GUIDELINES FOR THE IMPLEMENTATION OF THE RIGHT OF CHILDREN TO FREE AND COMPULSORY EDUCATION ACT, 2009

1. Introduction

The Right of children to Free and Compulsory Education Act, 2009 (No.35 of 2009) is the Act to provide free and compulsory education to all children of the age of six to fourteen years. This historic Act was enacted by the parliament on 26th August, 2009 and it came into effect from 1st April, 2010. The Act was enacted following the 86th amendment by which an Article 21A has got incorporated in the constitution. The Article 21 A states that "the state shall provide free and compulsory education to all children of the age of 6 to 14 years in such manner, as the State may, by law, determine"

The need of providing free and compulsory education was emphasized in the Directive Principles of State Policy in Article 41 and 45 in Part IV of the constitution. The National Policy on Education (1986) and Programme of Action (1992) highlight the need to solve the problems of children dropping out of school and adopt some strategies to ensure retention of children in Schools.

The central Act was republished by the Government of Tamil Nadu in the Tamil Nadu Government Gazette on 24th February 2010. The Act mandates the publication of rules for the implementation of the said Act by the State Governments concerned. In this connection, Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 was released by the Government of Tamil Nadu in the form of G.O (Ms) No. 173, School Education (C2) Department, dated. 08.11.2011. Besides, twelve Government Orders have been issued for the implementation of provisions of the Act.

The implementation of the RTE Act, 2009 requires the role performance of each and every stakeholder of the education department. Hence, there is a need to provide detailed guidelines specifying their roles and responsibilities of each academic and administrative stakeholder of the department for implementing each and every provision mandated in the Act. The guidelines would be a ready reckoner for the academicians and administrators for executing their duties and responsibilities relating to the Act. However, the guidelines are not the holistic prescription and hence the Central Act, State Rules and the G.Os released so far need to be kept in mind in the implementation of the RTE Act. These guidelines would provide suggestive actions to be undertaken by each functionary in the interest of implementation of the said Act.

2. Role of Headmasters / Principals / School Authority and Teachers

2.1 Admission

- ❖ Every child of the age of six to fourteen years shall have a right to free and compulsory education in a neighbourhood school till completion of elementary education (Section 3 (1))
- Head Master /Principal /School Authority should admit a child above six to fourteen years of age who has not been admitted in any school or dropped out in a class in a class appropriate to his or her age. (Section 4)
- When a child seeks transfer to any other school for any reason even in the middle of the academic year, transfer certificate should be issued immediately to the child (Section 5 (1))
- Admission should not be denied or delayed to any child for want of Transfer Certificate. Delaying the issuance of T.C. shall be liable for disciplinary action under the service rules. (Section 5 (3))
- Head Masters /Principals can accept the Birth certificate of the child issued under the Births, Deaths and Marriage Act, 1886 (Central Act VI of 1886) or Hospital or Auxiliary Nurse and Midwife (ANM) Register record or Anganwadi record or declaration of the age of the child by the parent or guardian as the proof of age of the child for the purpose of admission in a school. (Section 14 (1))
- Admission should not be denied to any child for lack of age proof. (Section 14 (2))
- Head Master/Principal /School Authority should not collect any capitation fee from any child (Section 13 (1))
- Any child can be admitted in a school at the commencement of the academic year or upto six months from the date of commencement of the academic year (extended period of admission). Even after the extended period of admission child has to be admitted in a school and such child should be given special training. (Section 15)
- ❖ The H.M /Principal /School Authority of self financing schools should admit to the extent of at least 25% of the strength of the class I or LKG or Pre-school, the children belonging to weaker section and disadvantaged group in the neighbourhood and provide free and compulsory elementary education till its completion. (Section 12 (1) (c)), Rule 8

2.2. No Screening Procedure and Capitation Fee

- ❖ Head Masters /Principals /School Authority should not subject any child or his or her parents or guardian to any screening procedure at the time of admission. (Section 13 (1))
- ❖ If any Head Master /Principal /School Authority receives capitation fee, he or she shall be punishable with fine which may extend to ten times the capitation fee charged. (Section 13 (2))
- Head Master /Principal /School Authority should not collect any capitation fee from any child (Section 13 (1))
- ❖ If any Head Master /Principal /School Authority subjects a child to screening procedure, he or she shall be punishable with fine which may extend to twentyfive thousand rupees for the first contravention and fifty thousand rupees for each subsequent contraventions. (Section 13 (2))

