

**This document is regarding the draft rules of  
Karnataka to implement Right to Education Act,  
2009.**

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**V Draft**

**GOVERNMENT OF KARNATAKA**

*DRAFT*

**Karnataka Right of Children to Free and  
Compulsory  
Education Rules 2010.**

**June 2010**

*Draft Presented by*

**Forum of Karnataka Retired Education Officers, Bengaluru**

## **Forum of Karnataka Retired Education Officers, Bengaluru**

### **Karnataka Right of Children to Free and Compulsory Education Rules, 2010.**

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#### ***Note:***

*The committee interacted with a number of persons working in the field of elementary education – teachers, NGOs, advocates, education experts and retired officers – and obtained their views over a month and has prepared these draft rules. It has also taken the draft Model Rules circulated by MHRD in to consideration. Finally the suggestions received in two interaction meetings with SPD and other departmental officers were incorporated in revised drafts.*

# **Karnataka Right of Children to Free and Compulsory Education Rules, 2010.**

## **PART 1 – Preliminary**

### **Short Title, Extent and Commencement**

1. (a) These rules may be called the **Karnataka Right of Children to Free and Compulsory Education Rules, 2010.**
- (b) They shall come into force at once.
- (c) They shall be extended to the whole of the State of Karnataka.

### **Definitions**

2. (1) In these rules unless the context otherwise requires, -
  - (a) “Act” means the Right of Children to Free and Compulsory Education Act, 2009.
  - (b) “Child” means any child of the age 6-14 years.
  - (c) The ‘neighbourhood school’ for the purposes of these Rules means a recognised school which is within walking distance of the child – one km in case of primary classes I to V, and 3km in case of upper/higher primary classes including class VIII.
  - (d) BEO means the Block Education Officer of the respective education block
  - (e) DDPI means the Deputy Director of Public Instruction of the respective educational district, who is also the competent authority for the purposes of the Act and these rules.
  - (f) The School Management Committee in Karnataka means the School Development and Monitoring Committee, popularly known as SDMC and will perform all the functions prescribed under the Act and Rules.
  - (g) The academic authority for the purposes of this Act means the Department of State Educational Research & Training popularly known as DSERT.
  - (h) The DIET means the District Institution of Education and Training, which is the academic agency at the district level.
  - (i) BRC means the Block Resource Centre of the respective Block
  - (j) CRC means the Cluster Resource Centre for the respective education cluster.
  - (k) The local authority for the purposes of the Act and rules shall include the Grama Panchayat, the SDMC and also the BEO, even though they operate at different levels.
  - (l) KSQAO means the Karnataka State Quality Assessment Organisation
  - (m) NCTE means the National Council for Teacher Education
  - (n) The CEO means the Chief Executive Officer of the Zilla Panchayat of the respective district.
  - (o) A recognised school for the purpose of these Rules means a school –excluding a special category school - under the management of the State government or a local

authority, an aided school receiving grants to meet whole or part of its expenses from the government or the local authority, and an unaided school.

(m) A special category school for the purposes of these rules means a school known as Kendriya Vidyalaya, Navodaya Vidyalaya, Sainik school, Morarji Desai School, a KGBV school or any other school having a distinct character which may be specified by the state government from time to time.

(2) All other words and expressions used herein and not defined but defined in the said Act shall have the same meanings respectively assigned to them in the Act.

## **PART II - Right of Children to Free and Compulsory Education**

3(a) The Act specifies the right of every child of the age of six to fourteen years to free and compulsory elementary education. This further implies that the state government or the local authority shall –

- (i) Ensure that every Child of the age of six to fourteen years shall be provided free and compulsory education in a ‘neighbourhood recognised school’ till the completion of elementary education, that includes education from classes I to VIII,
- (ii) Ensure and monitor compulsory admission, attendance, and completion of 8 years of elementary education by every child of the specified age group.
- (iii) Ensure availability of a neighbourhood school with suitable infrastructure including building, separate toilets for boys and girls, furniture, teaching staff and teaching-learning materials in every elementary school.
- (iv) Ensure that all children in general and children belonging to weaker section or disadvantaged groups in particular are not discriminated against and prevented from pursuing and completing elementary education on any grounds.
- (v) Ensure quality elementary education conforming to prescribed norms and standards.
- (vi) Ensure timely - prescription of curriculum, availability of textbooks and learning material every year, and
- (vii) Ensure availability of teachers and filling up of vacant teachers posts within 90 calendar days of the occurrence of teacher vacancies.

(b) The SDMC is the designated local authority which implements the provisions of the Act at the school level. The SDMC shall ensure that every child in the jurisdiction of the respective school shall get enrolled in the school, attend school regularly and get quality education. The SDMC shall also ensure that there are no drop-outs/out-of-school children

in its jurisdiction. The head teacher of the school shall periodically bring to the notice of the SDMC all such lapses and violations of the Act and Rules.

(c) The Grama Panchayat as the first Panchayat Raj institution at the village level, shall ensure that all schools under its jurisdiction function properly and implement the provisions of the Act and Rules.

(d) The school shall arrange special training in the form of bridge courses for out of school/drop out children, for a specified duration and age appropriate course material as prepared/approved by the respective DIET/DSERT and assess the child's progress periodically. After induction of the child into the age appropriate class, the school shall continue to pay special attention of such child so as to successfully integrate the child with the rest of the class.

