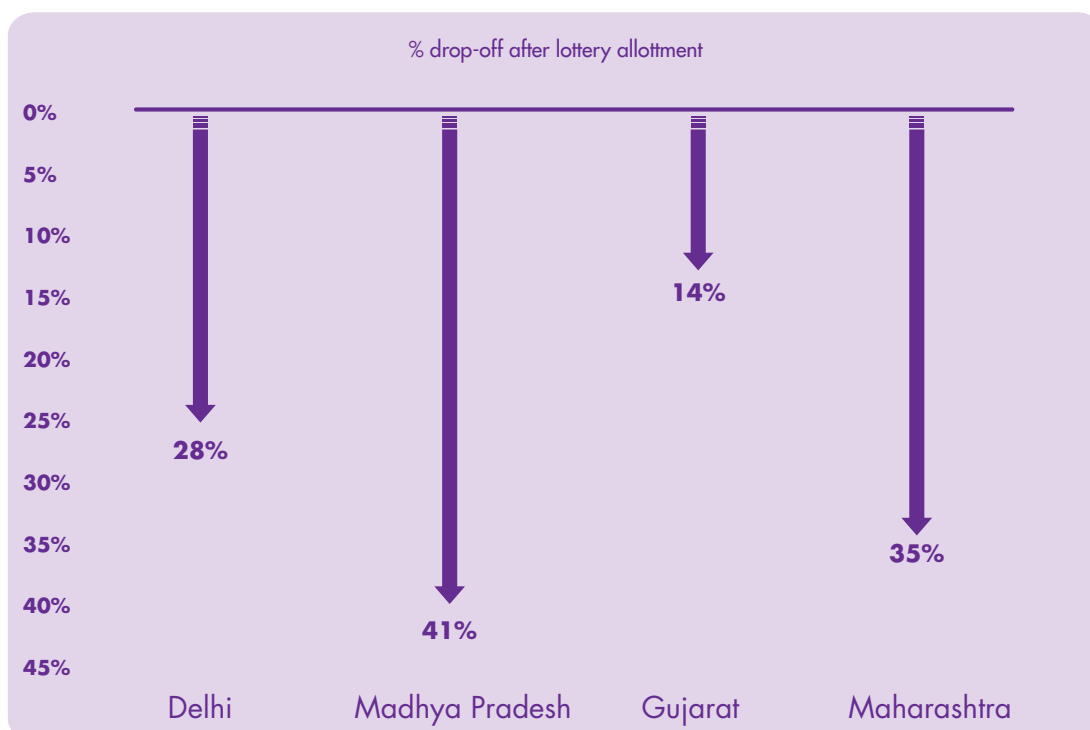


Figure 4: Percentage drop-off during admission stage after lottery allotment of seats in key states in 2018-19 academic year⁵ (See Table 2)

⁵Out of all mentioned states, Madhya Pradesh had only one round of lottery while the data was compiled.

Post admission status- enrolled or dropout

Post admission, as per RTE Section 29(1)(h), the government is supposed to ensure continuous evaluation and monitoring of a child's performance and well-being. However, most states have been unable to check post-enrolment status except where school reimbursement is linked to child tracking (Rajasthan, Madhya Pradesh). Lack of resources for monitoring of government school operations, tracking learning outcomes or tracking dropout/out of school children is a major barrier to allow monitoring of private schools. There are very few states with school monitoring processes launched across all government schools (Odisha, Bihar, Jharkhand, Maharashtra among others). There are no published records of children admitted under RTE 12(1)(c) who have dropped out in the public domain.

Key insights

Lack of accurate and latest data for funnel evaluation

While most states have online lottery information readily available, many are operating on a completely offline or partially offline model which makes sourcing data from individual states for all seats and districts a difficult task. For example, Uttar Pradesh ran a fully offline process till 2017, where districts maintained offline RTE 12(1)(c) admissions data. When the state transitioned to an online model in 2017, only urban Nagar Nigam wards were covered in the online portal, while rural panchayats are still submitting offline applications to Basic Shiksha department offices at the block level (L. Pradeep, personal communication, 2018). U-DISE data obtained from NUEPA give the number of seats, the number of participating schools and number of seats filled under RTE 12(1)(c) from academic year 2013-14 until the academic year 2016-17 (NUEPA 2017). These are analysed below for the top 10 states (U-DISE 2017-18 data was not approved by NUEPA till the report went for publishing). The methodology for calculating the number of children enrolled under RTE 12(1)(c) per school, the total Class I enrolment in the school, the participating schools

and all unaided private schools is described in Annexure 1. This could not be corroborated by SSA data because as noted in previous research on RTE 12(1)(c) (Sarin, 2015) there are several data discrepancies between U-DISE data, SSA data and information uploaded onto state RTE portals (online portals are absent for most states). The most consistent form of data available across continuous years for the same metrics was the U-DISE data, which has been used as a definitive source. Additionally, data has been obtained from State governments via Parliamentary questions fielded in Rajya Sabha in 2018 (Govt. of India, 2017a). The response states that state-wise data for new admissions per year under RTE 12(1)(c) is not maintained centrally with MHRD, hence the Ministry is only able to provide information on the total number of children studying in unaided private schools from 2014-2017 under RTE 12(1)(c), which has also been analysed below.

Slowdown in the growth of RTE 12(1)(c) student counts in schools

U-DISE data from 2014 to 2017 showed that the total number of Class I enrolments rose in 2016 but fell in 2017 in the country (Figure 5). Since U-DISE reporting significantly deviates from SSA reporting, the specific drop in enrolments is not fully corroborated. Data provided via

a parliamentary response contained total number of students studying under RTE 12(1)(c) in unaided private schools (Govt. of India, 2017a). The data shows a slowdown in the rate of increase of the overall number of students in school under RTE 12(1)(c) in 2017 (Table 3). This slowdown is also similar to the findings published in the NCPCR report on state of implementation of RTE 12(1)(c) in Delhi in 2017 which noted that the trend of percentage reservation in private schools under RTE 12(1)(c) had increased from 2010 onwards, but the rate of increase had declined over the years (NCPCR, n.d). The reasons for this slowdown can be an increase in dropouts as well as a fall

in the number of new admissions. Since fall in new admissions is sourced from U-DISE, and the slowdown in the increase of number of students studying under RTE 12(1)(c) is from state departments, there is no conclusive evidence to point out the reason as increase in dropouts or fall in new admissions, or a combination of both. The drop in enrolments in certain states can be explained, though. Rajasthan made BPL cards mandatory for EWS families during admissions in 2016, causing a drop in the number of enrolments in the state (The Times of India, 2016). A concrete conclusion cannot be drawn as to the reasons for the other states.

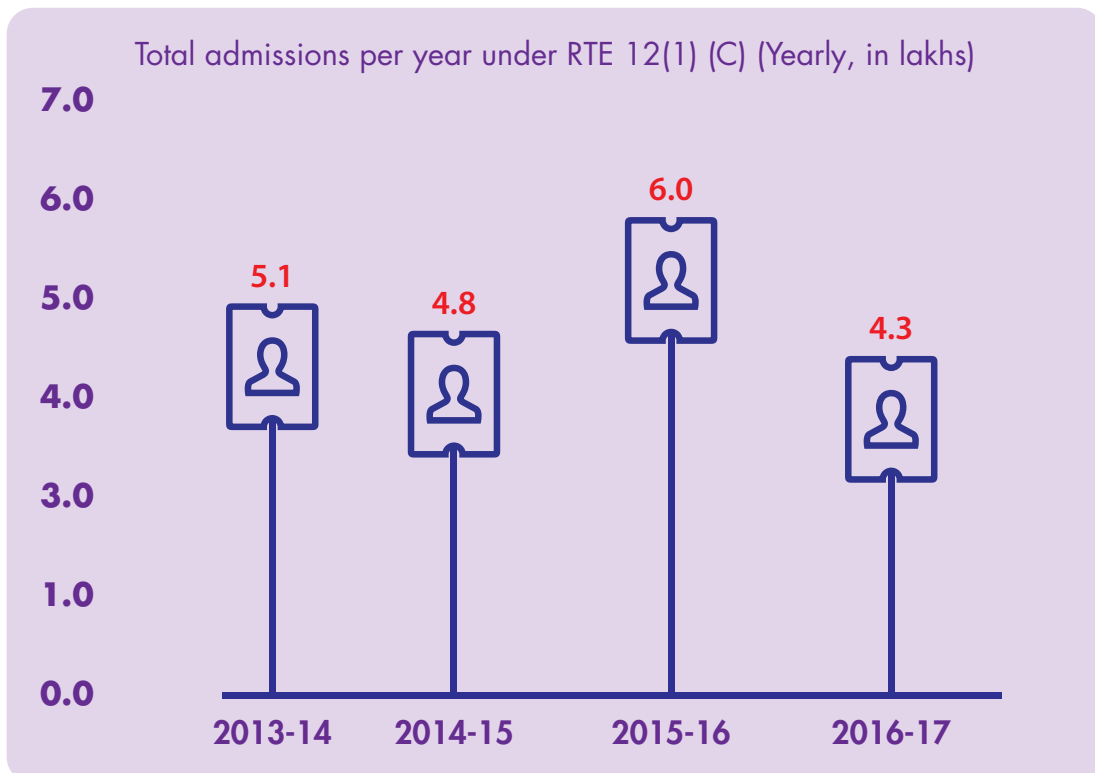


Figure 5: Trend in total number of yearly RTE 12(1)(c) admissions across India from 2014-17 (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

Parameter	2013-2014	2014-2015	2015-2016
% YoY increase in no. of seats	4%	3%	-4%
% YoY increase in no. of admissions	-5%	25%	-27%
% YoY increase in no. of total students studying so far		34%	21%

Table 3: Slowdown in rate of increase of total number of students studying under RTE 12(1)(c) across India from 2014-15 to 2016-17 (Source: U-DISE 2013-2014, 2014-2015, 2015-16, 2016-2017 data, Retrieved December 22, 2017, upon request, Govt. of India, 2017a)

Few states performing better than others in implementation of RTE 12(1)(c)

A large state with a higher percentage of the total seats in India would be ideally expected to have a high share in the percentage enrolments across the country too, if on-ground operations are sound. However, an analysis of the gap between percentage of total seats and percentage of total enrolments in all Indian states shows that few states have consistently outpaced others in the implementation process, significantly having a high percentage of total enrolments as compared to their percentage of total seats. Implementation has been especially slow in key states where in spite of having large

number of seats like Uttar Pradesh (26% of total seats), number of enrolments is low at only 1.9% of all available seats. Uttar Pradesh has noticeably made several efforts to conduct a centralized process for RTE 12(1)(c) admissions from 2017 onwards, resulting in ~40,000 admissions in the 2018-19 academic year (L. Pradeep, personal communication, 2018). Several large states are lagging behind in implementation despite accounting for a large share of seats (Figure 6). Rajasthan, Madhya Pradesh, Tamil Nadu, Karnataka and Gujarat have a positive difference indicating these states have been able to achieve a higher level of success in operations, that led them to have higher number of admissions relative to number of seats every year.

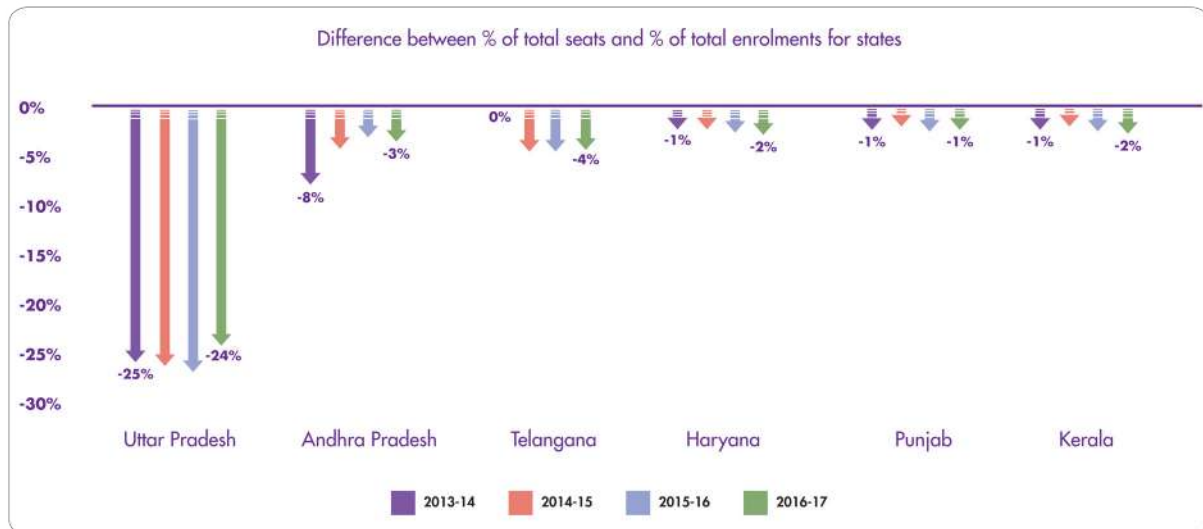


Figure 6: Half of top states accounting for 85 % of seats have a negative difference between percentage of seats and percentage of enrolments, indicating that much needs to be done to improve on-ground operations
(Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)



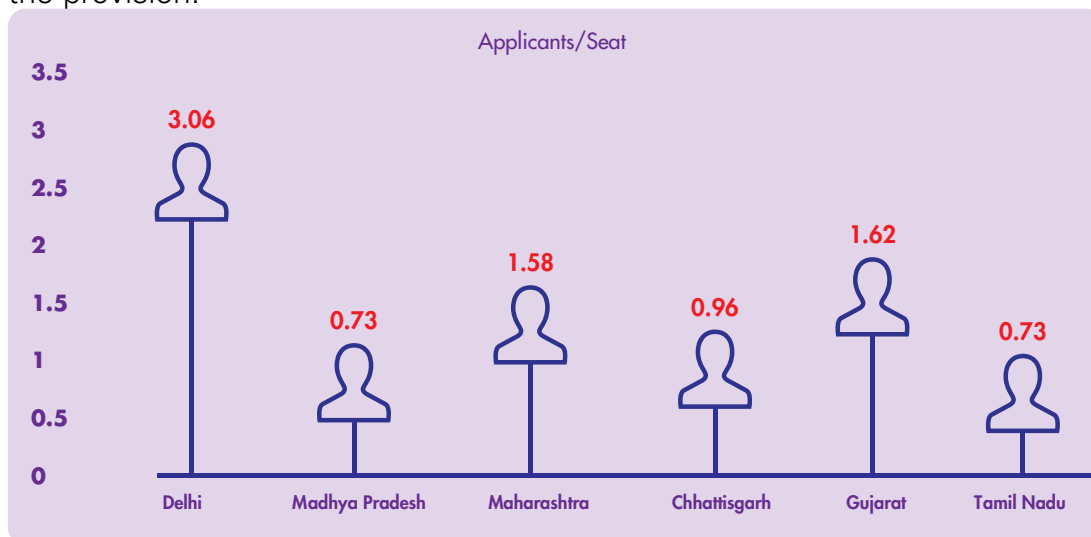
Chapter 3

State wise
performance for
implementation
of RTE 12(1)(c)

State wise performance for implementation of RTE 12(1)(c)

Level of awareness and interests of parents

An analysis of the number of applications received per seat in a few states reveal that while some states have installed end-to-end online operations to increase efficiency, the level of awareness in all the states is quite different. The number of applicants per seat is used as a metric to identify interest of parents in seeking admissions for their children, under the provision.



While the number of applicants per seat is indicative of the level of awareness in the state, there are other factors to consider. Most states allow multiple school choices for students, and hence the number of beneficiaries vying for 1 seat is higher than the number of applicants/seat. This is

Figure 7: Number of unique applicants per seat for applications in academic year 2018-19 for key states (See Table 2)

especially true for Delhi. In 2018 in Delhi, while the number of unique applicants per seat were 3 (Figure 7), 27.4 lakh applications were received for 44879 seats, with an average of 61 applications/seat.

In Gujarat, after removing outliers, this average was ~4 applications/seat. For Chhattisgarh, ~76967 students expressed interest in 80216 seats, but a total of 111285 applications were submitted, with an average of 1.4 applications/seat (See Table 2). Due to the exceptionally high number of applications/seat, it can be established that Delhi has reached a sufficient level of saturation in terms of on-ground awareness for RTE 12(1)(c). It is to be noted that a high level of awareness amongst the beneficiaries does not necessarily guarantee two specific aspects. Firstly, the high number of applications/seat are typically directed towards well known, high-quality private schools and it may not be indicative of the level of awareness about lower-fee high-quality schools. In Delhi, in 2016-17, nearly 80% of applications were received by only ~40% of the schools (Directorate of Education, Govt. of NCT of Delhi, 2018).

register higher number of average applications per seat compared to other schools (Table 4). In Delhi, DAV Public School, Vasant Kunj received ~17,000 applications every year from 2016-2018 (Directorate of Education, Govt. of NCT of Delhi, 2018).