2.3. Special Training

Such children admitted in age appropriate classes should be given special training which may extend from three months to two years by teachers of the school or teachers' specially appointed by SSA in the school or venue identified by the H.M./ Principal (Section 4)

2.4. Reimbursement

❖ The claim for reimbursement of school fee for the children admitted under 25% reservation should be submitted to the local authority concerned as given in the Act (AEEO/DEO/DEEO/IMS/IAIS/RO, CBSE/Authority for ICSE and other types of schools), if applicable. (Section 12 (2))

2.5. Prevention of Discrimination of Children

- ❖ H.M. /Principal /School Authority should ensure that the children admitted in self financing schools under weaker section and disadvantaged group are not discriminated in any way and prevented from pursuing and completing elementary education. (Rule 8 (2))
- No child admitted in a school shall be held back in any class or expelled from school till the completion of elementary education. (Section 16)
- ❖ Head Master /Principal /School Authority should ensure that no child is subjected to caste, class, religious or gender abuse in the school. (Rule 5 (3))
- No child shall be subjected to physical punishment or mental harassment. (Section 17 (1))

- ❖ Any one who inflicts such acts shall be liable to disciplinary action under the service rules. (Section 17 (2))
- ❖ The free entitlements provided by the government should be distributed to the children. (Rule 5)

2.6. Recognition

- ❖ H.M /Principal /School Authority should ensure that his /her school is getting the certificate of recognition by applying in Form − I. All the conditions and norms prescribed in Form-I of the application for the grant of recognition should be complied with. (Section 18 (1))
- ❖ The Head Masters /Principals /School Authorities of already established schools should ensure that all the norms and standards specified are fulfilled within a period of three years from the date of commencement of the Act. (Rule 12)

2.7. Responsibility Related to School Management Committee

- Head Master of Government and Government Aided Schools should constitute School Management Committee (SMC) which should be reconstituted once in two years. (Section 21)
- ❖ Head Master should convene the SMC meeting once in two months in the school premises and the minutes and decisions of the meeting should be recorded and made available to the public. He/she should invite special invitees to offer advice. (Rule 14 (7))
- ❖ Head Master should ensure that the SMC supervises all the duties and responsibilities prescribed including the preparing of School Development Plan. (Section 22 (1))

2.8. Completion Certificate

❖ Head Master /Principal should issue the certificate of completion of elementary education in Form-III to every child after the completion of VIII Std. (Section 30 (2))

2.9. Deputation of Teachers

- H.M. /Principal /School Authority should depute teachers to attend in-service programmes.
- ❖ Teachers should not be deputed for any non -educational purposes other than specified. (Section 27)

2.10. Role of Teachers

Teachers should

- ❖ Maintain regularity and punctuality. (Section 24 (1))
- Complete curriculum within the specified time, 200 working days for primary level and 220 days for upper primary level (Schedule of the Act)
- ❖ Assess the learning ability of each child (Section 24 (1))
- ❖ Hold regular meetings with parents and guardian to appraise progress of children. (Section 24 (1))
- ❖ Participate in training programmes. (Rule 18)
- Participate in Curriculum formulation, Development of Syllabi, Training Module and Text Book Development. (Rule 18)
- Maintain Pupil Cumulative Record for every child. (Rule 18)
- ❖ No teacher shall engage in private tuition or private teaching activity (Section 28)
- ❖ Teachers should not engage in non-educational activities other than decennial population census, disaster relief duties and duties relating to elections or any other duties assigned by the State Government (Section 27)