### **PART III A – Duties of Government and Local Authorities**

- 4(1) The local authority shall ensure that no child is discriminated against, on grounds of caste, class, religion or gender with in the school.
- (2) The BEO of each education block shall notify the jurisdiction of each neighbourhood school keeping in mind the natural barriers, density of population, sparse population in remote areas, etc. before May 25<sup>th</sup> every year.
- (3) Wherever required the state government shall open new schools/upgrade existing schools to satisfy the conditions laid down in sub-rule 3 (a) (i) of the Rules.
- (4) For this purpose the local authority or the BEO shall undertake school mapping before June every year and identify all eligible children through a survey and ensure all such children are admitted to a recognised neighbourhood school.
- (5) Where there is difficult terrain or other natural barriers, a school shall be established/upgraded (in relaxation of the limits prescribed in sub-rule 2 (p) and wherever necessary) to ensure that the child gets 8 years of uninterrupted schooling.
- (6) For smaller habitations where opening/upgrading of a school is not possible, the respective BEO (local authority in this case) shall make adequate arrangements for free transportation.
- (7) In Urban areas or in areas which are having high population density, the BEO may establish/designate more than one neighbourhood school, having regard to the number of children in the 6-14 age group. It is the responsibility of the BEO to notify such neighbourhood schools for the information of the public.

- (8) In respect of children with disabilities, which prevent them from accessing the neighbourhood school, the local authorities concerned (BEO/SMC) shall make adequate and appropriate arrangements for their education.
- (9) All the children attending such schools are entitled to all facilities given by the state – scholarships, free uniforms, free textbooks, free midday meals, free school bags, writing materials, and any other facility that may be introduced from time to time, etc. These facilities shall also be made available to children admitted under the 25% quota in private unaided schools.
- (10) The BEO shall notify a ‘Calendar of Events’ to be followed by all schools situated in the respective education block, for admission of children under these rules. Any school violating this provision and conducts the admission process in contrary to the calendar of events is liable to be blacklisted and penal provisions applied under the Act.
- (11) The state government or a local authority authorised by the state government may also devise a system which will enable all children get admitted in a neighbourhood school. All schools (government, aided and unaided) coming under a neighbourhood shall be grouped together for the sake of evolving a common pattern for admission of children under these rules. **If necessary, the government shall introduce the lottery system for admission of students if more number of children apply for admission to any particular institution.**
- (12) No school shall deny or delay issuing of the transfer certificate when requested by the parent or guardian of the child. The school shall not demand payment of any kind of fee for issuing a transfer certificate, when the child leaves a school during the course of the academic year.
- (13) The state government shall ensure that a pre-primary centre (run by the government or any other agency) is attached to an existing primary school, if there is no Anganwadi centre with in the limits of the neighbourhood school to ensure freeing of older children from sibling care. **(section 11)**
- (14) If any institution admitting children of the age of 6-14, is not providing formal education to its children on grounds of religion or language, then the state government shall take steps to penalize such an institution as per the provisions of the Act and admit the children of the institution to the nearby neighbourhood schools
- (15) It shall be the responsibility of government functionaries at all levels to educate the public about the various provisions of the Act and Rules.

- (16) The state government shall take steps to recognise the contribution of voluntary and other agencies in the field of elementary education. The state shall devise a system of encouragement of such agencies.
- (17) Every year the state government shall notify the list of schools with a PTR more than 30 and place such a list in the public domain.
- (18) Where in a school, there is no provision for completion of elementary education, under section 5 (1), the BEO shall make proper arrangements for completion of elementary education of the child by assisting the child in taking a transfer to the nearest approved school where such facilities are available.
- (19) Every year immediately after the budget, the state government shall bring out a report on the status of the implementation of the Act. This report shall contain the following information –
- (a) The amount budgeted by the centre and the state separately for implementation of the Act.
  - (b) The amount needed for implementation of the Act.
  - (c) Reasons for shortfall or excess in allocation
  - (d) The infrastructure and other gaps which need to be filled
  - (e) Number of drop outs/out of school children still needed to be covered
  - (f) Amount required to fill those gaps
  - (g) A brief report on the violations of the Act and the number of cases in which action taken/penalties levied

### **Part III B – Responsibility of Government to Ensure Quality Education**

- 5(1) The State shall ensure providing of high quality education uniformly in all schools and to this end specify norms and standards in respect of all activities involving quality. These norms and standards shall supplement the norms and standards prescribed in the schedule to the Act.
- (2) At the school level, the Head teacher shall ensure quality and the CRP shall bring any lapses to the notice of the BEO in respect of infrastructure and BRC and BEO in respect of learning levels, who shall take steps to rectify the lapses.
- (3) The state shall define the learning outcomes of children at the end of each grade and for every subject and bring out textbooks, learning material and teacher training material based on these outcomes.
- (4) The state shall also impart basic life-skills to children, through an age-appropriate syllabus, books and other learning materials prepared by DSERT.
- (5) The state shall regularly monitor the levels of learning of children in all government, aided and unaided elementary schools of the state, including a third

party evaluation of 5% of schools, and bring out annual reports on the quality of education in the state.

- (6) Based upon these reports mentioned in sub-rules (3) and (4), the state shall devise a special training programme in every class/subject for those children who have not been able to reach the expected learning levels.
- (7) The state shall prescribe levels of responsibility at the school, cluster, and block levels to ensure proper implementation of the special training programme.
- (8) In order to ensure quality education in every school, the state shall devise a continuous system of measurement of achievement for all classes, maintenance of portfolios for each child, devise remedial programmes and devise a system where the school and teachers are made accountable for the low performance of children.
- (9) The state shall grade every elementary school in the state on a five point scale on a set of quality parameters. The schools falling in the last two grades shall be targeted for remedial measures within a certain timeframe. They shall also be given opportunities to improve their grading periodically.
- (10) The state shall subject the teacher training programmes to external evaluation processes and based on these evaluation studies continuously update these programmes and ensure teachers get certified quality training programmes.
- (11) The state shall take adequate steps to ensure quality in pre-service teacher training programmes. It shall revise the pre-service elementary teacher training curriculum in consonance with the primary school curriculum, every five years. It shall regularly monitor the quality of training imparted in these institutions and also ensure closing down teacher training institutions which do not conform to norms and standards prescribed by NCTE, within a period of three years from the date of enforcement of these rules.
- (12) The state shall strengthen the monitoring mechanism of elementary schools in the state and ensure quality based academic supervision of all the schools periodically.
- (13) The state shall create a separate cadre of academic resource persons to staff the academic institutions like the CRC/BRC/DIET and DSERT within a period of two years.
- (14) The academic staff working in these academic institutions, shall spend a minimum of 10 days in a month in schools to understand the problems faced at the field level and help the teachers to improve the quality of classroom instruction.
- (15) The state government shall fix norms and standards in respect of availability of books/News papers in the library, list of equipment available in the laboratory, number of experiments to be conducted in science subjects in each class, number