Analysis of state data suggests that the marquee private schools




State/UT	Average applications/seat for high quality/high fee ⁷ private schools	Average applications/seat for all schools in the state
Delhi	~70 (for top 86 sample schools)	~60
Chhattisgarh	~2	~1.4

Secondly, issues of schools not receiving any applications, or low-fee private schools garnering less interest from parents indicates that there is always a statistical probability of seats going empty under RTE admissions. In 2017, 328 schools in Karnataka received no applications (Kulkarni T., 2017). Some states allow these seats to be filled under regular admission cycles, whereas schools have complained that seats going empty after multiple lottery rounds are not filled up by other students as the admission cycle has usually been completed by then. The issue of schools having vacant seats or fewer applications, combined with a very high

Table 4: Average applications per seat for Delhi and Chhattisgarh for high quality schools compared to average for all schools.

preference of parents for high-fee schools implies two things. First, if parents are driven solely by interest of quality education, then seats receiving no applications means that a perception of all private schools being better than government schools is not shared by all parents. Second, benefits provided by government schools over and above classroom education, particularly the Mid-Day Meal scheme may be considered more beneficial and draw more students than perceived low-quality private schools.

⁷In Chhattisgarh, high quality schools have fees greater than Rs.18,000 per annum in 2018. In Delhi, in absence of fees data of schools, a sample of 86 well known schools from 2017-18 data, known for high quality education in the city was picked to define high quality schools (8% of total schools)



**Bright Spot: Haridwar DEO's
micro-campaign
for RTE 12(1)(c) awareness**

The District Education Officer of Haridwar, Mr. Brahmpal Saini took the initiative of raising awareness around RTE 12(1)(c) using public institutions like the Gram Panchayats. He distributed pamphlets in all the Gram Panchayats during community meetings, and ensured that each Gram Pradhan received the pamphlets. The entire team of Mr. Brahmpal Saini along with all the Gram Pradhans from different Gram Sabhas were involved as partners for the campaign to increase awareness amongst the beneficiaries.

The team under him was directed to call all schools who were resisting admissions to students under the Act and warn them of cancellation of recognition for non-compliance. The main challenge in Haridwar district was from the schools because many schools failed to register themselves on the RTE portal within the assigned timelines which caused problems for beneficiaries. Thus, the application window had to be extended for a month in Haridwar district to get all the schools on-board. The ownership shown is an example of government initiative in a domain that is usually considered the stronghold of civil society organizations (D. Bhatt, personal communication, 2018)

Lack of coverage for disadvantaged children

While RTE 12(1)(c) is supposed to cover both economically and socially disadvantaged sections of society, the breakdown of admissions data between the two categories indicates that some groups under the disadvantaged sections are not getting adequate coverage. These categories include Child in Need of Care and Protection, Orphan children, CWSN, Child labourers, transgender children, HIV+ children amongst others. In Delhi, in 2018, only ~1% of admissions were under the disadvantaged category (Directorate of Education, Govt. of NCT of Delhi, 2018). In

Gujarat, in 2018, less than 1% of admitted students were from disadvantaged categories (Govt. of Gujarat, Right to Education, 2018b). While several states have a policy to ensure gender equity in admissions (50% allotments to girls in Bihar, Uttarakhand), the policy has not been successful in admitting vulnerable children at a disadvantage. The seat allotment logics in states do not allot a specific part of the 25% quota to the disadvantaged groups, nor do most states allot them seats on priority.





Operations on ground pre-enrolment and post-enrolment need intervention

Rajasthan and Madhya Pradesh have online grievance tracking and redressal systems which allow for a systematic process to track cases of non-compliant schools and register parent concerns. However, states are not registering and resolving complaints in a systematic and transparent manner as of now. Most states do not publicise their helpline number widely. The Madhya Pradesh RTE portal does not publicise the helpline number (Madhya Pradesh Education Portal, 2018). Parents are usually not aware of how to register and follow-up

on their grievances, i.e., in which office, with which official, etc. Parents do not wish to wait for extended periods for their grievances to be redressed as their child loses time in school in the process. States are not publishing data related to monitoring of children admitted to schools. As per a retention survey conducted in 2018 (Indus Action, 2018), Delhi had few dropouts in the state with ~83% retention. Several students changed schools however, with nearly 35% doing so because the school allotted to them was far from their homes.

The image shows three young boys sitting together, looking towards the camera. The boy on the left is wearing a purple shirt and has a red necklace. The boy in the middle is wearing a yellow t-shirt with a cartoon graphic. The boy on the right is wearing a blue striped shirt and a white cap. The entire image is overlaid with a semi-transparent purple filter. The text 'Chapter 4' is written in a large, white, sans-serif font, with the number '4' being significantly larger than the word 'Chapter'.

Chapter 4

**Outcome
Indicators**

Outcome indicators

The following section enumerates the different indicators used to evaluate the success/status of this policy, at a national level so far.

Seat Fill rate

Seat fill rate is defined as the percentage of enrolments out of the total estimated seats designated for RTE 12(1)(c) admissions in unaided private schools. The national seat fill rate in 2016-17 was 20%. The rate has fluctuated over the years from 2013-14. The total fill rate from 2014-2017 in India as per U-DISE data is 23% (Total fill rate is calculated as total number of RTE admissions yearly from 2014-2017/total number of seats available for 25% reservation in unaided private schools).

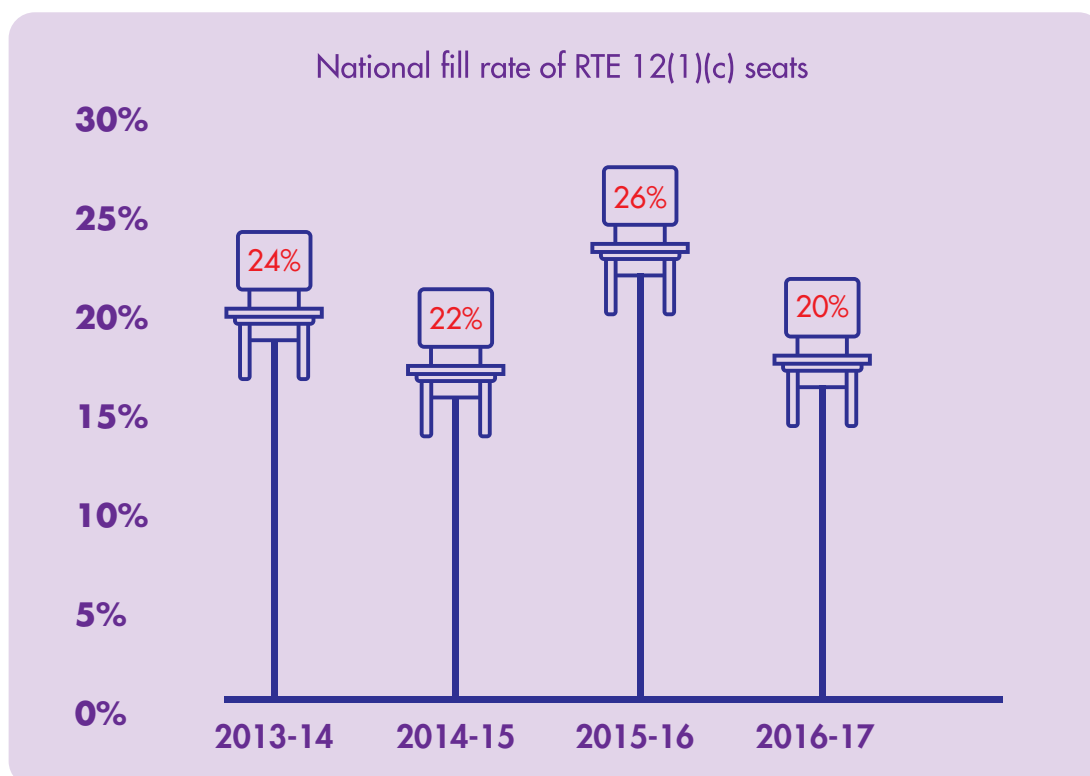


Figure 8: National fill rate of RTE 12(1)(c) seats from 2014-2017, (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

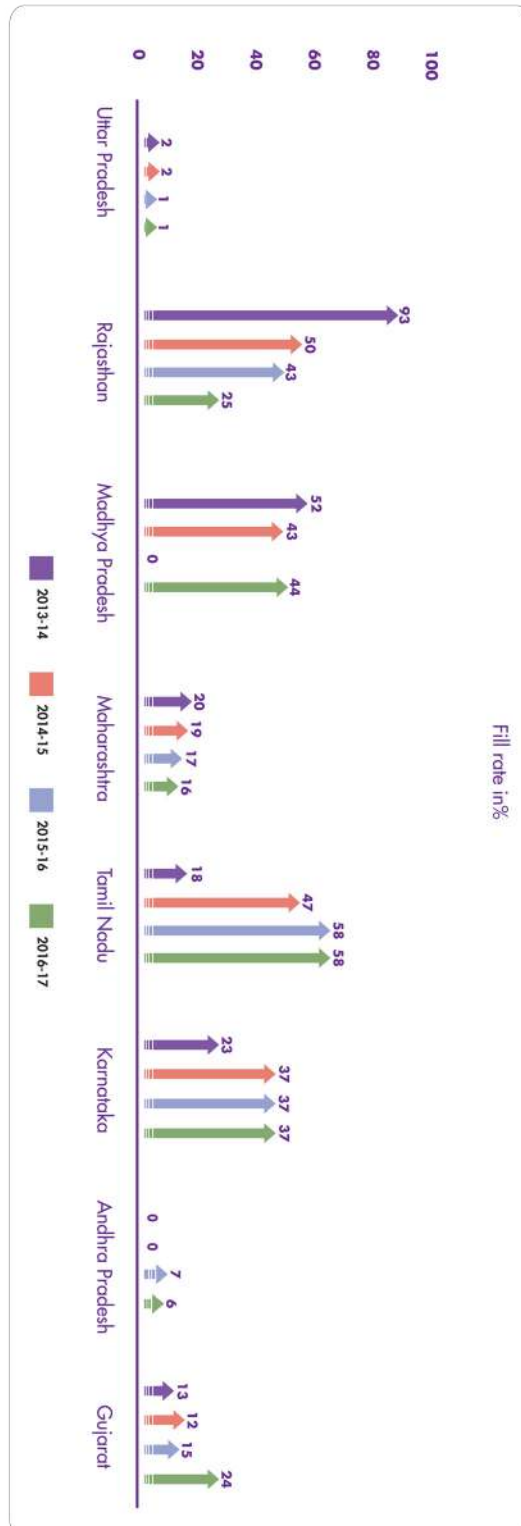


Figure 9: Fill rate in percentage from 2014-2017 for top states accounting for 70% of RTE 12(1) (c) seats, (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request

While U-DISE data shows a negative trend of fill rate across major states till 2017, data taken from states for the 2018-19 academic year is showing a high fill rate for some key states, indicating a positive swing in RTE admissions (Figure 10).

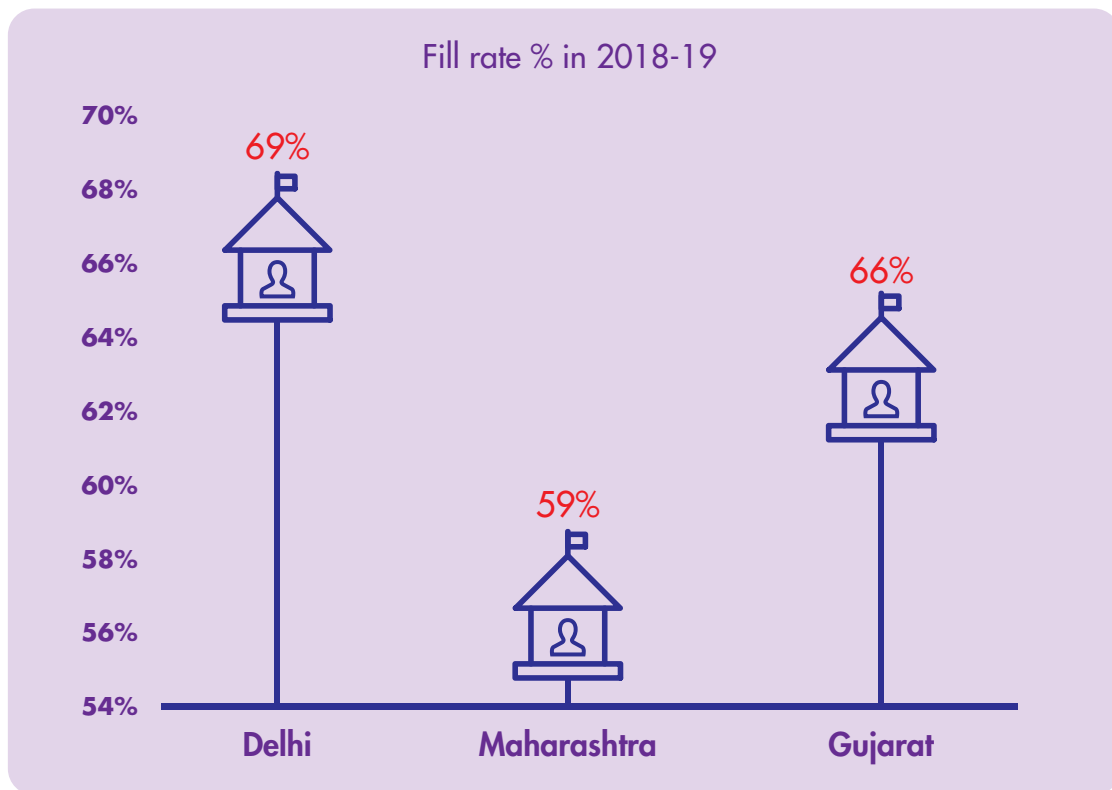


Figure 10: Fill rate of some states indicating an upswing in 2018-19 academic year (Table 2)

School Participation Rate

School participation rate is defined as the number of schools participating in the RTE 12(1)(c) process in the state as a percentage of total unaided private schools in the state. The national school participation rate in 2016-17 was 16%. The total school participation rate from 2014-2017 in India as per U-DISE data is 18%, 5 points lower than the national fill rate (Figure 11). Lack of school participation is one of the biggest reasons for low fill rates. The correlation between the 2 indicators is very high for each year and for each state (Figure 13).

Poor school participation rate is a major concern due to difficulties in monitoring due to the scale of the policy. The 2012 Supreme Court case clearly indicated unwillingness of private schools to adhere to the regulations. In 2018-19, CBSE schools in Tamil Nadu did not participate in RTE admissions, citing issues in reimbursements from the government as the problem (Sundaram R., 2018). Delays in the admission cycle is another common concern voiced by schools as a reason to stay away from the process.