3. Role of Block Level and District Level Officers

3.1. Admission

- Every (AEEO/DEO/DEEO/IMS/IAIS/RO, CBSE/Authority for ICSE and other types of schools) should maintain a record of all children in their jurisdiction through a household survey up to the age of 14 years for normal children and up to the age of 18 for differently-abled children. (Section 9 (d))
- The BRTEs of SSA will collect the particulars of house hold survey and co-ordinate with them in the task. The household survey record format should be as per (Rule7, Para (4).
- ❖ The (AEEO/DEO/DEEO/IMS/RO, CBSE) with the help of BRTEs should identify areas or limits of neighbourhood within which a school shall be established by bringing it to the notice of higher authorities for establishment of such schools by adhering to the norms given in (Rule 4, Para (1).
- ❖ If it is not possible to establish a school within the limit prescribed, the (AEEO/DEO/DEEO/IMS/RO, CBSE) shall make adequate arrangement for free transportation and residential facilities for children by contacting the departments concerned. (Rule (4) (4))

- ❖ The above said officials should identify schools where the area of neighbourhood may be reduced (i.e.) areas which have difficult terrain, risk of landslides, floods, lack of roads etc by submitting a report to the higher authority concerned for establishing schools. (Rule (4) (3))
- ❖ (AEEO/DEO/DEEO/IMS/RO, CBSE) should make the information regarding the list of neighbourhood schools public through a notice board in their office concerned and in prominent places like Panchayat union office etc. (Rule (4) (5)
- ❖ Safe transportation facilities should be extended to differently-abled children by the above said officials in consultation with the department concerned. (Rule (4) (6)
- ❖ (AEEO/DEO/DEEO/IMS/RO, CBSE) should take necessary initiatives to upgrade the primary schools into upper primary wherever necessary in consultation with higher authorities. (Rule (4) (2)
- The above said officials should ensure that the access of children to school is not hindered by social and cultural factors.

3.2. Distribution of Free Text Books and Uniforms

The officials should ensure that all the free schemes extended by the Government for various types of schools are distributed to all students in time by collecting the information from the respective school heads.

3.3. Reimbursement of per-child expenditure:

- ❖ The (AEEO/DEO/DEEO/IMS/RO, CBSE) should ensure the reimbursement of per-child expenditure of the children admitted in the 25% category. (Section 12 (2))
- The per child expenditure shall be the expenditure incurred by the State Government for a child in the Government School or the fee fixed by the Private School Fee Determination Committee constituted under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (Tamil Nadu Act 22 of 2009) in respect of the school where the child is admitted, whichever is less.
- ❖ The officials have to ascertain the attendance of students and ensure that the claim is made accurately. (Rule 9 (b))
- ❖ The above said officials concerned should reimburse the amount in two installments (i.e.) in the month of September and March after verifying their attendance in the school. (Rule (9) (3))
- The above said officials should ensure the maintenance of separate bank account by schools for receiving reimbursement amount claimed by each school. (Rule 9 (5))

3.4. Responsibility Related to School Management Committee

- ❖ (AEEO/DEO/DEEO/CEO) should ensure that all Government and Government aided schools shall constitute an SMC (as per Rule 14, Para (1-9)) in every school within their jurisdiction within six months of the implementation of the Act. (Section 21(1))
- Any money received by the committee for the discharge of its functions under this Act, shall be kept in a separate account and expenditure of the amount received is to be made available for audit every year. (Rule 14, Para (1-9))
- ❖ (AEEO/DEO/DEEO/CEO) should scrutinize the annual account of receipts and expenditure submitted by SMC within three months from the date of expiry of every financial year. (Rule (14) 9 (l))
- ❖ (AEEO/DEO/DEEO/CEO) should verify the School Development Plan with requisite details developed by SMC before the end of March every year. (Section 22 (1))
- The officials should ascertain that the School Development Plan prepared by the SMC is based on the plans and grant allotted for each school
- ❖ The officials should ensure that SMC prepares three year perspective plans which includes three annual plans (Rule 15 (1))
- The officials should ensure that infra structure including school building, teaching staff and learning equipment are provided to schools as per the norms
- The officials should prepare the academic calendar every year
- The authority may issue guidelines and give directions to the SMC regarding the implementation of the provisions of the Act as instructed by the Government