and types of educational visits that each school should undertake, maps, charts, sports and other equipment based upon the number of children studying in every school.

#### **Part IV - Responsibilities of the School and Teachers**

- 6 (1)** The School shall maintain a record of all children, in its jurisdiction, through a household survey from their birth till they attain the age of 14 years.
- (2) The school shall update such a record every year, maintain transparently and should be made available in the public domain.
- (3) The record shall contain, in respect of every child –
- (a) Name, Sex, Date of Birth (along with Birth certificate number), Place of birth.
  - (b) Name of the parents/guardians, address, occupation
  - (c) Pre-primary/Anganawadi Centre attended by the child (up to age 6)
  - (d) Elementary School where the child is admitted.
  - (e) Present address of the child.
  - (f) Class in which the child is studying and if education is discontinued , the cause of such discontinuance.
  - (g) Whether the child belongs to any weaker section/ disadvantaged groups/migratory population.
  - (h) Details of special facilities given, in case the child is a disabled/specially enabled child.
- (4) The School shall ensure that the names of all children enrolled in the school, along with non enrolled/dropout/out of school children are publicly displayed in each school.
- (5). The School (including a school referred in clauses (iii) and (iv) of clause (n) of section 2 of the Act) shall ensure that a child (including a child admitted in pursuance of clause (c) to section 12 (1) of the Act) and belonging to a weaker section or a child belonging to a disadvantaged group is not segregated or discriminated against in the class room, during distribution of midday meals, in the playgrounds or in the use of other common facilities like drinking water, toilets, library, ICT, etc.
- (6) While causing admission under the 25% quota, preference shall be given to children from disadvantaged groups.
- (7). The areas or limits of neighbourhood specified in Rule 4(2) shall apply to admissions made in pursuance of clause (c) to section 12 (1) of the Act.

Provided that a neighbourhood school for the purposes of filling up the requisite percentage of seats for children referred to in clause (c) to section 12 (1), shall be permitted by the DDPI to extend the prescribed limits only when he/she is completely

satisfied that such children to that extent are not available within the original prescribed limits of the neighbourhood.

- (8) Apart from ensuring 100% enrollment, every school shall strive towards ensuring 100% attendance of children everyday. Each school shall devise a system of interacting with the parents of non-regular children every week and also secure cooperation of all village/ward level authorities to ensure 100% attendance of children.
- (9) Children not attending school continuously for more than 90 working days shall be placed under the category of dropouts and the school shall make efforts to bring them back through remedial measures.
- (10) Seasonal migratory children shall be treated as drop outs, if they do not take certificates from the school to study in a school where they are migrating. When these children return, the school shall assess their learning levels and take up remedial measures in order to help them reach the expected learning levels.
- (10). The school shall ensure that quality education is imparted and each child achieves the essential learning outcomes prescribed for every course of study.

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

- 7 (1) In respect of admission of children to private unaided schools designated as approved 'neighbourhood schools' under the Act, such schools shall be reimbursed by the state government after inspection, the cost as per the per-child expenditure arrived at by the state not later than December every year. The child shall not be levied any other additional fee/ charges/or expenses by the private school.
- (2)The total annual recurring expenditure incurred by the state government on elementary education in respect of all schools established, owned or controlled by it or by the local authority, divided by the total number of children enrolled in such schools, shall be the per-child expenditure incurred by the state government. For this purpose the expenditure on grant-in-aid schools and students enrolled in such schools shall not be included. The state shall calculate and publish the per-child expenditure before the month of June every year.
- (3) Every school which receives reimbursement of fee shall maintain a separate bank account and is subject to audit by the state government.
- (4) In respect of a child admitted to a private unaided school other than a designated neighbourhood school, the child cannot claim reimbursement of such expenditure incurred on its education in such a school.

- (5) The BEO shall further ensure that there are no fake/double admissions by schools, which wish to take advantage of the reimbursement of fee under the Act.
- (6) The state shall ensure that all the children admitted in unaided schools under the 25% quota are given all the free entitlements which the children get in a government school - free uniforms, textbooks, school bags, scholarships, mid-day meals, etc.
- (7) A school which has secured land/building/equipment or other facilities from the government free or at a concessional rate from the government is not entitled for reimbursement of expenditure from the government to the extent of such obligation. The same is applicable to a school which has constructed school buildings using Inam lands, Bhoodan lands, etc.
- (8) In case of an aided school, the school shall admit children under the Act to the extent of grants it receives from the government.  
Provided that in the case of an aided school having unaided sections, the admission to these unaided sections shall be treated separately and will come under sub-rule (1).
- (9) In respect of government schools, the contingency as well as, all the prescribed fee like Sports fee, Reading Room fee, Library fee, Audio Visual fee, Laboratory fee, etc. shall be granted to the school by the government. This grant shall be calculated on the basis of children enrolled in the school and shall be remitted to the schools before 31<sup>st</sup> of August every year.