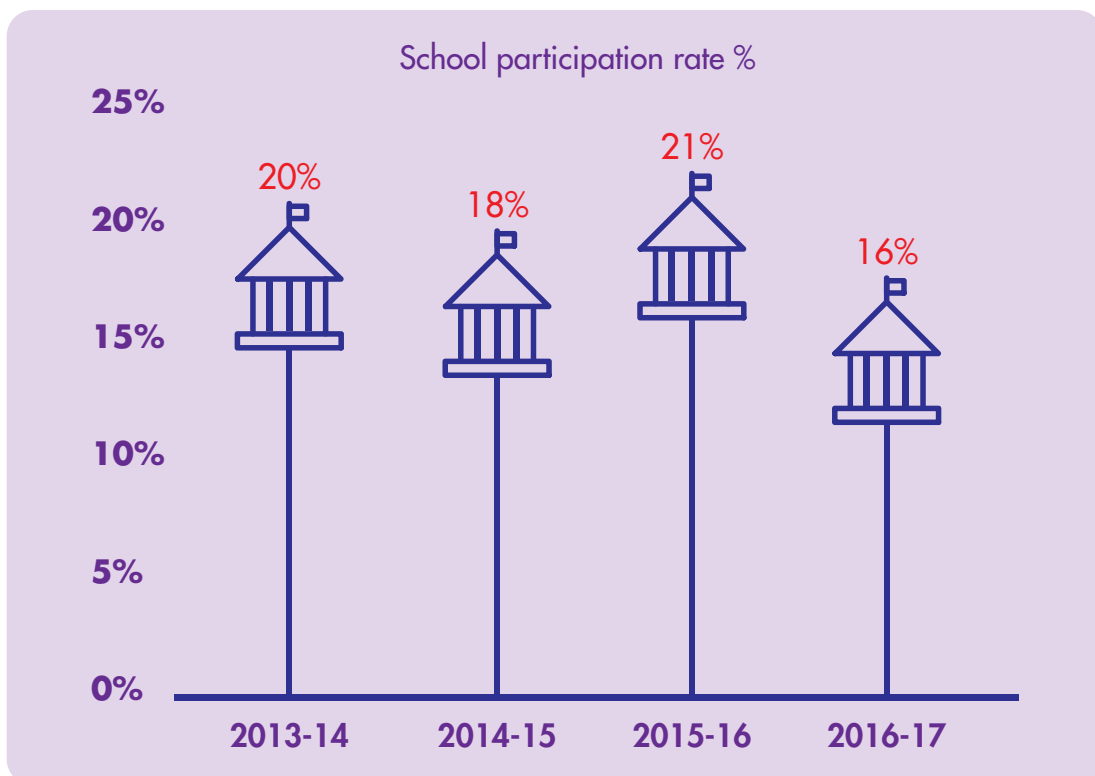


Figure 11: National school participation rate for RTE 12(1)(c) seats from 2014-17, (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

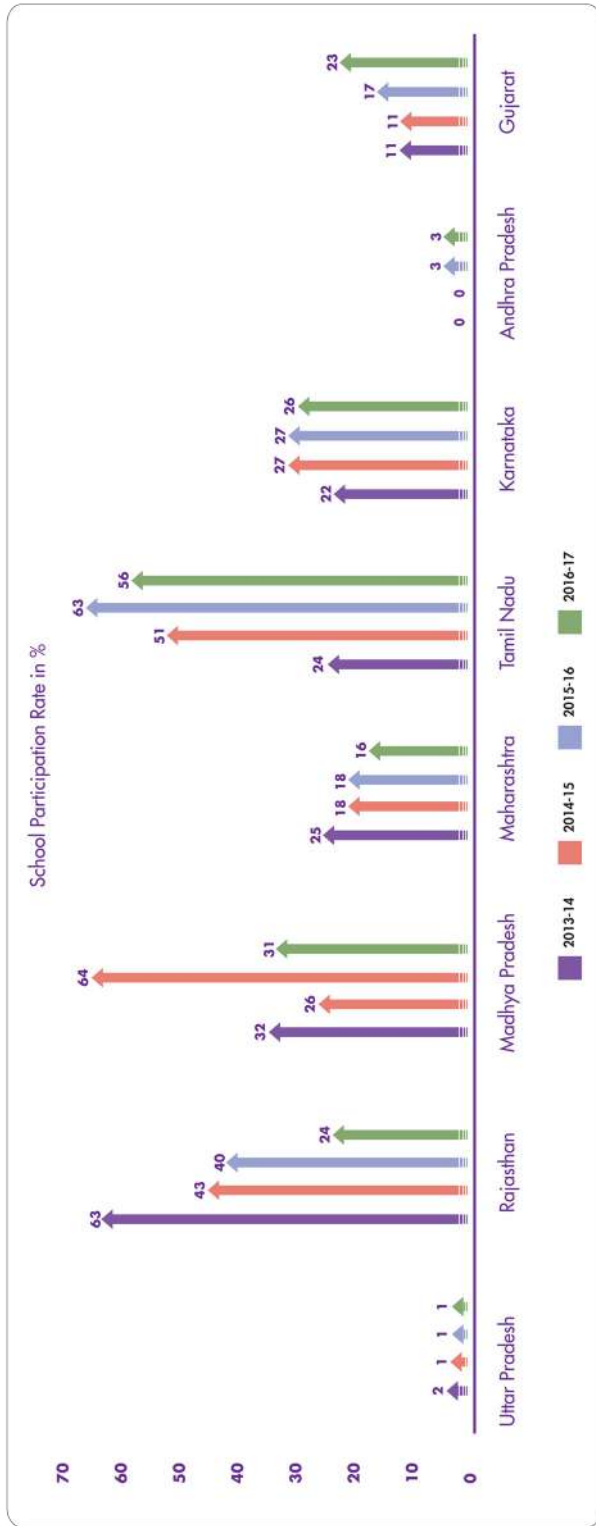


Figure 12: School participation rate in percentage for top states accounting for 70% of RTE 12(1)(c) seats from 2014-17 (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

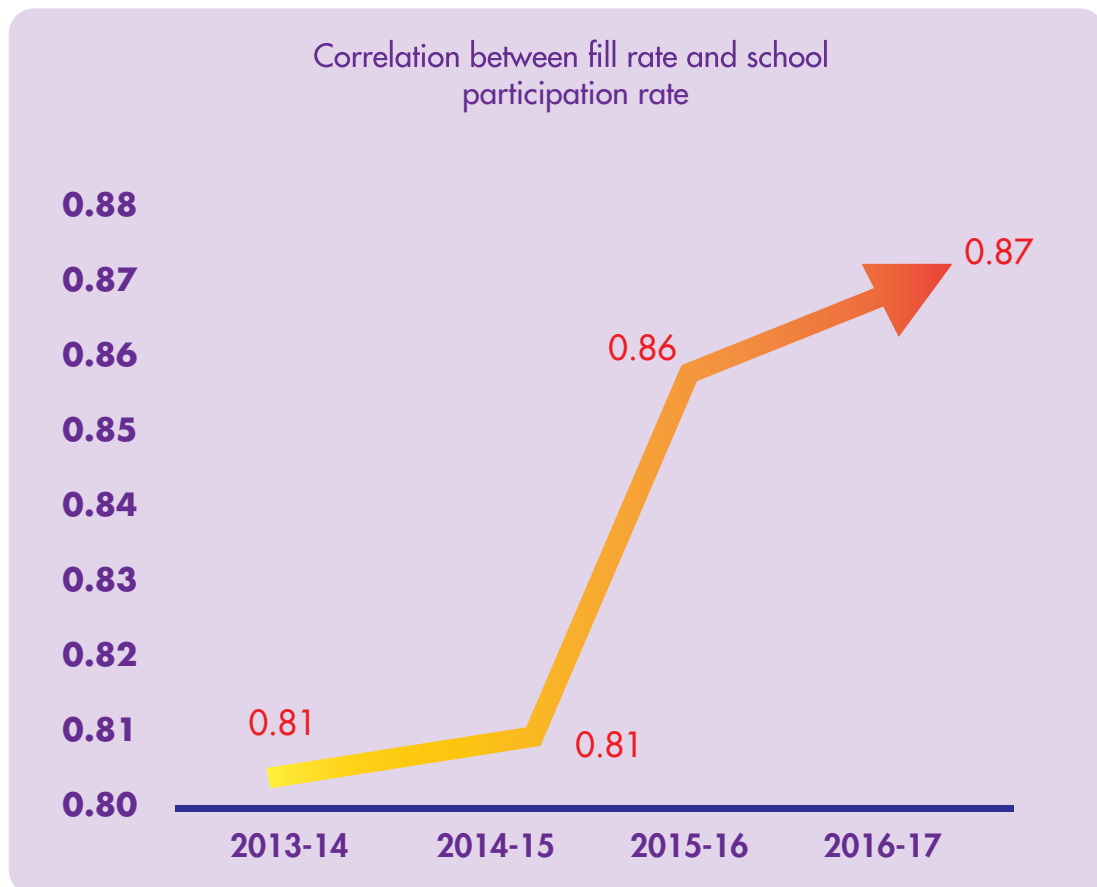


Figure 13: Correlation between fill rate and school participation rate for all states each year from 2014-17 (Source: U-DISE 2013-14, 2014-15, 2015-16, 2016-17 data, Retrieved December 22, 2017, upon request)

Reimbursement rate

The reimbursement rate is defined as the percentage of reimbursement claims approved by the Central government out of the total reimbursement claims submitted by states/UTs. In total, since 2014-15, Rs. 2,599 crores have been reimbursed to states under RTE 12(1)(c) (Figure 14). The 2017-18 academic year had the highest rate of reimbursement, with 3 of 13 states receiving full reimbursement for the costs requested from the Central government. Over the last few years, the rate of reimbursement approval from the Centre has more than doubled, indicating that states are learning by experience and installing more robust processes in place to furnish the required documents for approval in AWP&B meetings. However, there is little to no information on disbursement of reimbursements from the state to private schools. Several reports in from Uttar Pradesh and Tamil Nadu, among others, cite pending reimbursements for several years as a reason for schools to not participate in the RTE admission process anymore (Sundaram R, 2018) (Jain I., 2018). There are also concerns raised by few very high fee private schools over the per-child reimbursement from the government being too low (The Times of India, 2018a). However, there is evidence that on an average, the government's

expenditure on education far exceeds private school per-child costs primarily due to higher teacher salaries (Ambrish, Kapur and Tewary, 2012). This means that private school expenditure must be outpacing government school expenditure in very few high fee schools, and hence the problem of schools not being reimbursed sufficiently is limited to high profit, high fee schools. The number of seats belonging to high fee private schools (charging fees greater than Rs.18,000/annum) in Chhattisgarh was limited to 6% across all RTE 12(1)(c) participating schools in 2018-19 (National Informatics Commission, Govt. of Chhattisgarh, 2018).



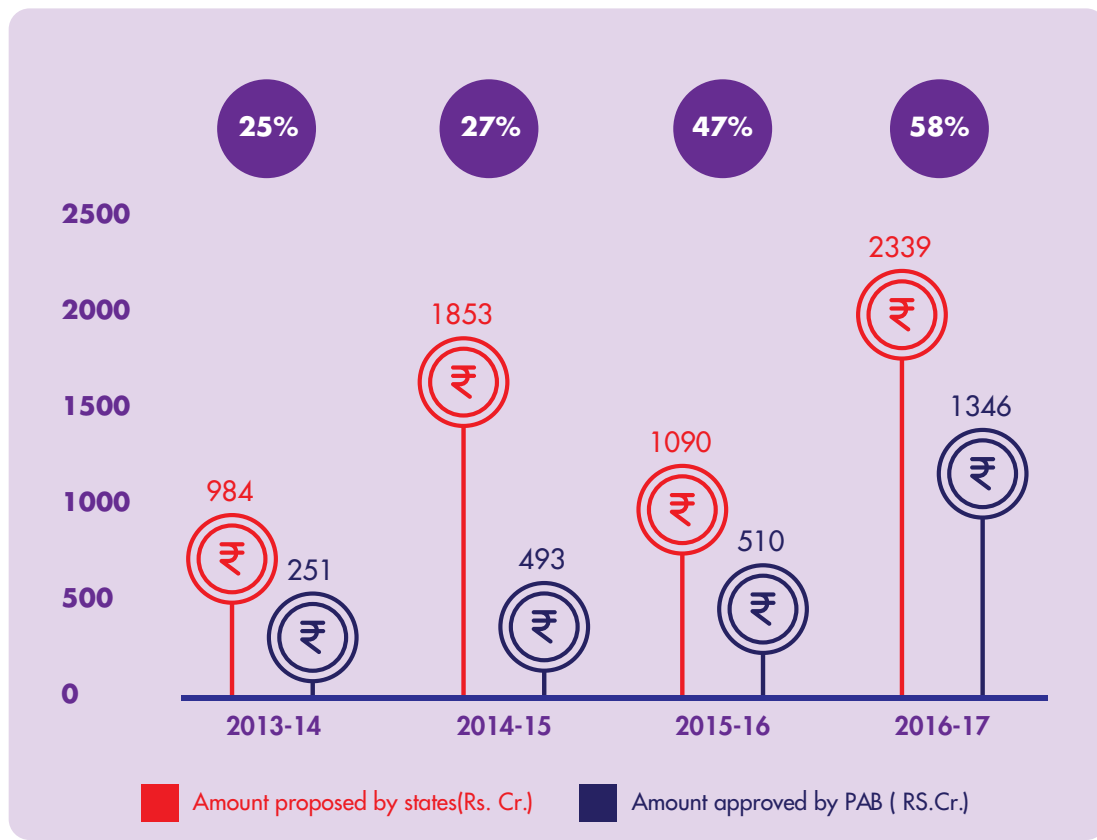


Figure 14: Percentage reimbursement approved by Central government for claims made by states/UTs for each academic year from 2015-18

Source: Govt. of India Ministry of Human Resource Development, Department of School Education and Literacy. (2018). Lok Sabha Unstarred Question no. 1419 To be answered on 5th March 2018 - Funds Under the RTE Act. Retrieved from <http://164.100.47.190/loksabhaquestions/annex/14/AU1419.pdf> Govt. of India Ministry of Human Resource Development, Department of School Education and Literacy. (2018). Rajya Sabha Unstarred Question no. 1837 To be answered on 2nd August 2018 - Reimbursement Claimed by States under SSA. Received upon request.





Important Milestones

The total number of students admitted under RTE 12(1) (c) has almost reached the 3 million mark in 2016-17 (Govt. of India, 2017a).



Chapter 5

**Enablers that
determine
success**

Enablers that determine success

It is understood that due to the nature of complexity in the RTE 12(1)(c) process with the high number of process indicators and several individual elements having high impact on the outcomes in states, there is no perfect correlation between having superior processes that directly translates to better outcomes. However, there are some enabling institutions and processes that have been helpful in advancing the mission of RTE 12(1)(c).

Role of Civil Society

Civil society has an important role to play in the effective implementation of Section 12(1)(c). Various civil society groups and organisations such as NGOs, parent-student associations, RTE forums and collectives have been instrumental in the implementation of the provision. They have contributed in many ways, such as, campaigning for raising awareness, providing help in obtaining the required documents, assisting in filling applications and being support structures to guide parents throughout the admissions process. Some of these organisations are involved on an ad-hoc basis while others such as the RTE Resource Centre (RTERC) at IIM-A, which has been in place for over four years, have been working continuously. Students from colleges and universities have also been volunteering for the cause. Mature states like Gujarat, Karnataka and Rajasthan, having well drafted policies, online admission systems,

and a large number of seats, have witnessed active civil society involvement.

The RTE Resource Centre at IIM, Ahmedabad in Gujarat was set up in 2013 and it helps parents fill up the applications and ensure that they have all the documents required for admission. In the academic year 2013-14, Ahmedabad was able to admit approximately only 30-40 children from economically weaker sections of society (DNA, 2015). The RTERC helped 600 eligible applicants apply in 2014 and facilitated 5,000 applications in 2015. They collaborated with the Ahmedabad Municipal Corporation and the ICDS to reach out to more than 400 Anganwadis to spread awareness. Volunteering was done by students from various colleges like IIMA, MICA, CEPT, and NIRMA. RTERC also helped the state education department in the processing of applications. While still being directly involved in raising awareness about

the 25% quota, RTERC also reaches out to youth in different cities and states to encourage them to set up similar initiatives in their areas.

When technical glitches occurred in the application procedure in Bengaluru, RTE STUPA (Student Parents Association) assisted the parents in filing applications by setting up more than 30 application centres (The Times of India, 2018b) Apart from RTE STUPA, Janadhikara Sangharsha Parishad and RTE Task Force are among the other organisations working towards the implementation of RTE 12(1)(c) in Karnataka.

In other states such as Rajasthan, Pratham and Abhyuttanam are actively involved in awareness building and the process of filling applications. In Uttar Pradesh, non-governmental organisations are highly active in providing application centre support to parents. Organisations such as Badlaav, Deshpande Foundation, Right Walk Foundation and Mahila Mazdoor Kamgaar Sangathan are involved in raising the effectiveness of the provision's implementation.

Civil society also plays an important role in policy advocacy leveraging government relations for effective policy reform.