3.5. Teacher Pupil Ratio

- ❖ (AEEO/DEO/DEEO/IMS/RO, CBSE) should undertake the initial process of rationalizing the deployment of existing teachers as per the TPR given in the schedule of the Act and submit the same to the Heads of Department. (Rule 19)
- ❖ The (AEEO/DEO/DEEO/IMS/RO, CBSE) should initiate the process of recruitment of new teachers to fill vacant post as per the TPR given in the schedule by undertaking the process of demand and supply of teachers and submitting the same to the Heads of Department. It has to be ensured that the vacancy does not exceed 10% of sanctioned post (Section 26)
- (AEEO/DEO/DEEO/IMS/RO, CBSE) should ensure that the TPR is maintained in all unaided schools
- No teacher should be made to undertake non-educational assignments other than those duties mentioned in Section 27 of the Act by the officials.

3.6. Other Duties

- ❖ The officials should ensure that the child belonging to weaker sections and disadvantaged group are not discriminated and prevented from pursuing and completing elementary education on any grounds (Rule 8 (2))
- The officials should make arrangement to provide special training to drop outs and never enrolled students (Section 4)
- ❖ The officials should ensure good quality elementary education conforming to the norms and standards specified in the Schedule (Section (8) (g))
- The officials should provide training facility for teachers (Section (9)
- The officials should monitor the functioning of schools coming under their jurisdiction (Section (9))
- The officials should maintain the record of children who seek transfer to another school (Section (9))
- ❖ The officials should ascertain that all schools obtain the certificate of recognition following the procedure given in the Act by applying the Form −l (Section 18 (1))

4. Role and Responsibilities of School Management.

4.1 Admission

- Schools should admit the children of age from six to fourteen years any time in the academic year (Section 3)
- Admission cannot be denied for want of proof of Age (Section 14 (2)). If the child is unable to produce the Birth Certificate issued under the Births, Deaths and Marriages Act, 1886, any one of the following documents shall be deemed to be proof of age of the child for the purpose of admission.
 - a) Hospital or Auxillary Nurse and Midwife (ANM) Register record.
 - b) Anganwadi record
 - c) Declaration of the age of the child by the parent or guardian (Section 10)
- ❖ No screening procedure is to be conducted for the child or the parent/guardian at the time of admission (Section 13 (1))
- The method of selection for admission of the child could be done by random method. (casting lots, assigning random numbers.)(G.O (Ms) No.9, dt. 18.01.2011
- ❖ While admitting a child no capitation fee should be collected from the Parent/ Guardian (Section 13 (1))
- Children can be admitted for an extended period of six months from the date of commencement of the academic year. (Section 15)

❖ The child above six years of age not admitted in any school or dropped out from the studies could also be given admission in the age appropriate class and such children must be given special training by school management. (Section 4)

4.2. Admission of 25% seats to weaker section/disadvantaged group

- ❖ Unaided Private schools should reserve 25% of the admission at the entry level to the children belonging to weaker section and disadvantaged group residing within the radius of 1 Km [(Section 12 (1) (c) (Rule 8)].
- Under weaker section category, the school should admit children whose parent's/ Guardian's annual income is lower than 2 lakhs. (G.O (Ms) No.174, dt. 08.01.2011
- Under disadvantaged group, the school should admit children belonging to SC, ST, BC, MBC, Orphan, children infected with HIV, transgender and children of scavengers.
- Certificate of proof for above categories is to be issued by competent authority is furnished below.

Competent Authority for Issuing Certificates

Certificates	Competent Authority
Income certificate	Tahsildar, Revenue Department, Government of Tamil Nadu
Community Certificate for BC, MBC	Deputy Tahsildar, Revenue Department, Government of Tamil Nadu
Community Certificate for SC	Tahsildar, Revenue Department, Government of Tamil Nadu/ competent authority in the case of children coming from other States
Community Certificate for ST	RDO/Sub Collector, Revenue Department, Government of Tamil Nadu/competent authority in the case of children coming from other States
Certificate for Orphan	District Social Welfare Officer, Department of Social Welfare and Nutritious Meal Programme
Certificate for HIV/Transgender	Medical Officer authorised by the Department of Health and Family Welfare, Government of Tamil Nadu
Children of Scavenger	Competent Authority authorised by the Commissioners' of the respective Corporations, Municipalities, Executive Officers' of the respective Town Panchayats and Presidents' of the respective Village Panchayats