### **Prohibition of Collection of Capitation Fee and screening procedure for admission**

- 8 (1) No school shall collect any capitation fee or voluntary donation, while admitting a child to school or at any time during the stay of the child in that school. The school shall not charge any lump –sum fee at the time of admission or at any time during the course of the year except tuition fee, as per the scale fixed by the state government.
- (2) No child shall be denied admission during the period prescribed for admission.
- (3) No school shall subject the child to a screening procedure (including a written or an oral test for the child and/or a parent’s interview) while admission to any class.
- (4) Any school which contravenes the provisions of section 13 of the Act is liable for penalties prescribed therein.
- (5) The state government shall grade every private school based on the facilities provided by the school and fix the scale of fee based on a well defined formula, that can be collected by a private unaided institution.
- (6) Every private school under the Act shall not collect any fee other than those approved as per sub-rule (5) of Rule 8. Such fee structure shall be prominently

displayed by every school and the Block Education Office during the admission process.

- (7) There shall not be any discrimination against children of weaker section/disadvantaged groups either during admission or at any time during the year, if the child is admitted under the 25% quota.

#### **Documents as age proof for the purpose of section 14 of the Act**

9. (1) For the purpose of admission to elementary school, the age of the child shall be determined on the basis of the birth certificate issued in accordance with the provisions of the Births, Deaths and Marriages Registration Act, 1886 or on the basis of any of the following documents:

For age proof, the school shall accept the hospital record/ANM Record/ Anganwadi record, the CPE Record or a declaration by the parent or guardian, wherever a birth certificate is not available.

(2) While admitting 'hard to reach children' (like unaccompanied children, children who have no parents, etc.) the school at its expense shall cause a medical examination of the child by a qualified doctor and enter the date of birth as certified by the doctor.

#### **Admission of children under section 15 of the Act**

10. (1) The age of a child shall be computed in terms of years completed by the child on or before the first day of the academic year.

Provided that a child who has completed the age of five years, shall not be denied admission in to a school.

(2) The commencement of the academic year is normally June 1<sup>st</sup> every year. The duration of admission is prescribed as thirty days from the commencement of the academic year. The State government may at its discretion extend the period of admission up to six months from June 1<sup>st</sup> to cover non-enrolled children, drop outs, hard to reach children and other out-of-school children.

(3). When out-of-school children are admitted to the age- appropriate class, the school shall arrange for special training of such children to help them continue their studies in that class.

(4). Where a child is admitted in a school after the extended period, he/she shall be eligible to complete studies with the help of special training, as determined by the head teacher of the school.

#### **Prohibition of Holding back and Expulsion under Section 16 of the Act**

11(1) No child in a school shall be held back in any class or expelled from school till completion of elementary education.

(2) It is the duty of parents and teachers to ensure that the child attends the school regularly and puts in a minimum prescribed attendance. For this purpose, the school shall devise a plan of action for counseling the parents and children through regular home visits and parent-teacher meetings.

### **Recognition of Schools for the purposes of Section 18**

12. (1) Every school other than a school established, owned or controlled by the state government or local authority, established before the commencement of the Act, shall make a declaration in Form No.1 to the concerned Block Education Officer regarding its compliance or otherwise with the norms and standards prescribed in the Schedule along with the following conditions:

(a) The school is run by a society registered under the Societies Registration Act, 1860 (21 of 1860), or a public trust constituted under any law for the time being in force;

(b) The school is not run for profit to any individual, group or association of persons;

(c) The school conforms to the values enshrined in the constitution;

(d) The school premises shall not be used during school hours and school working days for other purposes

(e) The school is open to inspection by any officer authorised by the state government or any local authority;

(f) The school furnishes such reports and information as required by the State government or any authorised officer of the state government from time to time and complies with such instructions of the state government or local authority as may be issued to secure the continued fulfillment of the condition of recognition or the removal of deficiencies in the working of the school;

(2) Every self declaration received in Form 1 shall be placed by the jurisdictional BEO in the public domain within fifteen days of its receipt.

(3) The BEO shall conduct on-site inspection of such schools which claim in Form No: 1 to fulfill the norms and standards and the conditions mentioned in sub-rule 1 within three months of the receipt of the self-declaration.

- (4) After the inspection in sub-rule 3 is carried out, the inspection report will be placed by the BEO in public domain and the BEO will forward the list of schools conforming to the norms and standards and the conditions for granting recognition by the DDPI in Form 2 with in a period of 15 days from the date of inspection.
- (5) The DDPI shall grant recognition to such schools under the RTE Act with in a period of 15 days and notify in the public domain.
- (6) Schools which do not conform to the norms and standards and conditions mentioned in sub-rule 1 shall be listed by the BEO through a public order to that effect, and will be given a time period of three years to set right the deficiencies.
- (7) Recognition of schools which do not conform to the norms and standards and conditions mentioned in sub-rule 1, after three years from 1 – 04 – 2010 shall be with drawn by the competent authority and such schools shall cease to function.
- (8) Every school established after the commencement of this Act shall conform to the norms and standards and conditions mentioned in sub-rule 1, in order to qualify for such recognition.

**Withdrawal of Recognition of Schools for the purposes of sections 18(3) and 12 (3) of the Act**

13 (1) Where as DDPI as the competent authority under the Act, on its own motion or on any representation received from any person, has reason to believe, to be recorded in writing, that a school recognised under rule 11, has violated one or more conditions for grant of recognition or failed to fulfill the norms and standards and conditions mentioned in Rule 11(1), it shall act in the following manner:

- (a) Issue a notice to the school specifying the violations of the condition of grant of recognition and seek its explanation within one month.
- (b) In case the explanation is not found to be satisfactory or no explanation is received with in the stipulated time period, the DDPI may cause an inspection of the school to be conducted by a committee of three to five members comprising educationists, civil society representatives, media and government representatives, which shall make due enquiry and submit its report along with its recommendations for continuation of recognition or its withdrawal, to the DDPI.
- (c) The DDPI shall take a decision based on the recommendations of the committee with in a period of 15 days from the date of receipt of the report. Such decision will be placed in the public domain.