Bright Spot: Karnataka- an active movement by civil society on the ground for RTE 12(1)(c)

There are various organizations involved in the implementation of RTE 12(1)(c) in Karnataka with activities varying from spreading awareness, organising parents to face schools, legal support, highlighting to the government to improve processes such as online admissions and grievance redressal. etc. The Alliance is a collaborative network among such organisations in Karnataka that was initiated in 2018. It involves participation from Ms. Suman Hegde, Janadhikara Sangharshana Parishad (JSP), Students and Parents Association (RTE STUPA), RTE Taskforce, Vidhyardhigala Poshakara Jagruthi Vedike (VPJ), Swabhimani, Social Frontier Foundation, Lifeline Foundation, and Bhumi. In the next academic year, the Alliance aims to collaborate for campaigning across districts and extend to areas not covered so far. They also hope to make representations to the Government to make process improvements for the implementation of the provision, in Karnataka. *(R. Kumar, personal communication, 2018)*



Bright Spot: RTE Students and Parents Association (STUPA), Karnataka

The RTE Students and Parents Association (STUPA) was formed in 2014, in Karnataka, as a consequence of the fight of 40 parents to get admissions granted under RTE Section 12(1)(c) with a school located in Rajajinagar in Bangalore. Mr. B.N. Yogananda who led the fight and initiated the organization of parents, has been instrumental in the success of STUPA. The focal achievement of STUPA is its helpline number which is popular in the entire state of Karnataka. This was possible because Mr. Yogananda was himself a journalist and involved the media in the campaigns for Section 12(1)(c). The State Government engages with RTE STUPA by seeking recommendations and support for the implementation of the provision. Over the past 4 years, STUPA has supported thousands of parents to apply, securing over 10,000 admissions and has also dealt with schools which were not cooperative.

(R. Kumar, personal communication, 2018)



Bright Spot: Abhyuttanam Society, Rajasthan


Mr. Pranjal Singh, the current President and Founder of Abhyuttanam believes that a child's development is the fundamental step required for the overall development of society and that access to education would be the necessary prerequisite for the enjoyment of all other rights in the country. Through its "School Bharo Aandolan", Abhyuttanam aims for every child irrespective of social or economic standing, to have access to elementary education bestowed under Article 21-A of the Indian Constitution and RTE. Abhyuttanam approaches its campaign with a sense of duty in ensuring successful implementation of the Act. They try to communicate this to the beneficiary parents as well, that they are duty-bound in ensuring that their children get access to quality education and break free from the shackles of poverty.

(S. Neelam, personal communication, 2018).



Bright Spot: Parents turning social entrepreneurs for implementing RTE 12(1)(c)

Volunteers from Tapasya Pratisthan, an NGO working towards the implementation RTE 12(1)(c) in Maharashtra, met Mrs. Haseena Khan at one of the orientation workshops organized by Mr. Hussain Dalwai, M.P., at his office in Bandra East. Hailing from Udupi in Karnataka, where she completed her education till 10th standard, Mrs. Khan moved to Mumbai after her marriage. Of her 3 children, the youngest child got admission under RTE 12(1)(c) after a lot of effort. Her struggle for enrolling her son under RTE 12(1)(c) motivated her to support all other parents from disadvantaged backgrounds, who wanted to enrol their kids in a good private school but could not do so because of the accompanying financial burden. Mrs. Khan was committed to campaign in Goregaon East & West though she did not have the necessary resources for it. By mortgaging her ring, she set up Maa Foundation and managed to rent a small space to run an application filing centre. Tapasya Pratisthan supported her efforts by providing pamphlets, posters and also supported the volunteers who helped her with campaigning. Mrs. Khan managed to reach out to more than 300 eligible families and filed more than 80 forms. Inspired by the mission, Mrs. Khan has decided to expand her campaign to Mumbai from next year. She is confident that through Maa Foundation, which she has now set up, she would be able to support women from low-income families in becoming self-dependent.

A group of children in school uniforms, some making peace signs, against a purple background. The children are smiling and looking towards the camera. The background is a solid purple color.


**Bright Spot: Helping parents
make school choices for a
better lottery result**

“Ma’am, it is with great happiness that I want to share that my daughter, Kavya Gautam, has got admission to a Primary School through the RTE quota. It is only because that you guided us through the application process that we were able to apply to the correct schools in our locality. My family and I are indebted for the advice and support that you have given us and would like to thank you from the bottom of our hearts for this.” - a parent who was able to secure admission for her daughter, thanking a Community Volunteer for the help in filling applications.

(G. Dey, personal communication, 2018).

Support to schools

Several states allow schools to self-register and declare seats on the online RTE portals. To make the school registration as well as child admission process a success and easier for the schools, support is provided to schools in different ways. Some states have workshops for the schools and some of them have FAQs on portals for ready access. States such as Uttar Pradesh have also assisted schools with the reimbursement process through outreach programmes. In 2017, in Maharashtra, the Nagpur Municipal Corporation and RTE Action Committee organised a workshop to guide 250 schools on Online RTE admissions and to discuss the common issues faced by them. Common issues faced by schools are verification of child's documents, pending or missing reimbursements, identifying ineligible admissions, etc. (Nagpur Today, 2017). In Chhattisgarh, where the process went online for the first time in 2018, government school principals were appointed as nodal officers to facilitate the new online process of admission by assisting school registration.



Bright Spot: Chhattisgarh going online for RTE 12(1)(c) in 2018

In 2018, the application process for RTE 12(1)(c) was made online in Chhattisgarh. Government High School principals were appointed as the nodal officers to facilitate this process - from the initial screening of the application, the lottery process, to the final allotment or rejection of the application. A majority of the 1686 nodal officers were not well-versed with the use of online systems and required on-boarding for the use of such systems, to perform their duties. 7 teams were assigned to handle 4 districts each, adding up to the 28 educational districts in Chhattisgarh. In order to ensure that the nodal officers were initiated into the online process, training sessions were conducted from 9th-12th July 2018 with 2-4 hours sessions every day. Training was done using presentations and videos provided by Indus Action, for around 50 nodal officers, to help them in understanding the entire process. The period of 1 week immediately after the training saw a 10% increase in applications verified by the nodal officers. WhatsApp groups for the nodal officers were also created to help in the quick resolution of issues. (*H. Pothula, personal communication, 2018*).

Role of judiciary

In the absence of structured mechanisms and clear communication channels, the role of the judiciary has been instrumental in the enforcement and implementation of the provision. With the NCPCR and SCPCRs being the designated Ombudsmen for the Act (RTE Section 31 and 32), high litigation suggests a lack of efficiency in the proposed mechanism. As per the World Bank Background paper for its 2018 World Development Report, only 14 out of the 29 states have created these two bodies and they are currently understaffed to deal with the magnitude of the cases filed in High Courts and the Supreme Court under RTE. The broad purview of the Act as well as resource-strapped grievance redressal mechanisms for RTE in states has meant that the Act has been enforced in many ways through judicial action rather than legislative action. A majority of 41,243 cases filed concerning RTE since 2010 dealt with the implementation of Section 12(1)(c) (Joshi & Rosser, 2018). While litigation has put resources and time at stake, judgements have helped bring resolutions to several impasses. The Supreme Court's verdict on Aadhaar card requirement and the pending verdict on minority school coverage under RTE 12 (1) (c) are important decisions that will

sharpen state policies and provide a clearer path towards standardization across states for admissions process.



Chapter 6

| Reimbursements

Reimbursements

The RTE Act states that schools admitting children under this provision “shall be reimbursed expenditure so incurred by it to the extent of per-child-expenditure incurred by the State, or the actual amount charged from the child, whichever is less, in such manner as may be prescribed”. SSA norms provide for these reimbursements according to the per-child cost notified by each state/UT. Additionally, the expenditure incurred by the state/UT is supported under SSA for Classes I to VIII, subject to a limit of 20% of the overall SSA budget approved for the respective state/UT. As of December 2015, the fund sharing ratio of SSA would be in a ratio of 60:40 between the Centre and states from 2015-2016 onwards. For the 8 North-Eastern states and 3 Himalayan states, this ratio would be 90:10. For UTs without legislatures, 100% of the reimbursements will be funded by the Centre. This decision was taken after the recommendation of the 14th Finance Commission to increase the states' share in the Net Proceeds of the Union Tax Revenues to 42% from 32% was accepted by the Government of India. This is different from 65:35 Centre-State sharing pattern (90:10 for North-Eastern States) followed up until 2015 (Ministry of Human Resource Development, 2015).

Current Status of RTE 12(1)(c) reimbursements

A total of 13 States had submitted reimbursement claims in their Annual Work Plan & Budget (AWP&B) 2015-16 and 2016-17, for children admitted under RTE 12(1)(c) during academic session 2014-15 and 2015-16 respectively. In the AWP&B, 2017-18, 15 States had submitted claims for children admitted under RTE 12(1)(c) during academic session 2016-17. In the AWP&B, 2018-19, 13 States had submitted claims for children admitted under RTE 12(1)

(c) during academic session 2017-18. Funds were approved fully/partially by the Project Approval Board (PAB) of the SSA for 7 States during 2015-16, for 10 States during 2016-17, for 6 States during 2017-18 and for all 13 states during 2018-19 as per SSA norms (Govt. of India, 2018a; Govt. of India, 2018b) as illustrated in Figure 15 and Table 5.



Figure 15: Number of states for which reimbursement claims were filed vs. number of states which received approval for claims partially/fully from the Centre, based on the academic session

Source: Govt. of India Ministry of Human Resource Development, Department of School Education and Literacy. (2018). Lok Sabha Unstarred Question no. 1419 To be answered on 5th March 2018 - Funds Under the RTE Act. Retrieved from <http://164.100.47.190/loksabhaquestions/annex/14/AU1419.pdf> Govt. of India Ministry of Human Resource Development, Department of School Education and Literacy.

State	PAB 2015-16		PAB 2016-17		PAB 2017-18		PAB 2018-19	
	Proposed (Rs. Cr)	Approved (Rs. Cr)	Proposed (Rs. Cr)	Approved (Rs. Cr)	Proposed (Rs. Cr)	Approved (Rs. Cr)	Proposed (Rs. Cr)	Approved (Rs. Cr)
Bihar	26	0	43	0	61	0	90	90
Chhattisgarh	34	31	35	31	32	0	295	140
Delhi	51	0	145	35	74	0	0	0
Gujarat	13	13	54	54	114	0	106	70
Jharkhand	7	0	15	0	10	0	3	2
Karnataka	160	124	226	165	288	182	330	293
Madhya Pradesh	243	0	501	97	149	149	357	187
Maharashtra	138	0	243	25	14	14	747	244
Odisha	10	0	1	1	0	0	1	1
Rajasthan	189	42	139	83	125	125	236	236
Tamil Nadu	72	0	399	0	126	0	99	28
Tripura	0	0	0	0	4	0	0	0
Uttar Pradesh	0	0	1	1	12	0	25	7
Uttarakhand	42	42	50	0	82	40	50	47
Chandigarh	0	0	0	0	0	0	1	0
Andaman and Nicobar Islands	0	0	0	0	1	0	0	0
Total	984	251	1853	493	1090	510	2339	1346

Table 5: Exact amounts of reimbursement claims made in each AWP&B meeting by state SSA departments since 2015 and amounts approved and released to states by PAB (2018). Rajya Sabha Unstarred Question no.1837 To be answered on 2nd August 2018 - Reimbursement Claimed by States under SSA. Received upon request.



Reasons for lack of reimbursements

The top four reasons for funds not being approved or disbursed are:

1. Per-child cost not notified
2. Non-submission of 'relevant' documents
3. State has not made reimbursements to private schools
4. Nursery Class reimbursement not allowed as per 'norms'

Per-child cost not notified

As per MHRD norms, states are required to submit the notification released regarding per-child cost for reimbursement to private schools for admissions under Section 12(1)(c). As of 2018, only 22 states have notified their per-child cost for reimbursement under the RTE Act.

Non-submission of 'relevant' documents

In addition to the per-child cost notification, the Ministry requires the following documents to be submitted for the approval of funds for reimbursement:

- (i) Letter of Grant or Letter of Approval from State's Finance Department to State's Education Department regarding financial provision and approval for reimbursement to private schools against admissions under Section 12(1)(c).
- (ii) Letter from State's Education Department regarding actual reimbursement to Private Unaided Schools towards admission under Section 12(1)(c).

For 3 states in 2017, proposals were only submitted in-principle subject to submission of relevant documents.

State has not made reimbursements to private schools

Several states submit proposals to PAB based on anticipated expenditure for the coming financial year, whereas MHRD reimburses states/UTs for actual expenditure incurred by the state government. As per AWP&B, 2018-19, 8 states (out of 13) had actually disbursed only 40% of the amount proposed for reimbursement to private schools in the states. The remaining 60% amount (~Rs. 786 cr.) was not approved for reimbursement.

Nursery Class reimbursement not allowed as per norms

In AWP&B 2017-18 and AWP&B 2018-19, reimbursements were explicitly rejected for 4 states for the amount reimbursed by state to schools for admissions in classes below Class 1, stating admissions to nursery classes are not allowed as per norms. Approximately Rs. 300 Cr. were not approved for both the years for Karnataka and those for 2018-19 for Madhya Pradesh, Uttarakhand and Chandigarh.

Implications

Non-reimbursement from the Centre to the states and from the states to the schools have far reaching ramifications, with the beneficiary child from socio-economically disadvantaged sections suffering the most. We are already witnessing its impact in several states. While in Maharashtra (Anthony, 2018) and Uttar Pradesh (Jain, 2018), private schools have threatened to refuse admissions under this provision, in Uttarakhand, the government has considered doing away with admissions under Section 12(1)(c) (Sharma, 2017). In several states, even after being allotted schools, children are refused admissions under the pretext of non-receipt of reimbursements. Similar issues have been reported from almost every state which is trying to implement this provision in right earnest including big states like Madhya Pradesh (The Times of India, 2018c), Rajasthan (Khan, 2016) and Karnataka (The Hindu, 2018). The issue, therefore, is truly national and one which has repercussions on the continuation of this very progressive policy.



Chapter 7

| Policy gaps

Policy gaps

Despite an overall increase in the number of enrolments, RTE 12(1)(c) implementation in the country is marred by several policy gaps across the states. Some of the provisions are still being worked out by the governments and there are constant revisions to the policy in the states, often arising due to civil society pressure.

Definition gaps

Income limits

In Uttarakhand, the income limit set for the EWS category is Rs. 55,000. This figure falls below the mandatory daily wage in the state. This is a significant cause of exclusion for many deserving children. In Delhi and elsewhere, no income limits set for the SC/ST in the DG category has remained a cause for concern.

Fees

Lack of clarity in the definition of free education still remains. In several states the interpretation has remained that schools are free to charge “other ancillary fees” and that only the tuition fee will be reimbursed by the government. The fees charged for books and uniforms have been a major cause for concern among parents and guardians. A World Bank report has noted that if the reimbursement received by schools is less than the costs incurred, schools resort to charging higher fees from fee-paying

students, which is resisted by middle income parents (Joshi and Rosser, 2018).

Age Limits

Another persistent problem has been the lack of clarity with respect to the age limits for admissions to different entry level classes. While different states have set different limits, frequent changes over the years have created a situation of lack of coherence in policy. A common issue is the conflict with the entry age in government schools. In Karnataka alone, there were a series of four changes over the 2017-18 and 2018-19 admissions cycles. While not only creating situations of unwarranted confusion, it has inexplicably led to situations of exclusion when children have found themselves on the wrong side of the limit at the time of filing applications (The Times of India, 2018d).

Reservation split between EWS and DG

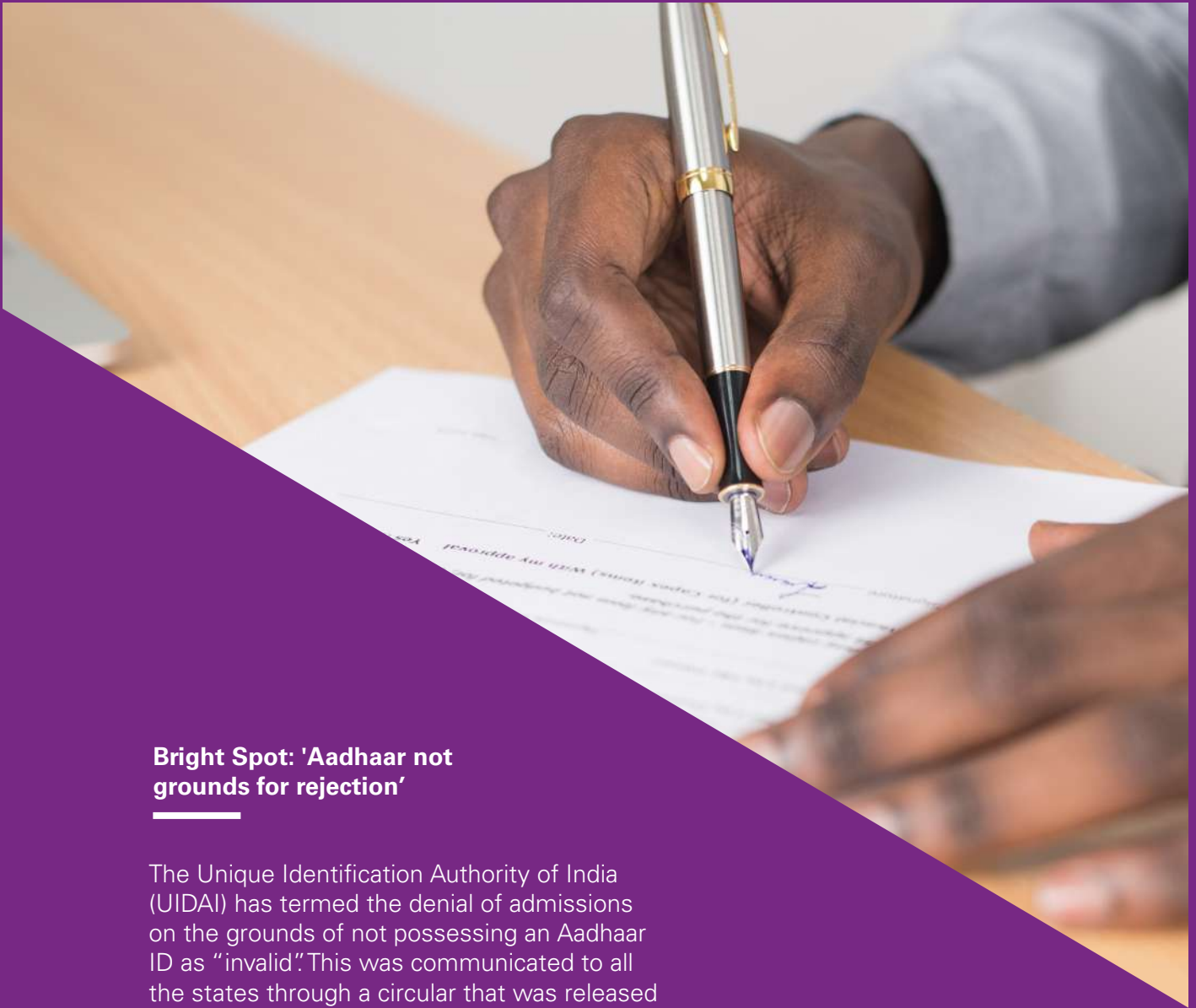
Most states have not provided for a clear split between the break up of 25% of the seats as per evidence-based estimates from population census data. Odisha is an example of a state which has been able to successfully divide the reservation amongst the disadvantaged groups of society.

Document requirements

Different documents are mandated by the states as proofs for establishing age, identity, address, caste and income. Section 14(2) of the RTE Act mandates that no child shall be denied admission due to the lack of an age proof. However, since states notify age limits for admissions under Section 12(1)(c), there are cases of applications being rejected on the grounds of applicants not possessing valid date of birth certificates.

Limitations arising out of the mandates on the types of proofs required, create situations of exclusion. Exclusion of rent agreements as address proofs or making Aadhaar mandatory are common issues. Madhya Pradesh became the first state to make the verification of Aadhaar mandatory for admissions under RTE 12(1)(c). The primary intent is to plug ghost

applications and allow deduplication of student database to control dual enrolment in government schools. However, schools have denied admission if Aadhaar IDs could not be verified (Yousuf, 2018). The Supreme Court verdict on removing Aadhaar as a mandatory requirement for school admissions implies that state policies requiring Aadhaar should be reconsidered (PTI, 2018a). It is possible that RTE 12(1)(c) admissions can be considered a subsidy for children from weaker sections and hence collection of Aadhaar can still be compulsory going forward. However, any system that creates exclusion due to restrictive policies without provisioning for easy access to services can become discriminatory.



Bright Spot: 'Aadhaar not grounds for rejection'

The Unique Identification Authority of India (UIDAI) has termed the denial of admissions on the grounds of not possessing an Aadhaar ID as “invalid”. This was communicated to all the states through a circular that was released by the UIDAI. In the backdrop of the Supreme Court verdict on the usage of the Aadhaar ID, the clarification brought out by UIDAI should be seen as a precedent for the states to be cautious about. With most of the states collecting Aadhaar information and many states going to the extent of making it mandatory, several parents had voiced their inability to submit the IDs on time as part of the documentary requirements. Madhya Pradesh had mandated the collection of biometrics from the admitted children for the verification of Aadhaar. Several private schools even faced issues in procuring devices for fulfilling this requirement which led to many delays in the admission process. There was a delay of 4 months between the 1st and 2nd rounds of lottery owing to the verification process, wherein the admitted children had to bear the loss of academic instruction days due to operational lapses.

School participation

Minority schools

Religious and linguistic minority institutions have been exempted from the implementation of 25% reservation of seats as per the Supreme Court judgement in the *Pramati Education and Cultural Trust v. Union of India* case of 2014. There remains ambiguity though, over the kind of documentation required to establish a school's status as a minority institution. For instance, in Gujarat, the government stipulated that the schools should possess a minority certificate from the National Commission for Minority Educational Institutions for the primary section, in addition to certificates it may possess for senior sections. Around ~180 schools appealed to the Gujarat High Court when the state asked the schools to comply to the RTE process citing that these schools do not possess a minority certificate for the primary classes. It was claimed that the government imposed penalties on the non-complying schools and consequently the directive was challenged by the schools. The case is currently pending before the Supreme Court. Over 45,000 students' admissions via the second round of lottery were affected because of the litigation (Soni, 2018). Similar stories were reported from Madhya Pradesh as well, where around 47 private

schools had taken minority status in Indore since this provision was initiated, till the locking of seats for the 2018-19 session. Media reports from Agra highlight another lacuna in the non-participation of high fee private schools in the application process. Only schools that charge fees up to the reimbursement limit, which had been set at Rs 300 per month for Uttar Pradesh, are listed on the portal, denying parents and guardians the opportunity to apply to a vast section of high-quality schools (Lavania, 2018).

Lack of policy clarity after completing Class 8

RTE 12(1)(c), as any other RTE provision, applies only till middle school, or 14 years of age for a child. With the Act having been implemented 9 years ago, suggestions have been made to extend it to cover secondary schools, or to cover children till 16 years of age. The primary reason is the issue of low retention rates in higher and senior secondary classes. While primary retention rate in India is ~85%, the secondary retention rate is a meagre 57% (U-DISE Flash Statistics, 2015). It is clear that the policy has not yet given thought to the fact that private school education provided to students up to class 8th

would not be beneficial as adverse economic conditions or social issues like early marriage faced by children in disadvantaged sections of the society are among the major causes of the low retention rate in secondary schools in India. To ensure linkage of upper primary education to employability, students need to continue not just to secondary schools, but also enrol in vocational skill building courses sponsored by the government. The policy is silent on both requirements. A PIL filed in the Supreme Court by Social Jurist is seeking a change in the law to allow children admitted to private schools under the Act to extend studies till secondary school (PTI, 2018b).

A young boy with dark hair, wearing a white school shirt and a striped tie, is the central focus of the image. The entire image is overlaid with a semi-transparent purple color. The text 'Chapter 8' is written in a white, sans-serif font, with the number '8' being significantly larger than the word 'Chapter'.

Chapter 8

Implementation
gaps

Implementation gaps

Barriers to access of information

Lack of coherent information dissemination processes have been an impediment in the successful implementation of the provision. The window between the release of notifications and the opening of the application process has been an area of concern. Responses from Maharashtra, Madhya Pradesh and Uttar Pradesh have indicated that insufficient lead times led to situations wherein parents and guardians of the children were under-prepared due to difficulties in obtaining necessary documentation for filing applications on time. While most governments have an online portal for the release of notifications, reliance on this channel exclusively excludes the targeted beneficiaries due to limiting factors of e-literacy and accessibility. Also, the nature of the lottery process should be communicated beforehand. Parents and guardians must be made aware to exercise school preferences in exactly the order they would want to seek admissions for. Despite helplines being installed in many states, issues of lack of any kind of response from the administration notified helpline number persist (The Times of India, 2018e)



Documentation requirements

Single mothers have found it difficult to submit applications for their children as income certificates issued in their name were not accepted by several schools, despite the policy putting no such restriction in place (Borwankar, 2018). Children not having parents, or a legal guardian are excluded from the process in several states due to difficulties in obtaining the necessary documents.



Application centres

Lack of designated application centres have forced parents and guardians to rely on cyber cafes to submit their applications. This robs them the opportunity for counsel on various aspects of the process as the cafe staff are mostly inept at handling such situations. It also leaves scope for cafes to charge exorbitant rates for filling applications.

Online Application process

With many states choosing to transfer the application process online, several shortcomings in its implementation were brought to the fore. These have caused frequent disruptions to the application process leading to demands for extension of timelines.

School registration and mapping

On the integrated MIS platform in Uttarakhand, schools are required to register themselves on the portal. Once this is done, Block Education Officers (BEOs) are mandated to verify and mark schools eligible to participate in the process. Any unrecognised school that registers itself on the portal, is supposed to be rejected by the BEOs. Lapses in this process led to excess number of RTE seats, ultimately creating problems for those students who got allotted to such schools.

Another aspect of school registration that has caused problems is when schools register on portals but do not add their address. In the absence of a school address, no habitation is mapped to it resulting in situations where parents cannot apply to these schools. In Dehradun, parents complained about not finding schools on the portal, even when these schools were covered

under their neighbourhood limits (Budhwar, 2018). While such stories aren't restricted to Uttarakhand, school registration and mapping has been a major bottleneck for the past several years. There are challenges of incorrect/missing data with respect to schools not registered, unrecognized schools, closed schools, incorrect mapping and incorrect tags to habitations. Usage of private school registration portal data beyond U-DISE data, physical verification of a sample of schools to counter challenges of missing schools, incorrectly mapped schools and incorrect number of seats are among the major operational challenges faced in the implementation of an online process.

Limitations of online portals

There is a general lack of transparency in some states since schools in rural areas are not covered by the online portals. There have been reports of reluctance in accepting offline applications in locations where online applications are not possible or feasible. The process of confirming admissions via online portals still remains a challenge due to dependencies like confirmation that are required from schools.

Several forms of non-implementation /non-compliance in states

The states of Goa, Manipur, Mizoram, Sikkim and Telangana are yet to notify admissions under the provisions of RTE 12(1)(c). In response to a parliamentary query regarding the number of children admitted per State, under RTE 12(1)(c) in the last three years, MHRD responded that 13 States have claimed that the information is not available for some reason. This could mean that in 18 States, children are not fully benefiting under this Act in a proper and systematic way. Only 22 states/UTs have notified their per-child costs, which is a prerequisite for the Centre to release reimbursement funds to the states.



Schools rejecting admissions

Several schools in Mumbai stayed away from the process initially in 2018 and made several representations to the State and Central governments highlighting non-payment of reimbursements. CBSE schools in Chennai also kept away from the process citing defaults in payment of reimbursements (Sundaram, 2018). Grievances in Uttar Pradesh have called out schools for making fee claims to parents of children admitted under the quota, or rejecting admissions outright citing lack of reimbursement (S. Khan, personal communication, 2018).



Non-maintenance of child databases by the state

A 2017 CAG audit noted that as per RTE, local authorities are supposed to conduct regular household surveys to maintain data for children under their jurisdiction up to the age of 14 years. The CAG noted that between 2010-2016, only 14 states/ UTs had conducted these surveys, and no such regular surveys were conducted in the remaining 21 states/ UTs (CAG, 2017). Lack of reliable data for eligible beneficiaries makes the targeting process to identify potential beneficiaries difficult.



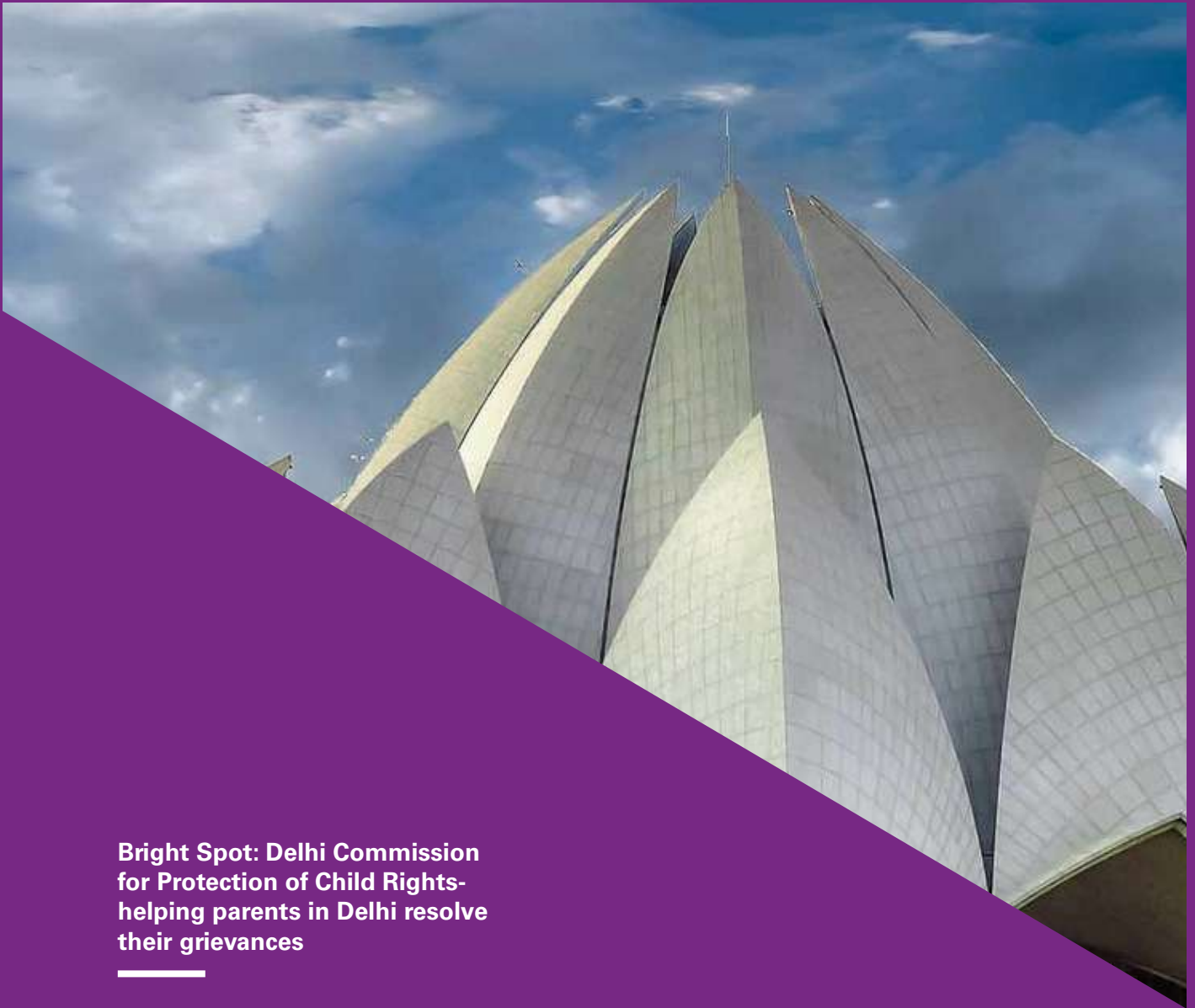
Lack of structured grievance redressal

The lack of a structured grievance redressal mechanism has led to high litigation surrounding RTE 12(1)(c). As per RTE Section 32, the National Commission for the Protection of Child Rights (NCPCR), and the respective State Commission for Protection for Child Rights (SCPCR) are mandated to serve as Ombudsmen and Appellate authorities for grievances related to the RTE Act. However, lack of an institutionalised mechanism to accept, escalate and resolve

grievances is a challenge. Several states witness student drop-offs post lottery allotment due to misaligned operational processes and lack of information for parents about the process of submitting and following up on grievances.

Under representation of disadvantaged groups like orphans, HIV, transgender

As noted previously, categories such as orphans, children with special needs, orphans, HIV+ children, transgender account for less than 1% of the total admissions in states such as Delhi, Gujarat, etc. A Supreme Court PIL filed in 2011 estimated the number of orphans in India to be around 11 million in 2013, which alone accounts for ~5% of the total child population of the country (estimating 200 million children as total) (Doval, 2015). Underprivileged children at a dual disadvantage are one of the most vulnerable groups of society, and thus require more coverage under the Act.