- (d) In case the DDPI issues an order of withdrawal of recognition, the order shall be operative from the next academic year and the concerned BEO shall make arrangements to admit children of the de-recognised school to the other neighbourhood schools in the area.
- (e) This procedure is applicable to all educational institutions under the RTE Act, notwithstanding the fact that an institution has been accorded recognition earlier under different rules or by any other authority.

## **Part V School Management Committee (SMC)**

### **– Composition and Functions for the purpose of section 21 of the Act**

- 14.(1) In Karnataka the School Development and Monitoring Committee (known as SDMC) is already functioning in every school, hence the SMC shall be continued to be called as SDMC. There shall be an SDMC for every school other than an unaided school.
- (2) The Karnataka Grama Panchayat's (School Development and Monitoring Committees) Bye-laws, 2006 stand amended to the extent of being in conformity with these rules.
- (3) The SDMC shall be re-constituted every three years or on the constitution of a new Grama Panchayat body whichever is earlier. The BEO is the concerned authority to oversee the reconstitution and proper functioning of the SDMCs in his jurisdiction.
- (4) Seventy five percent of the strength of the SDMC of a school shall be elected from amongst parents or guardians of children or the Parent's Council as follows:
  - (a) For a school with a student strength up to 150 - Nine members,
  - (b) For a school with a student strength between 150 and 400 – Twelve members,
  - (c) For a school with a student strength above 400 - Fifteen Members
- (5) The remaining twenty five percent of the strength of the SDMC shall be from amongst the following persons:
  - (a) One third members amongst the elected members of the Civic Amenities Committee of the Grama Panchayat.
  - (b) One third members from amongst teachers elected from among the teachers of the school,
  - (c) One third from amongst local educationists, Donors and children in the school to be decided by the Parents' Council.
  - (d) The SDMC shall ensure that 50% of members of the SDMC shall be women.
  - (e) The SDMC shall elect a President and Vice-President from among the elected members who are parent members.

- (f) The Head Teacher of the school shall be the ex-officio Member Secretary of the SDMC.
- (8) The BEO or an agency authorised by him shall periodically give training to all the SDMC members regarding their roles, functions and rules under the Act.
- (9) Besides the functions and powers of the SDMC as prescribed in the Karnataka Grama Panchayat's (School Development and Monitoring Committees) Bye-Laws 2006, the SDMC shall also perform the following functions under the Act:
- (i) Educate the population of the neighbourhood school about the provisions of the Act and the Rules framed under the Act.
  - (ii) Ensure implementation of clauses (a) to (e) of section 24 and section 28.
  - (iii) As per the Act, it is the duty of every parent /guardian to admit his child or ward to the nearby school for completing elementary education. In the event, the parent/guardian fails to admit his child/ward to a school, it is the responsibility of the SDMC to issue a notice to the parent and cause the child to be admitted to the school.
  - (iv) Monitor that the teachers attend the school punctually and perform their academic responsibilities promptly.
  - (v) Monitor the regular attendance of children
  - (vi) Monitor that the teachers are not overburdened with non-academic responsibilities, other than those specified in section 27 of the Act.
  - (vii) Ensure enrolment and continued attendance of all the children from the neighbourhood of the school.
  - (viii) Monitor the maintenance of norms and standards as prescribed in the schedule to the Act.
  - (ix) Hear grievances of teachers as the first level of local authority
  - (x) Monitor and take appropriate action in the event of harassment of teachers especially woman teachers.
  - (xi) Bring to the notice of the concerned authority any deviation from the rights of the child, denial of admission, harassment of children from disadvantaged groups, and timely provision of free entitlements of children like uniforms, textbooks, etc.

- (xii) Identify the needs of the school and prepare the School Development Plan accordingly.
- (xiii) Monitor facilities, enrolment and education of children with special needs.
- (xiv) Monitor the implementation of the Mid-day Meal Programme and other incentive schemes of the government.
- (xv) Prepare an annual statement of accounts pertaining to receipts and expenditure of the school, of the previous year before May 31<sup>st</sup> each year and with the signature of the President and the Head teacher, the statement shall be placed before the SDMC, which shall also be made available in the public domain.
- (xvi) All monies received by the SDMC for the discharge of the functions under this Act, shall be kept in a separate account, to be made available for audit by the department every year.

(10) In respect of an unaided school, the management shall constitute a parent-teachers' committee which will perform the functions as prescribed in sub-rule 9.

### **Preparation of School Development Plan**

- 15. (1)** The SDMC will prepare a School Development Plan at least three months before the end of the financial year in which it is first constituted under the Act.
- (2) The first part of the School Development Plan will be a three year plan comprising three annual sub-plans and will contain the following details:
- (a) Estimates of class-wise enrolments each year.
  - (b) Requirement of additional teachers over a three year period, separately for classes I to V and VI to VIII calculated as per norms specified in the schedule of the Act.
  - (c) Physical requirement of additional infrastructure and equipments over the three year period, calculated, with reference to the norms and standards specified in the schedule.
  - (d) Additional financial requirement over the three year period, year-wise, in respect of (b) and (c) above, including additional requirement needed for bridge courses, special training of teachers, all entitlements of children, and any other financial requirement for fulfilling the responsibilities of the school under the Act.