Bright Spot: Delhi Commission for Protection of Child Rights- helping parents in Delhi resolve their grievances

The Delhi Commission for Protection of Child Rights is committed to improving implementation of RTE Section 12(1)(c) and helping grieved parents in the resolution of complaints. The Commission has been actively following a rigorous process of documentation of all complaints, while also following-up with officers for resolution of issues during admission. Grievances relating to private school non-adherence are also dealt by the DCPCR by providing strict measures to prevent repeated occurrences of such cases in the future (A. Kundu, *personal communication*, 2018).

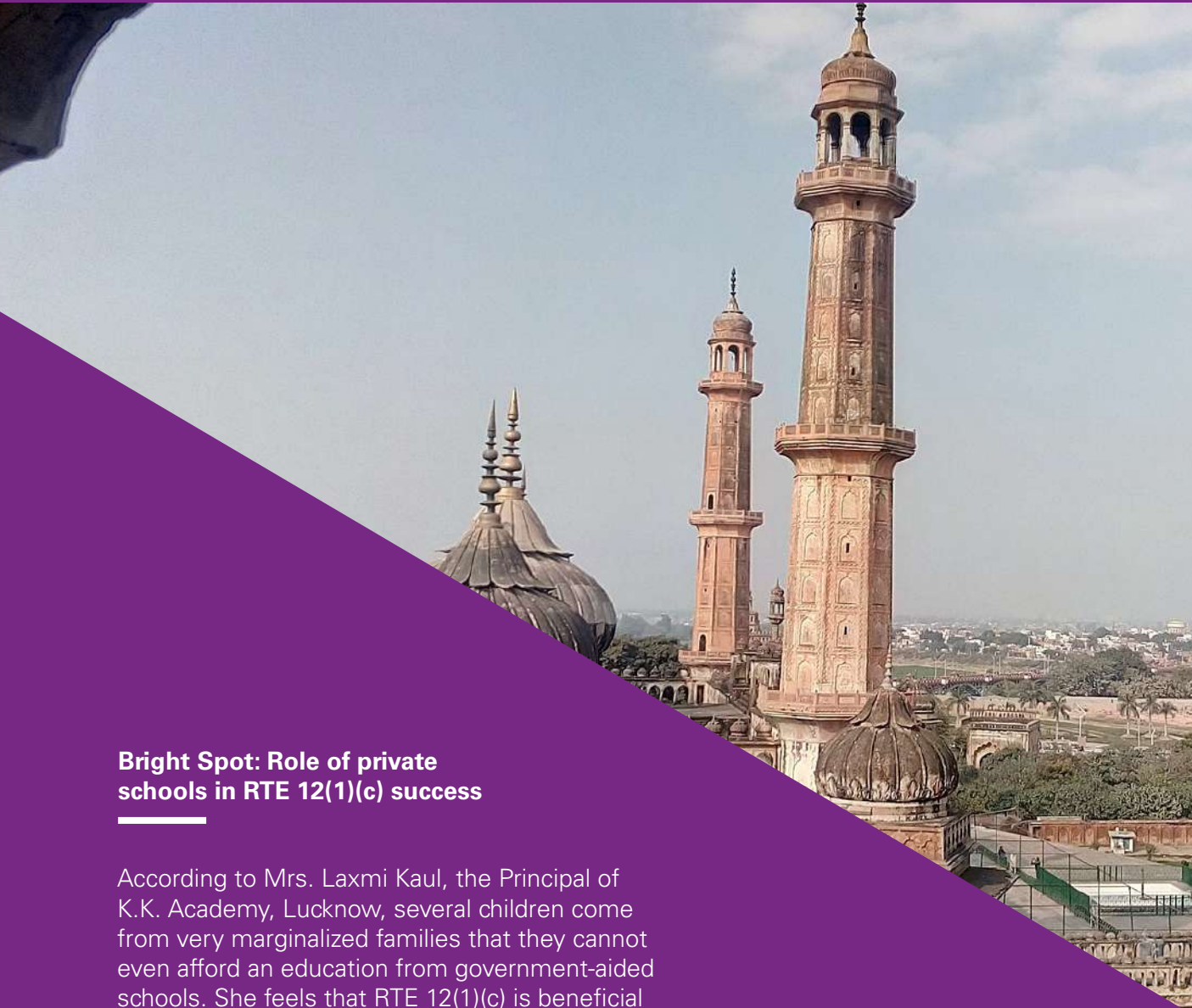
RTE overseeing bodies not formed

The constitution of National and State level Advisory Committees to advise the Central and State governments respectively for the implementation of the RTE is mandated by Section 33 and 34 of the RTE Act. Until 2017, 7 states and UTs were yet to constitute a State Advisory Committee (SAC). Concerns also arise over the frequency of SAC meetings. It was noted that 11 states did not hold even one meeting of the SAC, rendering the committees non-effective in the states (CAG, 2017).

Segregation in classrooms

While the spirit of the provision is to foster social cohesion and dismantle hierarchies in education, the issue of segregation is a problem that is antithetical to the provision and persists as a grave reality. It is to be noted that the MHRD's clarification document on RTE (Ministry of Human Resources and Development, n.d.) clearly indicated that the major intention of the policy was to ensure a synergistic learning environment in classrooms where children from different backgrounds could learn together and grow to experience the classroom as a

class-less environment. However, with no training provided to private school educators on sensitization and managing a diverse classroom, discrimination and class boundaries are still an unfortunate reality in most private schools. The NCPCR's 2017 report on analysis of RTE 12(1)(c) in Delhi revealed that for a sample of 44 private schools in the capital, in around 94% of the schools, no visible discrimination was observed between the students. However, nearly 33% of teachers observed a learning/achievement gap in students admitted under Section 12(1)(c). Additionally, school principals were not in favour of RTE 12(1)(c) due to biases regarding poor hygiene and conduct of students, their low learning levels and systemic issues such as reimbursements and fake certificates. While children may not discriminate amongst themselves, the lack of training to private school teachers and educators to manage the classroom with children from different social backgrounds lead to the creation of biases in their perception and treatment of students admitted under the quota. High hidden costs for extra-curricular activities also create barriers for children to assimilate with their classmates (NCPCR, n.d).



Bright Spot: Role of private schools in RTE 12(1)(c) success

According to Mrs. Laxmi Kaul, the Principal of K.K. Academy, Lucknow, several children come from very marginalized families that they cannot even afford an education from government-aided schools. She feels that RTE 12(1)(c) is beneficial for those parents who want their children to get access to quality education but are restricted by financial constraints. As part of their efforts towards the successful implementation of the Act, K.K Academy provides after-school classes and puts in extra efforts to ensure that the children admitted under the RTE quota are at par with the other children in the school. Mrs. Kaul points to the fact that there is a noticeable change in the students' academic achievement over the years since the school started its efforts. Her only concern is the lack of a monitoring mechanism from the government to ensure better learning outcomes of the children, which is essential so that the spirit of the provision is not diluted. (S. Khan, personal communication, 2018).

Retention rates not available

Lack of school monitoring processes for both government and private schools in most states creates challenges to ensure post-enrolment follow-ups and ensure private school accountability. Currently there are no follow up processes in place for post-enrolment student inclusion and well-being. The purpose of the policy is defeated due to a lack of clarity on the definition of dropouts across states, no system in place to check and track dropouts, inability of existing school monitoring applications to be extended to largest private schools, etc.

Delays in admission processes

Admission under the 25% quota can be significantly delayed due to administrative delays or issues from the schools' end (not reporting mapping to neighbourhood, delay in providing seat counts to government, etc.). The admission process should ideally be completed by April when schools reopen for the new academic year, and even with leeway in the system, by mid-June when schools reopen after vacations. Yet, admissions are known to continue beyond July also, significantly behind the timelines for the remaining 75% students.

Lack of a time bound reimbursement model

No codified process is in place in any state to assign a timeline and process by which state to school reimbursements will be conducted. Rajasthan and Madhya Pradesh have instituted online reimbursement processes but delays due to lack of swift action against non-abiding private schools are common.



Bright Spot: Progressively raising income limits in Gujarat

Gujarat has been progressively raising income limits to include larger sections of lower income groups within the ambit of the economically weaker section category. The limits have been revised from Rs. 36,000 for urban and Rs. 27,000 for rural in 2013 to Rs. 68,000 for urban and Rs. 47,000 for rural in 2015. This year the limits were further raised to Rs. 1,50,000 for urban and Rs. 1,20,000 for rural, which, though not among the higher limits among other states, signals a positive change. A quick perusal of the minimum wage in the state reveals an annual income of not more than 1,10,000. Based on the previous limits, large sections of the population fell beyond the purview of the quota. On its part, the government has cited an increase in the economic levels of the state for raising income limits. The number of applications this year witnessed a jump from 1.09 applications per seat in 2017 to ~4 applications per seat this year.

(M. Devolla, personal communication, 2018)



Bright Spot: Children with debilitating disease gain access to private schools

Mr. Sanjeev Kumar lives with his wife and three children at Gumaniwala, Shyampur, Rishikesh. Like many other working-class parents, he sends his elder children studying in 6th and 8th grade to a government school in Rishikesh. His disappointment at not being able to provide better education to his children heightened after the arrival of his third child, Anmol. Anmol is a young boy suffering from diabetes for the past one and a half years. The family expends a large portion of their income on his insulin treatment. Amidst the burden of the cost of healthcare, in most instances, a child of Anmol's medico-economic background would have been deprived of education. However, his parents credit the moment they learnt about Anmol's name being cleared in the RTE 25% seats lottery as a moment of jubilation. Anmol got admission in Swami Omkaranand Montessori School, Rishikesh, under the 25% quota for EWS and disadvantaged groups under RTE 12(1)(c). According to Mr. Kumar, it was no ordinary achievement for the family, given Anmol's condition and the problems being faced by the family. *(D. Bhatt, personal communication, 2018)*



Chapter 9

**Setting the
agenda for an
inclusive future**

Setting the agenda for an inclusive future

Best policy practices: Model practices that enhance the spirit of the provision

Clear policy definitions and document requirements

The definition of disadvantaged groups should be expanded to include vulnerable sections of society, such as HIV positive children, Orphans, Children of Martyr soldier/war widow etc. Some states are also not covering categories such as children without any home and settled place, found begging, street children, children in foster care, children of manual scavengers, migrants, construction workers, road-workers and children of landless agricultural labour. In 2017, the Supreme Court had asked all states to include HIV+ kids under the disadvantaged children category. Post this ruling, 68 HIV-positive children were admitted under the provisions of the act in Madhya Pradesh in 2018 (Yousuf, 2018). It is also important for a state to open policy drafts for public suggestions before instituting it in the state. Age criteria should be relaxed for children with special needs as these

children are often excluded from early education opportunities as few schools have the required facilities and trained teachers to accommodate them. Evidence from Delhi has suggested that the application ratio between boys and girls with a ratio of 3:2 is skewed in favour of boys (Directorate of Education, Govt. of NCT of Delhi, 2018). To prevent such distortions from overly skewing the gender balance in admissions, states like Uttarakhand and Bihar have provisioned for a 50% reservation of allotted seats for girl children. This would also be in line with India's efforts to "Achieve gender equality and empower all women and girls" as per Goal 5 of the UN Sustainable Development Goals (United Nations, 2015).

Sync 25% admission cycle with remaining 75% admissions

It is necessary that 12(1)(c) admissions must happen before the start of the academic year. Importantly, this ensures that the child does not lose out on academic instruction days and can be prepared for entry into school by undergoing any preparatory or bridge courses, should the need be. Parents and guardians of children are also given sufficient time to make alternate arrangements in case of unfavourable lottery results. A delay in the process can also cause the child to become ineligible for admission as he/she may hit the 6-year mark during the 9-10-month long process that states currently have.

For admissions, it is expected that each state will run a minimum of two rounds of lottery which are 3 months apart. While applications and lottery results can be completed in a 30-45-day period in an online process, delays are mostly caused due to long school mapping and registration processes, data collection of actual admissions to close seats between multiple lottery rounds, or delays in document/Aadhaar verification post lottery result announcements. To allow room for these processes due to dependencies on schools, it is ideal to start the online application

process from September instead of February. By giving 3 months for each lottery round, students can join by April, which is the time private schools open across the country. One way to speed up the process is to ensure that schools who register in Year 1 on the portal declare seats for 2 years, including the next academic year. This process will reduce the time taken for school mapping and registration every year, with only new schools incrementally being added to the portal. Civil action via a PIL can urge judiciary to ask states to publish dates of lottery results for each round and ensure closure of the admissions process.

School Registration and Mapping

In deciding the number of seats that are reserved under the RTE quota, some schools have sought to admit 1 child under RTE for every 3 children admitted in the open category. While this approach would still satisfy the 25% mandate, it creates bottlenecks in implementation as admissions get delayed as the schools ensure that they fill up open seats on priority. It is essential to streamline this process by ensuring that schools automatically reserve 25% of the seats available for admission in that academic year, and de-link it from actual admissions

taking place. Uttar Pradesh faces challenges in school mapping since there is no GIS based mapping mechanism and the entire process is done manually in the Basic Siksha Abhiyan office overseeing the ward. For the purpose of getting errors corrected, the state has resorted to crowd-source citizen requests for mapping changes (Govt. of Uttar Pradesh, Right to Education, 2018). In situations where the wards are very large, mapping to one ward alone can be an initial solution, the same holding true for pin-code based mapping also. However, within Year 2 of launching online operations, states should opt for GIS based mapping to display schools within a given radius of the parent's habitation.

Gujarat has had a successful experience with school mapping through photograph-based GIS mapping to capture latitude/longitude of schools, as well as maps enabled feature in the online student application enabling a parent to pin their location on a landmark on the map. In the 2018-19 academic year, government officials utilized an online application to visit schools and capture photographs on site. The application was able to locate the latitude and longitude of the school using the GPS coordinates of the phone when the photograph was clicked. Each government official (called a verifier, typically a government school teacher, block

or cluster resource officer) was assigned 50 schools to verify. Additionally, the online application form also allowed parents to narrow down number of schools in the dropdown by selecting district, taluka and village/area. The parent would then enter a landmark and drop their address pin in Google Maps on the landmark. Combined together, the school and student mapping led to high accuracy with lower reporting of children being allocated schools erroneously (Y. Pandya, September 25, 2018). It should be noted that while GIS based mapping is helpful and allows more accurate mapping of both schools and parents, most parents fill application forms from cyber cafes and may struggle to locate their home address online.

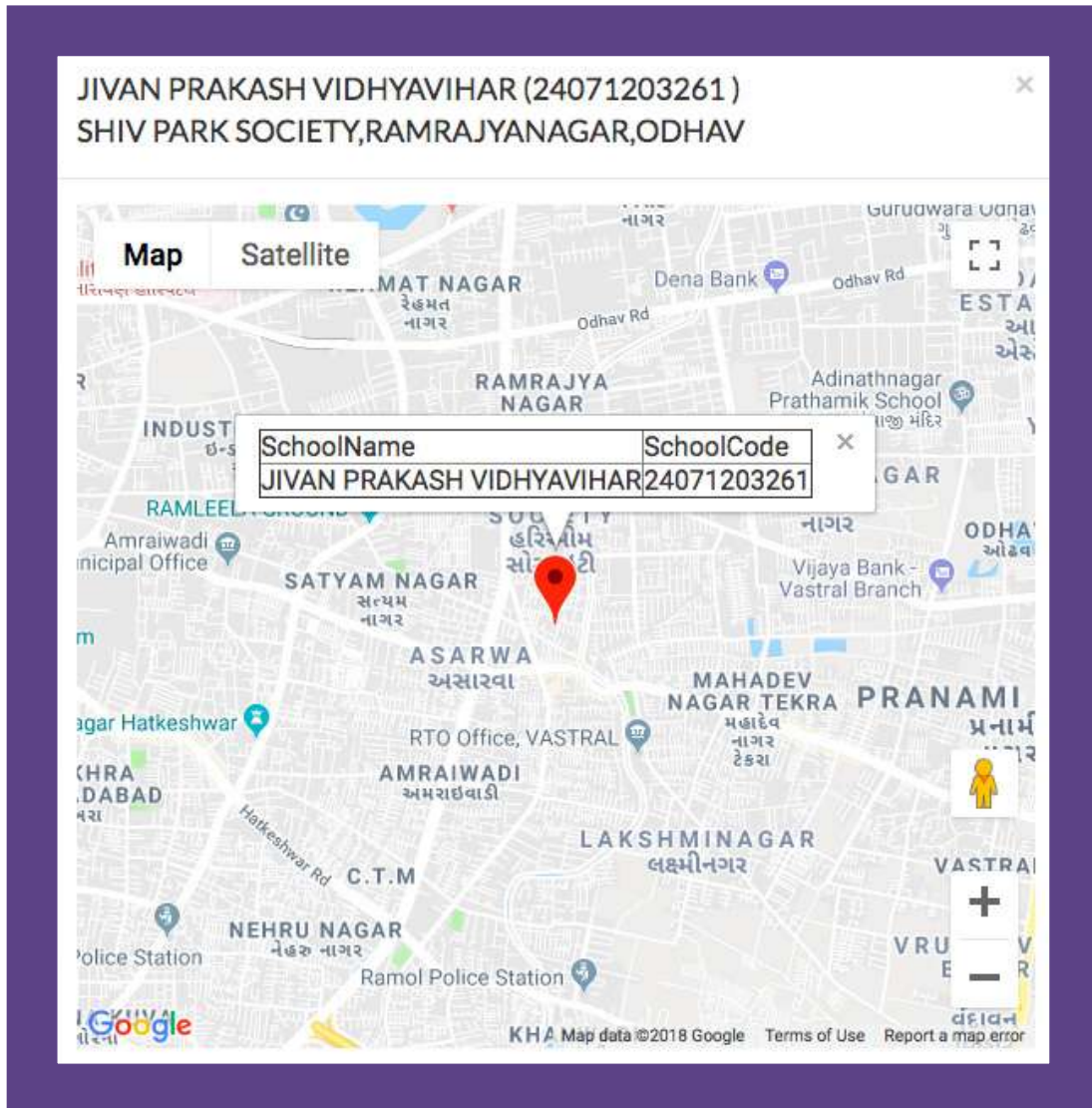


Figure 16: GIS based school location mapping for Jivan Prakash VidyaVihar school, Ahmedabad on the Gujarat RTE portal

(Source: Govt. of Gujarat Right to Education Portal. 2018. Retrieved September 15, 2018, from <http://www.rtegujarat.org/Home/SchoolList?DistrictCode=2434&BlockCode=240712&VillageCode=&SearchString=Jivan+Prakash>)

Streamlined communication from states to stakeholders

Structured communication channels are necessary for streamlined information dissemination. There is a need to ensure that notifications are released with a sufficient lead time of at least 1 month prior to the beginning of the application process in order to ensure that necessary documents can be obtained beforehand. With the lead times necessary for obtaining documents like income certificates, releasing notification sufficiently ahead will help ease efforts to be taken by the applicants. This window can also be utilised to mobilise outreach efforts and ensure that the beneficiaries become aware of the provision and the processes involved. The initial notifications should also have clear instructions on the processes being followed for the admissions process, the documents that are required, procedures for

obtaining them, timelines, locations of application centres, and helpline numbers for any clarification that may be required. A list of FAQs can also be created as a ready-reckoner and cushion the helpline process. Video tutorials detailing the scope of RTE 12(1)(c), the application process and the methods to obtain the required documents should be hosted on all the portals and socialised through other means as well, for raising awareness and clarifying the most pressing questions. Ensuring coverage in vernacular print and audio/visual media are imperative to successfully reach the targeted beneficiaries. Involvement of Anganwadi centres as information centres helps in this process due to the alignment with the targeted beneficiaries. The wide network of the centres can also be used to communicate processes and changes being made, if any.



Application centres

In the shift to online applications, it is vital to ensure that barriers of access are not created by denying the intended beneficiaries the opportunity to submit applications. There are valid concerns of whether parents of beneficiaries are able to understand the online process and if they find it easier to submit a hard copy application form at no cost rather than relying on internet cafes with a cost per application ranging around Rs. 500. Using Citizen Service Centres like the states of Karnataka through Bangalore-One centres is a positive approach as it taps into a network that people are well aware of. Using existing government infrastructure like Jan Suvidha Kendras, block offices and district offices as application centres, the Chhattisgarh government was able to fill ~38,000 seats in the state in 2018 in the first round of the lottery itself, when, in 2017, the state could fill ~37,000 seats via an offline process in the entire year. The number of seats filled in 2018 is expected to rise in the subsequent lottery rounds. The State department also noted that application verification process was strengthened, and applications that were incorrectly submitted, were rejected with clear reasons being given, increasing transparency in the system (National Informatics Commission, Govt. of Chhattisgarh, 2018).

Allow re-application in subsequent lottery rounds

The option for a parent to revise school choices or fill a new application in subsequent lottery rounds can help parents correct errors in judgement while choosing schools. Most parents are dependent on the help they receive from application centre staff during application filing (cyber cafe owners, Jan Suvidha Kendra officers, etc.) because of the lack of knowledge about the better private schools in their localities. Karnataka allows school choice revision and Uttar Pradesh allows new applications to be submitted if a child is not allotted a seat after the first round of lottery.

Helpline

A centralised helpline to answer any queries that the parents and guardians may have is a necessary prerequisite to ensure a smooth admissions process. Using Interactive Voice Response (IVR) based processes with pre-recorded messages can be a means to answer frequently asked questions. This can help ease out situations with high call volumes and ensure speedy dissemination of information. Such a facility should also involve the option to speak directly to a member of the helpline team for answering any other queries related to the process.

Retention and tracking via integrated MIS

While ensuring that the admissions process is smooth and the intended beneficiaries are able to avail of the benefits of the quota covers the implementation aspects of the provision, the success of the provision lies in ensuring retention of these admitted students. This demands mechanisms to be put in place to monitor student performance and track student retention. Madhya Pradesh offers an innovative solution by tracking through the Samagra Samajik Suraksha Mission ID (SSSMID). The SSSMID, which serves as a unique

ID for residents in MP and predates Aadhaar, is linked to the RTE portal and helps in determining eligibility criteria as well (Tabassum, personal communication, 2018). Maharashtra, through its Saral portal also ensures the monitoring of student performance (T. Sutradhar, personal communication, 2018).

Acceptance of child's proofs basis local context

For migrant workers, acceptance of wide variety of documents as residence proof should be instituted. Residence proofs should be issued by Jan Suvidha Kendras within a given time period, and rent agreements should be accepted as legal address proofs. For RTE 12(1) (c) specifically, residence proofs should be issued by local authorities in a prescribed common format across the state to enable easier checks and prevention of fraud. It is important to note that the most common cases of fraud occur in the case of caste or income certificates (Gujarat, Chhattisgarh). The most common issue with residence proofs is the lack of availability rather than actual fraud, since very often families reside in illegal occupations with no other option to survive. Aadhaar should not be mandated as compulsory during the admissions process. When Aadhaar details are collected, sufficient relaxation

periods must be provided for a child not in possession of the Aadhaar ID to apply for it and provide the same within the extended timelines. If a child is unable to provide a caste certificate under the disadvantaged category, the application should be considered under the EWS category if they are in possession of a BPL card or have incomes below the defined income limits.



Easy-to-use online portal

Integrated MIS

Online portals have been instrumental in centralising admissions, bring scale to the processes and help ease ways to build greater transparency. States have found utility in the online process and different states have portals at varying levels of maturity. For an online portal to be successful, the following features have been found beneficial:

1. Integrated modules with all associated processes on the same portal to ensure data validation and transparency.
2. School registration and mapping to be done via a centralized system to avoid collection and compilation of data from districts manually.
3. Verification of documents in the application modules to be completed before the lottery allotment so that schools cannot reject applications on the basis of lack of documentary proofs.

Online processes help achieve scale to a large degree as it enables governments to save time on data collection/digitization processes. Meerut district in Uttar Pradesh noted a sharp increase in RTE admissions as soon as the process went online in the district (Bhatia, 2018).



Accuracy of data

The Portal should always show up-to-date school data so that incorrect allotments are not made, for example, to schools that have been shut down. There should be clear representation of participating schools, number of seats available and distance from the applicant's location. There should be clear and easy to access mechanisms to report inaccuracies such as a grievance tab within the application form and a citizen request feature to take suggestions regarding changes to be made.

Application process

The application form should be simple, with as many dropdowns as possible from existing databases that have been verified with physical sample checks. Not requiring uploading documents during the application process diffuses a major pain point for not only beneficiary parents and guardians but also on demands from servers for hosting the portal. Karnataka has enabled the real-time verification of digital income certificates (R. Kumar, personal communication, 2018). Maharashtra requires only the document ID to be shared, and Chhattisgarh prompts for an availability check of the documents, during the application process, making provisions for its physical verification after application submission (T. Sutradhar & H. Pothula, personal communication, 2018). These processes ensure that an applicant would not be later denied admission at the school due to inaccuracies in the documents as any corrective measures needed could be taken during the application process itself.



Grievance Redressal

It is necessary to provide mechanisms that define complaint receiving authorities, timelines for resolution, modes of communicating resolutions, and appellate authorities for escalation if needed. This information needs to be prominently displayed and be carried along with the notifications that are issued. Mechanisms to track the status of a complaint should also be created to know the real-time status of the complaint. These should be publicly available with the next steps clearly indicated. The best process is a helpline based online grievance redressal system with SMS service wherein parents can call and register complaints related to the matter, receive a complaint registration number and have easy means to follow-up for resolution.





Reimbursements

States need to reimburse the cost of books and uniforms to students since it can become a hindrance for the child to be able to attend school. The costs of books and uniforms can rise up to Rs. 12,000 a year in private schools (Delhi). The provision of allotment of costs for books and uniforms should also be uniform across states (NCPCR, n.d.).



Chapter 10

**Model MIS
system**

Model MIS system

A model online MIS system for enabling RTE 12(1)(c) admissions is based on the principles of inclusion and end-to-end integration to act as a one-stop solution for all procedural requirements and accessible to all stakeholders- schools, parents, children, government and civil society.

Features of an ideal MIS system

An ideal MIS system would include the below features:

A

School registration

- 1.** Comparison with U-DISE data to compare unaided school count using U-DISE codes.
- 2.** Can be integrated with private school registration data to pull information on schools by default and track schools that do not register.
- 3.** School location mapping using GIS- photograph to be clicked and submitted by schools and coordinates to be triangulated using photograph. Pilot to be conducted by vendor with error% limited to 5-10%.
- 4.** School list with number of seats to be made public.

B**Student registration**

1. Student location mapping using GIS to pick up student's location.
2. User friendly portal.
3. Single point for all information related to student's bank account details, age, address, location and school choices.
4. Mobile application for student registration to allow smartphone owners to submit applications directly.
5. Allow students to view entire list of schools with vacant seats updated after each round of lottery during application submission.

C**Lottery**

1. Lottery logic designed using benchmarks from various states.
2. Combines best aspects of fairness and rigour.
3. Allows students to revise options if no allotment is made in the first round.
4. Allows multiple rounds to run.

D

Admissions process

1. Lottery list can be used to track admissions per school within the deadline before the start of the school's academic year.
2. Integrate with state's public service databases to verify certificate authenticity.

E

Student attendance and learning outcomes tracking

1. Student's average attendance for the year and average grades to be uploaded by school before reimbursement can be provided.
2. Module should check dropout status by definition (e.g.- based on attendance), check teacher's perception per student, and allow school to enter results related to child's emotional health and acclimatization conditions.
3. Physical inspections on sample of schools in February for 1 month every year for auditing previous year's admitted students (list to be available from portal).

F**Reimbursement**

1. Schools can use student by student information to update enrolment for fee reimbursement.
2. Upload documents as per state policy requirements, fee slips, student report card copies, etc.

G**Grievance Redressal system**

1. Application ID based login should be used to register complaints and assign docket numbers.
2. List of complaints to be automatically assigned to block/district officer.
3. Block/district to resolve issues within fixed timeline.
4. Report with issues pending beyond 1 week to be provided to SSA and uploaded online in public domain.
5. SMS based updates to parent and student for redressal.

Public dashboards for monitoring by government, parents and civil society



Bright Spot: Chhattisgarh's MIS system launched by NIC

The Chhattisgarh MIS platform is a comprehensive and easy to use platform for all stakeholders. Applicants can fill out the application form through a link provided on the portal. There are different login options for DPIs, DEOs, Nodal Officers, and Private Schools. In addition, there is a clear mechanism for grievance submission and tracking, available to everyone, without having to login. School details, including the total number of seats and fees, as well as the habitation-wise list of schools and their information, as mapped by the DEO, is also available publicly without the need for a login. All materials that are to be sent to the Nodal Officers and Private Schools, including user manuals and videos created for them, are hosted on the portal.

The content has been developed in Hindi, which is widely spoken in the state. In 2018, there were no website crashes reported even during the peak time of the application process, which are usually the first and last few days of the application window.

(M. Dhariwal, personal communication, 2018).



A young boy with dark hair and a serious expression stands in a rural, sandy environment. He is carrying a long, thin wooden stick horizontally across his shoulders, holding it with both hands. He is wearing a light-colored, sleeveless tank top with the words "Soul Power" printed on it in a blue, cursive font, and red shorts. The background shows a dirt path, some sparse vegetation, and a simple structure with a thatched roof in the distance. The entire image has a semi-transparent purple overlay.

Chapter

11

Model Reimbursement Framework

Model Reimbursement Framework

Previous research on RTE 12(1)(c) has raised higher order issues like the variation in methodologies used by states to calculate per-child costs, lack of clarity in state policies for consideration of budget heads to be included in per-child cost calculations and a lack of coverage of ancillary costs in the reimbursements. Recent evidence from Parliamentary responses regarding the refusal of reimbursements have also revealed a lack of alignment between states/UTs and the centre on reimbursement of costs related to admissions for pre-primary classes, as SSA budgets do not cover pre-primary expenditure. There are additional issues present such as differences in year considered for budgetary cost in per-child calculation, year of filing reimbursement and the year of receiving reimbursement by the states. It is clear that MHRD expects reimbursements to be released based on actuals rather than projections, which means that state SSA budgets need to avoid claims based on estimates of expenditure. The lack of a streamlined disbursement framework both at the Central level and the State level is one of biggest reasons that reimbursements are not processed. A model disbursement framework for both the MHRD and State governments needs to be designed so as to ensure that there is a streamlined disbursal of reimbursements at all levels.

The model disbursement framework would have the following key components:

1. Policy clarifications:

- a. Reimbursement cycles
- b. Per-child cost notification

2. Online student tracking and reimbursement module:

- a. Online tracking, module for students admitted under RTE 12(1)(c)
- b. Online reimbursement module linked to student tracking including coverage for ancillary expenditure such as books and uniforms as notified in the state's policy
- c. Online reimbursement report and AWP&B proposal generation from student level data, aggregated to the district and state level

3. Social audits

- a. Sample offline checks in a few schools for verification of student category, enrollment status, attendance, books and uniform distribution, etc.

Policy clarifications

Reimbursement cycles have to be clearly notified to private schools in state RTE 12(1)(c) notifications. To encourage regular student tracking and accountability, and accurate reporting by private schools, 2-3 reimbursement cycles should be instituted in the state. Rajasthan and Madhya Pradesh are model states that follow an online reimbursement system that allows for reimbursement in 2 cycles throughout the year. The per-child cost notification by the state's Finance Department using U-DISE data for student count in government schools should be released before the first cycle of reimbursement based on the previous financial year's budget and latest U-DISE data. The per-child cost should be updated by the state department in the online modules as discussed below.

Online student tracking, reimbursement and report generation

An online integrated MIS system that is linked to private school registration, student applications and lottery allotments through a centralized lottery system, will have the list of applicants who were allotted seats as per each school registered on the system. Such model systems have been adopted by states like Rajasthan, Madhya Pradesh, Gujarat, Maharashtra and Karnataka. The model MIS system has also been discussed in the report in Section "Setting the Agenda". On these portals, schools can be provided logins to update the admission status of such students which can assist in student tracking.

The student tracking module has the below features:

1. Option for updating allotted, enrolled, rejected and dropout status.
2. Updating attendance of all enrolled students on a monthly basis.
3. Updating enrollment status (continuing classes/dropped-out) of enrolled students.
4. Updating grades achievement of all enrolled students - including marks obtained, maximum and average marks.
5. Student specific reimbursements input (if applicable- eg: books, uniforms in some schools, school bags, worksheets in other schools).

Data of the students eligible for reimbursement can flow into the reimbursement module which can allow schools to enter the information regarding reimbursements due to them in lieu of tuition & other expenses incurred for children admitted under the provision.