- (3) The second part of the Plan shall relate to academic improvement of the school. It shall detail the annual academic improvement activities of the school including -
- (i) Review of continuous and comprehensive evaluation procedures,
  - (ii) Review of performance of children in SDMC meetings,
  - (ii) Periodical review of performance of children in parent-teacher meetings, and other programmes involving the community,
  - (iii) Planning for remedial programmes – for children who do not reach expected learning levels, for out of school children, drop outs, etc.
  - (iv) Using of community resources for the academic activities of the school,
  - (v) Organisation of Melas, exhibitions, academic visits, etc.
  - (iv) Co-curricular activities and school level competitions
- (4) The School Development Plan should be signed by the Chairperson/ Vice-chairperson and convener/ secretary of the SDMC and submitted to the BEO – the first part before the end of the financial year and the second part before end of June every year.
- (5) These plans shall be consolidated at the cluster and block levels and shall form the basis for allocation of state funds to each educational block.

## **Part VI – Teachers**

### **Minimum Qualification for the purposes of section 23 (1) of the Act**

16. (1) The state government on the recommendation of the appropriate academic authority and for the purposes of sub-section (1) of section 23, shall lay down the minimum qualifications for persons to be eligible for appointment as a teacher in an elementary school.
- (2) The minimum qualification laid down under the above sub-rule shall be applicable for every school referred to in clause (n) of section 2 of the Act.
- (3) However a recruiting authority has the liberty to recruit trained teachers with higher qualifications.

### **Duties of Teachers for the purpose of section 24 (1)**

17. (1) Every teacher shall perform all the duties prescribed in section 24(1) of the Act.
- (2) Besides, every teacher shall maintain a cumulative record of every child, which will form the basis for award of the completion certificate specified in sub-section 2 of section 30 of the Act.

- (3) The teacher shall assess the performance of every child periodically as per the prescribed curriculum and take up remedial teaching of those children who do not reach expected learning levels in each subject.
- (4) Apart from his periodic evaluation of the child, the evaluation study reports will also form the basis for devising and implementing remedial teaching programme by the teacher.
- (5) The teacher shall also participate in the regular training programmes, preparation of curriculum, textbooks, training modules and TLM development organized by the CRC/BRC/DIET and other academic agencies without causing continuous disruption of the academic work of the school.
- (6) No teacher shall use corporal punishment or mental harassment as a method of disciplining the child.

### **Grievance Redressal mechanism of teachers as per section 24 (3)**

- 18 (1) The SDMC constituted under section 21 shall be the first level of grievance redressal of teachers of schools specified therein.
- (2) The state government shall constitute School Tribunals at the state and district levels which would act as grievance redressal authorities for teachers. Each tribunal shall consist of three members – the chairman from the judicial field and two others from the elementary education field.

### **Maintenance of Pupil-Teacher Ratio (PTR) as per section 25**

- 19 (1) The BEO of every education block shall be responsible for maintaining the PTR in every school as specified in the schedule to the Act.
- (2) The BEO shall notify the sanctioned strength of teachers in every government school under his jurisdiction.
- (3) Every year the BEO shall review the PTR of every school in the month of July and with the permission of the DDPI effect redeployment of excess teachers to needy schools. Any malpractices committed by the BEO/DDPI at this level should be viewed seriously and is subject to disciplinary proceedings under the civil service rules.
- (4) The BEO shall report occurrence of any teacher vacancy to the concerned recruitment authority, with in a week of such occurrence and display the vacancy position and list of vacancies in his block, at all times on the office notice board.
- (5) The state government shall fill up the teacher vacancies within a period of 90 days from the date of occurrence of the vacancies.

- (6) In respect of private schools, the managements shall maintain the PTR as specified in the schedule of the Act and fill up the vacancies of teachers within 90 days from the date of occurrence of the vacancy and as per the procedure laid down by the state government.

## **Part VII – Curriculum and Completion of Elementary Education**

### **Academic Authority for the purposes of section 29 of the Act**

20(1) The Department of State Educational Research & Training (DSERT) is the designated academic authority for the purposes of section 29 of the Act.

(2) The DSERT shall be responsible for: -

- (a) Formulating the curriculum as per the guidelines contained in the National/State Curriculum Frameworks,
- (b) For preparing class-wise and age appropriate syllabus.
- (c) Defining the expected learning outcomes of children at the end of each grade and for every subject and bringing out textbooks and learning material based on these outcomes.
- (d) For periodical revision of pre-service elementary teacher training curriculum.
- (e) For designing appropriate in-service teacher training programmes
- (f) For preparing suitable guidelines for implementation of Continuous and Comprehensive Evaluation for all classes from classes I to VIII.

(3) The state shall designate an authority to regularly monitor the levels of learning of children in all government, aided and unaided elementary schools of the state through sample surveys using appropriate evaluation tools and bring out annual reports on the status of quality of elementary education in the state block wise.

(4) With in the overall guidelines prescribed by the curriculum and textbooks, the schools shall be given a degree of academic freedom which includes flexibility in adopting methods of teaching to suit local situations and standards which will help schools to aim for excellence in quality of education imparted in them. This shall also help in experimentations and innovations in pedagogy.

### **Award of Certificate for the purpose of section 30**

21 (1) The school shall issue the Certificate of completion of elementary education to the child which has completed 8 years of elementary education before the last working day of the academic year.

(2) The certificate shall contain details of academic progress of the child and specify its achievements both in curricular as well as co-curricular activities. The DSERT shall design a model format and circulate it among all schools.

(3) The school shall ensure that the child has reached the expected learning levels before such a certificate is issued.

## **Part VIII Protection of the Right of the Child**

### **Performance of functions by the State Commission for Protection of Child Rights for the purpose of section 31 of the Act**

22 (1) The State shall constitute the Karnataka State Commission for Protection of Child Rights periodically.