The reimbursement module will have the below framework:

1. **Linkage with School registration:** Schools enter their Seats and Fee Details which are then verified by nodal/block/ward officers.
2. **Linkage with student tracking:** States should define rules for qualifying students eligible for reimbursement. Schools should be required to update any dropouts during the academic year through the Student Tracking module, following which the reimbursement amount due will be adjusted accordingly. A random sample check of whether documents submitted online, match with actual claims can be done. In Madhya Pradesh, schools need to verify a minimum attendance of 75% for the child. Every state typically has their own definition to define a dropout, which is also linked to attendance sometimes. This is because children in government schools attend school intermittently and may have sparring attendance across several months. From an academic point of view, this is equivalent to a dropout and requires the same level of intervention on the part of the school. Hence dropouts can be defined by designating a rule based on attendance of child in a given time period. Schools are also supposed to ensure a minimum of 50% admission rate of students allotted under lottery to be able to claim any reimbursements.
3. **Linkage with per-child cost cap:** The reimbursement amount due to the school should be subject to a cap of the per-child cost pre-determined by the State Government.
4. **Generation of reimbursement reports and proposals for state government submission:** Based on the number of students admitted and the fees (tuition and other fees) claimed by the school, a reimbursement demand can be generated which should be available to the district officer.
5. **Linkage with disbursement to schools:** District should be able to update payment confirmation to schools in total, or one by one. Schools should receive alerts via email and SMS to confirm release of payments and acknowledge payments through their own logins.

Social audits

To ensure accuracy of the data submitted and to fix accountability of schools to provide correct information regularly, the state should choose a sample of schools across districts and conduct physical checks of students for whom reimbursement has been claimed. Visits from cluster level officers in regions with low vacancy of government official positions should be done to check the following:

- Check of students' physical presence in classroom, attendance records.
- Check of student's income category with a home visit.
- Check of school fee records and receipts maintained on premises.

Within 1 year of implementation, a random sample check of ~20 schools per district can provide an accurate picture to the state government regarding accuracy of the information entered.







Chapter 12

**School
readiness
and academic
inclusion- a
case for post-
enrolment
support**

School readiness and academic inclusion- a case for post-enrolment support

Students from economically weaker sections admitted under the Act face several challenges in their school environment such as catching up to the academic demands as well as cultural adjustments with peers. The implication of such situations can be school dropouts. Thus, it is an important area of intervention where NGOs or CSR initiatives have a role to play. Through well-designed school readiness and catch-up campaigns, these interventions can support both students and parents to enable academic achievement and fulfilment of the social goals of the Act.

Importance of school readiness in school success

It is clear that a child's first 5 years of life are critical for the establishment of early cognitive, social-emotional, and regulatory skills and competencies that serve as precursors for lifelong adaptation and functioning (Shonkoff & Phillips, 2000). The settings in which young children grow and develop, and the interactions and experiences they encounter in these highly formative years, set the stage for later learning. The first 5 years are filled with antecedent events, experiences, and relationships that either support or diminish children's abilities to benefit from new and ongoing opportunities and acquire basic and complex social-emotional and cognitive skills.

Thus, the degree to which children are poised for learning upon entering the formal school environment is predicated in very large part on what transpires well before they enter the school door. The cumulative effect of interrelated factors such as poverty, low parental education, parental mental health concerns, and living in a linguistically isolated household presents particular challenges for the development of young children. Early differences in performance

do not necessarily disappear as children progress through school; in fact, the achievement gaps between children of advantaged and disadvantaged backgrounds tend to widen over time. (Chatterji, 2006; Future of Children, 2005). Given this knowledge from literature, one can assume that economically disadvantaged families entering schools through RTE 12(1)(c) are at risk of falling behind academically, unless interventions and support systems are created at an early stage to ensure their equitable access to quality education.

It is thus necessary to identify effective methods of enhancing the early learning experiences of children across diverse environments and supporting school preparedness. Adopting an ecological perspective, we can perceive school readiness for all children

1. **As** starting at home, well before a child enters a formal child care or pre-school setting; and
2. **In** terms of relationships among the child, family, and school, and their interactions with one another.

Specifically, we conceptualize school readiness to include the capabilities of children, families, and practicing professionals that promote positive and adaptive student outcomes

in formal and informal educational settings. In addition, we define school readiness for children across a span of developmental dimensions including cognitive, physical, and social-emotional capacities of children and their interrelationships with one another (National Education Goals Panel, 1997; K. L. Snow, 2006, 2007).

Children with interpersonal and behavioural competence engage more with peers and teachers, participate in classroom activities, enjoy learning, and are more likely to experience a positive transition from home to kindergarten. Young children's interpersonal (affective) and behavioural (regulatory) competence has been shown to predict their academic performance in first grade beyond their cognitive skills and family backgrounds (Raver & Knitzer, 2002). It also continues to contribute to academic success in reading and math through sixth grade. Yet, many children do not possess the social-emotional competence necessary to function effectively in a formal educational setting. Hence it is safe to say that school readiness is a crucial predictor of social and academic inclusion of a child while transitioning into a school system.

Taken together, these findings indicate a need for interventions that can positively impact school

readiness competence in young children living in disadvantaged conditions. The tasks associated with social competence at school can be difficult for children in poverty. Stress experienced by families in poverty has been found to relate to diminished levels of emotional support and inconsistent guidance in parenting. Low socio-economic status and familial instability, and the concomitant risk factors typically associated with them (e.g., low maternal education, single or variable parental status, lack of daily routines, lack of adequate nutrition and medical care, exposure to an impoverished or dangerous neighbourhood), predict a host of social adjustment problems, particularly when these stressors are cumulative. The preschool period provides an important window of opportunity to foster social-emotional learning, including interpersonal competencies and behavioural regulation, and may be especially influential when intervention efforts seek to strengthen environments that influence the daily experiences of young children, mainly parents and their capacities.

Current state of School Readiness in India

In 2017, the Centre for Early Childhood Education and Development, Ambedkar University in partnership with The World Bank Group and ASER conducted a 5-year study for 13,000 four-year-old children in Assam, Rajasthan and Telangana. The study used The World Bank's School readiness assessment to assess children, according to which, most scores were below 40%. The study showed that school readiness scores at age 5 were strong predictors of learning outcomes at ages 6 and 7, and thus by building a higher school readiness score at age 5, children could do better on more conceptual tasks in subsequent years. It also showed that children who had learning support and reading materials at home scored around 15% higher in early grade scores. Parents doing simple activities with children helped their cognitive development. Strategies which promoted family engagement in preschools could help improve children's school readiness and learning outcomes.

Indus Action, during its RTE 12(1) (c) enrolment drive, assessed a sample of 500 children from the 2000 families that came to apply for the lottery in New Delhi in 2018, on the same school readiness scale.

It was found that 83% of these children were not cognitively ready to attend school and were at a risk of academic exclusion even after winning the lottery to a free private school education.

Given the evidence from literature and our primary and secondary research on school readiness in India's context, the RTE 12(1)(c) beneficiary families need school readiness and transition support in order to mitigate the academic and social exclusion, in years to come.

Experiments for an enduring solution

School readiness for children and their families occurs through the development of positive relationships within the home (i.e., parent–child relationships) and between the multiple interacting ecological systems of the home and other supportive environments (i.e., parent–teacher relationships). Early education and intervention programs can promote children’s readiness skills, including social– emotional competencies, via relational contexts that permeate across home and school systems. These include the teacher–child relationship, the parent–child relationship, and the parent–professional relationship. The latter two relationships have, as a foundation, the active engagement of parents as significant contributors to, and partners in, a child’s learning and development. It is these parent-based relationships that form the foundation of school readiness. We define parent engagement as comprising three dimensions of parental behaviours that are highly predictive of children’s social– emotional learning and cognitive development (NICHD Early Child Care Research Network, 2002):

1. **Parental** warmth and sensitivity,
2. **Support** for a child’s emerging autonomy, and
3. **Active** participation in learning

In India’s context, the Ministry of Women and Child Development runs a flagship programme of Government of India, called the Integrated Child Development Services (ICDS) to tackle early childhood development needs discussed above. The Program aims at providing Pre-School and Non-formal education, while breaking the cycle of poverty, malnutrition and reduced learning capacities through an expansive network of 40,000 community centres and community workers. While the ICDS has improved the status of infant malnutrition, vaccinations and the infant mortality rate, there is not enough stress on equipping parents with early psychosocial stimulation skills, building a secure home base for children to thrive and social-emotional learning of children (ICDS-WCD, 2017). Additionally, its current plan of action and services largely miss out on making this a reality. These gaps in turn affect the school readiness of children, leading to school dropouts in later years for most disadvantaged families (Table 6).

State/UT	Retention Rate (%)
Delhi	83%
Uttar Pradesh	76%
Bihar	68%

Table 6: Retention rates of different states conducted with samples (2018)
(Source: Indus Action Retention Survey 2018)

Proposed Solution

The Broad Framework for implementation of the Integrated Child Development Services Mission (2013) proposes 3 solutions to the problem of school readiness:

1. **Focusing** on Early Childhood Care and Education (ECCE) as an integral part of the ICDS and not just nutrition.
2. **Parent-led** Anganwadi Centre (AWC) based interventions for coaching parents on early stimulation and care-giving.
3. **Parent-led** home-based intervention for early childhood education.

The proposed solution is a parent engagement program that helps disadvantaged families get cognitively and socially ready for school. The program has been tested by conducting a 5-week summer camp with Delhi's budget private schools in 2016-17 for mothers and children in three low-income communities which yielded 35% average growth in numeracy and literacy levels of 4-6-year-old children. Currently, a pilot program is running on this model with 150 families in Delhi Anganwadis, in partnership with the Govt. of NCT of Delhi, with the plan of action as detailed below.

Content of the curriculum (4 key habits)

The program provides books, hand-outs and resources designed in Hindi, to parents, to help them build simple habits that are necessary to provide quality cognitive stimulation to children in early childhood. These 4 key habits include:

1. **Observing** the child's actions and behaviour,
2. **Letting** the child take initiative in activities,
3. **Asking** for reasons and use why and what next questions in conversations,
4. **Asking** the child about what and why of emotions.

As part of the curriculum a parent is given a check list of 100 to-dos', 1 to-do for each day in the program as an attractive poster to put up on their home wall. The parent visits the Anganwadi Samiti member (Chairperson or social worker or parent member) once every week, to have a check-in conversation about what is happening at home and how they are progressing on building the above 4 habits.

Duration of the program

Through approximately 100 days of a cycle parents progress on and foster these 4 key habits necessary for school readiness. The parent's growth on the habits is self-assessed on a simple 5-point rubric, 3 times in the program, (beginning, middle and end) and recorded by the community facilitator to gauge progress and impact.

Expected Outcomes

1. **Parents** on an average have a gain score of two points on the habits scale, to develop effective habits for cognitive stimulation of the child.
2. **80%** of the children in the program are school ready according to the School Readiness Assessment (i.e. score 80% or above).

Recommendations for School Readiness of 12(1)(c) families

In order to safeguard the beneficiary families from academic achievement gaps in their school trajectory, it is important for support interventions to bridge the gaps before families enter school systems. It is highly recommended that:

1. **The ICDS** integrates intensive school readiness programs in Anganwadi centres from January to March before disadvantaged families enter formal schooling.
2. **These** programs must engage mothers or primary care-givers as key stakeholders for cognitive stimulation and cultivating social-emotional readiness in the child to attend school.
3. **RTE** compliant private schools should take ownership to organize intensive summer camps for bridging cognitive gaps and easing transitions for Economically Weaker Section families and children into schools before the academic year begins.





Chapter 13

| Conclusion

Conclusion

Awareness surrounding RTE 12(1)(c) has shown an increase in several mature states with several states also moving to an online admissions process to build capacity and streamline processes. The role of governments, the judiciary, civil society organisations and private schools have been instrumental in the strengthening of the implementation of the Act. It is important to recognize progressive efforts of governments, model private schools and civil society alike to ensure that the best practices are incorporated into nation-wide implementation.

The role of civil society organisations in the implementation of the provision has been identified as an enabler that determines success. Different groups such as NGOs, student-parent associations, RTE forums and other collectives have contributed to campaigning and offering support services for the filing of applications. Providing government functionaries the necessary training to handle evolving online systems and covering other operational aspects of the process cycle has been another enabler for success.

It is necessary to bring in greater clarity to definitional issues to improve understanding of the

provision. This is best brought through legislative action since judicial intervention, though positive, has put a strain on time and resources. Questions on the applicability to minority institutions, definitions of entry-level classes and age criteria, and costs of books and uniforms, among others, should be settled to increase coverage, improve fill rates and reduce hassle for all stakeholders in the system. Income limits also should not be restrictive to exclude vast sections of economically weaker populations. Definitions of disadvantaged groups should be inclusive, and states should be open to seeking public opinions on policy drafts. By being able to ensure that the admission cycle under RTE 12(1)(c) is in sync with the regular admission cycle of schools, beneficiary children would not lose out on academic instruction days due to operational lapses in the system. A grievance redressal structure needs to be modelled in such a way that there are primary complaint receiving authorities covering the entire scope of the provision and the State Commissions for the Protection of Child Rights and the National Commission for the Protection of Child Rights play the role of Ombudsmen as mandated by the Act. Providing streamlined processes for reimbursement to schools need to be ensured to

reduce leakage in the admission stage. States that are yet to notify their per-child costs, should do so in a time-bound manner and the reimbursement process should adhere to defined timelines. Online processes have been successful to achieve scale. An integrated MIS portal with modules for school registration, student registration, lottery, admissions, student attendance and learning outcomes tracking, reimbursements and grievance redressal can help streamline processes and build capacity. School mapping and the consequent habitation mapping need to be critically managed to ensure that beneficiary parents and guardians are able to apply to all schools based on the defined neighbourhood criteria. The practice of tagging school coordinates via GIS mapping and physically verifying school locations through surveyors has proved to reduce a lot of inaccuracies in the school mapping process. Transparency due to tracking dropouts and checks on retention rates via the online MIS will truly show the benefit of RTE 12(1)(c) in the long run. Online processes, while creating some exclusions themselves are capable of enabling the reach of government and help run a time-bound process for admissions and provide evidence for policy analysis.

One of the most beneficial ways to enable governments to increase

wide-scale awareness as well as participation of beneficiaries for RTE 12(1)(c) is using the Anganwadi network to not only allow easy dissemination of information in EWS/DG communities, but also build upon early childhood learning for improved Class I preparedness of 3-6-year olds. School readiness programs for socio-emotional growth of the child makes him/her better prepared for assimilating in a classroom with a diverse group of children. True inclusion can be achieved by allowing children to understand and grow by learning social cues, finding common ground with different children and developing empathy for their classmates.

Several private schools have shown greater ownership in building inclusive classrooms and holding remedial classes in bridging any deficits in the learning outcomes of children admitted under RTE 12(1)(c). These efforts go a long way in celebrating the spirit of the provision and can be seen as models for other schools to replicate.

For the long-term success of any legislated right, it is imperative to raise awareness around the right and build systems to enhance community participation and ownership. Participation in the form of parent support groups, campaigning and running application desks are avenues to channel community involvement.

Annexure 1

Methodology of using U-DISE data

Data Compilation/Cleaning Methodology

A. Total enrolments in Class 1 of all private unaided schools.

B. Number of seats available

1. **25%** of total students enrolled in Class 1 of all private unaided schools. All students from pre-primary classes are assumed to transition to Class 1 if school has pre-primary classes.
-

C. Students enrolled after Data Cleaning. U-DISE provides a field with Number of children enrolled at entry level in current academic year under RTE 12(1)(c)

- a. The schools having $\leq 25\%$ students enrolled are taken with their original respective values.
- b. The schools having $> 25\%$ students and $\leq 100\%$ students enrolled are capped to maximum 25%.
 - When aggregating data at state level, schools that are under-reporting will get compensated by schools that are over-reporting. To avoid this error, the total number of reported students have been capped at 25%
- c. The schools having $> 100\%$ students enrolled are removed from our analysis.
 - This is most likely a self-reported error by schools
- d. The sum of these 3 values is taken.

D. Total number of private unaided schools in U-DISE

E. Number of schools participating

- Each school having >1 student enrolled is considered. Schools that have admitted >100% students are counted here since while they have erroneously reported enrolment under RTE, they are most definitely participating in the process. However, the admissions in these schools weren't considered in Variable C while calculating the number of students enrolled.

$$\text{Fill rate \%} = \frac{\text{Students enrolled after Data Cleaning(C)}}{\text{Number of seats available (B)}} * 100$$

$$\text{\% of Schools participating} = \frac{\text{Number of schools participating(E)}}{\text{Total number of unaided private schools(D)}} * 100$$

Additional Notes

The States of Jammu and Kashmir (RTE Rules don't apply) and Lakshadweep (No private unaided schools) have not been included.

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