(2) The Commission shall consist of three members including the Chairperson who is an eminent educationist or a High Court judge or has done outstanding work in the field of promoting the rights of the child.

(3) The remaining two members shall be eminent persons with integrity and should have worked in the field of elementary education, child health and child development, child labour or juvenile justice.

(4) Out of the three members at least one shall be a woman

### **Manner of Furnishing Complaints before the State Commission under section 32, of the Act.**

23 (1) The State Commission shall set up a child help-line, accessible through SMS, letter, telephone, internet or a help desk in every education block which would act as an easily accessible forum for an aggrieved child/parent/guardian/ person regarding violation of the rights under the Act, in a manner that records the complainant's identity but does not disclose it.

(2) All complaints to the helpline should be monitored through a transparent 'Alert and immediate Action' mechanism by the State Commission.

(3) The procedure for redressal of complaints is as prescribed in sub-rule 25(2).

### **Constitution and Functions of the State Advisory Council under section 34, of the Act.**

24 (1) The Karnataka State Advisory Council for Elementary Education shall have a Chairperson and fourteen members.

- (2) The Minister-in-charge of Primary and Secondary Education in the Government of Karnataka shall be ex-officio Chairperson of the Council and the Secretary, Primary and Secondary Education of the Government of Karnataka shall be the Vice-Chairman.
- (3) Members of the Council shall be appointed by the state government from amongst persons who have done outstanding work in the field of elementary education in the state, as under-
- (a) At least four members should be from amongst persons belonging to SCs/ STs and Minorities,
  - (b) At least one person from amongst those persons having specialised knowledge and practical experience of education of children with special needs.
  - (c) One member from amongst persons who have worked in the field of pre-primary education.
  - (d) Two members shall be from amongst persons who have worked in the field of elementary teacher education.
  - (e) The remaining members from amongst persons who have worked in the field of elementary education, child psychology and child development, social welfare, and child labour.
  - (f) Fifty percent from amongst the 14 members shall be women.
  - (g) The Commissioner and the additional commissioners, the State Project Director of Karnataka Sarva Shiksha Abhiyan, and Directors of Primary Education, Urdu & other Minorities and DSERT shall be the ex-officio members.
  - (h) The Commissioner of Public Instruction shall be the Member – Secretary of the Council.
  - (i) The Council shall meet regularly at least once in a quarter and review the implementation of the Act and Rules in the State of Karnataka.
  - (j) The meeting of the Council shall be presided by the Chairperson or in his absence by the Vice-Chairman. Quorum for the meeting of the Council will be considered complete if 50% of the members are present.
  - (k) The Council shall be reconstituted every three years and no member shall hold office more than two terms.

- (1) Members of the Council shall be entitled to sitting fees, travel and other allowances for official tours, at a rate prescribed by the state government.

**Prescribed Authorities and Procedure for taking action for Violation of the Provisions of the Act:**

- 25 (1) The prescribed authority for levying penalties under sections 13, 18, 19, 25, 26, 27 of the Act is the Chief Executive Officer of the Zilla Panchayat of the respective district. It is the responsibility of the respective BEO of the block and DDPI of the district to report such cases to the CEO, who after an enquiry shall take decision to levy the said penalties.
- (2) At the first level, the BEO on noticing violation of the Act or on receipt of a complaint about any violation of the Act by any person, shall issue a notice to the concerned school/management/SDMC/official and seek explanation from the concerned by giving 15 days time. If the reply is not satisfactory or if the errant school/ management/ SDMC/ official fails to respond to the notice, he/she will bring the violation to the notice of the DDPI and the CEO of the concerned Zilla Panchayat.
- (3) The DDPI shall cause a visit of the institution and enquire in to the alleged violation and make a report to the CEO, Zilla Panchayat who will cause a second notice to be issued.
- (4) If the reply is not found satisfactory or if the concerned violator fails to respond, the CEO shall levy the penalties as specified in the Act.
- (5) Any undue delay of more than one month at any level in either taking action or failure to take action or in levying of penalties shall also be considered violation of the Act and the concerned authorities shall be accountable for such lapses. In each case the next higher authority shall initiate disciplinary action against the concerned official.
- (6) The DDPI and BEO shall be vested with the powers to take action for any violation of sections 14, 15, 16, 17, 24, 28, 30, 32 of the Act.
- (7) Any person aggrieved by an order by the decisions of the authorities prescribed under this rule may prefer an appeal to the State Commission for Protection of Child Rights

**APPENDIX**

**Form 1**

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

**See Sub-rule (1) of Rule 12 of the  
Karnataka Right of Children to Free and Compulsory Education Rules, 2010**

**To**

1. The Deputy Director of Public Instruction,  
..... District
  
2. Block Educational Officer,  
..... Block  
..... District

**Sir,**

I forward herewith a self-declaration regarding compliance with the norms and standards prescribed in the Schedule of the Right of Children to Free and Compulsory Education Act, 2009 and an application in the prescribed proforma for the grant of recognition to ..... School  
....., as per the Karnataka Right of Children to Free and Compulsory Education Rules, 2010, with effect from the commencement of the school year 2010 – 11.

Yours faithfully

(Signature & Seal)  
Chairman of the Managing Committee/  
Correspondent

Enclosure:

Place:

Date:

Received on..... by.....

## ENCLOSURE TO FORM 1

### A. School Details

1.	Name of the School	.....
2.	Postal Address	
3.	Phone Number With STD Fax No.	
4.	Education Block	
5.	Education District	
6.	E – mail address	
7.	Jurisdictional Police Station	

### B. General Information

1.	Year of Starting the Institution	.....
2.	Name of the Trust/ Managing Committee	
3.	Registration Particulars Along with Registering Authority (Enclose a copy of certificate)	
4.	Name/Address of the Chairman of the Managing Committee	
5.	Copies of Audited Accounts of the Trust/Society for the past 3 years	

### C. Nature of the School

1.	Medium of Instruction	.....
2.	Type of School	State/CBSE/ICSE/ Any other.....
2.	Classes run by the school	I to IV/ I to V/ I to VII/ I to VIII/ .....
3.	Aided/Unaided	
4.	Whether school is recognised	
5.	If so, by which authority	
6.	Recognition No. & Date (enclose a copy)	
7.	Does the school has own building/rented building	
8.	Whether the school buildings/grounds are used for any other purpose/ non educational activities	
9.	Whether each class has a separate class room	

#### D. School Enrolment

	Class	No.of Sections	Boys	Girls	Total
1.	Pre- Primary				
2.	Primary I to V				
3.	VI - VIII				
	Total Strength				

#### E. Infrastructure

	Room	.....
1.	Class rooms with size Average number of children studying in each class Whether each room has suitable age appropriate furniture	
2.	Office and other Rooms	
3.	Library No. of Books No. of Periodicals/News Papers	
4.	Laboratory List of equipment List of AV Equipment	
5.	Sports Materials Games played in the school	
6.	Details of Drinking Water Facility	
7.	Whether all room provided with barrier free access	
8.	Number of Urinals/WCs with water facilities- For Boys For Girls	

#### F. Schedule of Establishment

(Please Enclose)

#### G. (a) Details of Curriculum & Syllabus followed in each class from I to VIII

(b) Extra text books/work books if any prescribed for each class.

#### Certificates:

1. Certified that the information furnished above is true and correct.
2. Certified that the institution is open to inspection by any officer authorised by the appropriate authority.
3. Certified that the school undertakes to furnish such reports and information as required by the Karnataka State Education Department from time to time, which may be required to remove any deficiency in the working of the school.

**Chairman, Managing Committee/ Correspondent. .... School**

**FORM II**

**OFFICE OF THE DEPUTY DIRECTOR OF PUBLIC INSTRUCTION,  
..... District**

No:.....

Date.....

The Chairman/Correspondent  
..... School  
..... Block

**Subject: Recognition Certificate for the school under sub-rule 4 of Rule 12 of Karnataka Right of Children to Free and Compulsory Education Rules, 2010 (RTE Rules, 2010) and under section 18 of Right of Children to Free and Compulsory Education Act, 2009 (RTE Act, 2009).**

Sir/Madam

With reference to your application dated..... and subsequent correspondence with the school/inspection by departmental officers, I convey the grant of provisional recognition to the ..... school, located at..... for classes ..... for a period of three years and subject to fulfillment of following conditions:

1. This is a provisional grant of recognition under the RTE Act and rules and is not extendable beyond Class VIII.
2. The school shall abide by all the provisions of the RTE Act 2009 and the RTE Rules 2010 referred here in.
3. The school shall admit in Class I, to the extent of 25% of the strength of the class, children belonging to weaker sections and disadvantaged groups in the neighbourhood and provide free and compulsory education till completion of elementary education. Provided that if the school admits children in pre-primary classes also, the school shall follow these norms. The children so admitted shall not be discriminated from the rest of the children or segregated or treated separately in any manner.
4. For the children referred in paragraph 3, the school shall be reimbursed as per section 12(2) of the Act. In order to receive such reimbursements, the school shall open and maintain a separate bank account which is subject to audit by the department.
5. The Society/School shall not collect any capitation fee or voluntary donations from the parents of children at any time either during admission or during the course of the academic year. The school collect only tuition and other fee as approved by the department. The scale of fee shall be notified by the school and displayed prominently in the school premises.

6. The school shall not subject the child or the parents to any screening procedure including any test and interview.
7. Admissions shall be made only during the period notified by the department.
8. The school shall not deny admission to any child
  - (i) for lack of age proof.
  - (ii) On grounds of caste, religion, race or place of birth, language.
  - (iii) If admission is sought subsequent to the extended period of admission
9. The school shall ensure:
  - (i) No child admitted shall be held back in any class or expelled from school till completion of elementary education in a school.
  - (ii) No child shall be subjected to physical punishment or mental harassment.
  - (iii) No child is required to pass any Board examination till the completion of elementary education.
  - (iv) Every child completing elementary education shall be awarded a certificate as laid down under Rule 21.
  - (v) The school shall also admit children with disabilities/special children as per provisions of the Act.
  - (vi) The teachers recruited have minimum qualifications as is prescribed for elementary school teachers in the RTE Rules.
  - (vii) The salary and allowances payable to and the terms and conditions of service of teachers shall be as prescribed by the state government and the salaries are paid to teachers only through bank .
  - (viii) The teachers perform the duties prescribed under section 24(1) of the Act and Rule 17 of the RTE Rules and shall not engage themselves in private tuitions for monetary considerations.
10. The school shall follow the curriculum and text books of the academic authority to which it is affiliated.
11. The school shall admit students in proportion to the facilities available in the school as prescribed in the section 19 of the Act.
12. The school shall maintain the norms and standards as specified in section 19 of the Act. The deficiencies noticed by the departmental staff are given in the annexure.
13. The school shall not run any unauthorised classes/sections either within the school premises or outside.
14. The school buildings and other infrastructure facilities should not be used either during day or night for any commercial activities or for political and non-educational activities.
15. The school shall not be run for profit to any individual or group or association of persons.
16. The accounts of the school are audited by a Chartered Accountant and a copy of such audited statements is sent to the DDPI/BEO by end of June every year.

Yours faithfully  
Deputy Director of Public Instruction