Children of scavengers who are	District Collector or the authority authorized by
not employed in Corporations,	the District Collector
Municipalities, Town panchayats and	
Village Panchayats	

- ❖ The school shall admit students at the entry level (i.e) LKG, if the school imparts Pre School Education or Std. I (Section 12(1)(c))
- While school receives applications for admission, the eligible applications for weaker and disadvantaged group should be identified and segregated. Under this category, if more than 25% of applications are received by the school, admission has to be done by random selection method.
- The school should make public aware of the entry class by displaying it in the notice board. The number of admissions done under this category also must be displayed in the notice board from time to time.
- Issue of applications for admission and the admission process should be held in the month of May every year.
- ❖ The students admitted under the above category should not be discriminated from the rest of the children in any manner pertaining to entitlements and facilities such as text books, uniforms, library and information, communication and technology facilities, extracurricular activities and sports (Section 8 (2))
- ❖ For any clarification, school management or general pubic may contact the RTE Cell of DTERT at the phone number 044-28278742.

4.3 Maintenance of Records

- ❖ The Principals of every school should maintain a record of all the children admitted upto age of 14 years for normal children and upto the age of 18 years for the differently abled children. (Rule 7) (1)
- The record in respect of every child include
 - a) Name, Sex, date of Birth, Place of Birth
 - b) Name, address, occupation of parent /Guardian
 - c) School or Anganwadi centre that the child attends
 - d) Present address of the child
 - e) Class in which the child is studying and if education is discontinued the cause for such discontinuance
 - f) Whether the child belongs to weaker section
 - g) Whether the child belongs to disadvantaged group.

h) Whether the child requires special facilities or residential facilities on account of (i) migration and sparse population (ii) age appropriate admission and (iii) disability. (Rule (1) (4)

4. 4. Award of completion certificate.

- The child shall be awarded a Certificate of the completion of Elementary Education in Form III within one month. (Refer Annexure form III)
- ❖ The schools should maintain pupil cumulative record in the format given as per norms of CCE, for every child and the same should be issued along with the completion certificate. (Section 30 (2), Rule No. 21

4.5. No Detention or Expulsion

The schools should not detain any child in any class or expel from the school till the completion of elementary education. (Section 16)

4.6. No Corporal Punishment

❖ The schools should ensure that the child is not subjected to physical punishment or mental harassment for any reason (Section 17 (1))

4.7. Reimbursement

- ❖ The reimbursement per child expenditure shall be the expenditure incurred by the State Government for a child in the Government School or the fee fixed by the Private School Fee Determination Committee constituted under the Tamil Nadu Schools (Regulation of Collection of Fee) Act, 2009 (Tamil Nadu Act 22 of 2009) in respect of the school where the child is admitted, whichever is less.
- The list of students should be submitted to the AEEO/DEEO/DEO/IAIS/IMS/ RO,CBSE for reimbursement in the month of July (Section 9)
- ❖ If any child leaves or absents himself or herself for a period exceeding thirty days or leaves the school in the middle of the academic year, the same has to be intimated to the local authority as defined in this Act and claim has to be made accordingly.(Rule (9) (2) (b))
- The local authority shall sanction the reimbursement amount for each academic year in two installments in the months of September and March. For reimbursement, the school should open a separate bank account. (Rule (9) (3))

4.8. Responsibilities of School Management Related to Teachers

The management should ensure that teachers appointed in any schools should posses the minimum qualification prescribed and they should pass Teacher Eligibility Test (TET)

- ❖ Teachers recruited on or after 1.4.2010 should pass TET and the teachers those who do not pass TET should acquire the same within the period of five years. (Rule 16 (1&2). Otherwise, they will not be eligible to continue as teachers.
- Salary and allowances and terms of conditions of service shall be in accordance with the regulations and guidelines issued by the State Government from time to time.
- ❖ Teachers should maintain regularity, punctuality and complete the curriculum within the specified time, assess the learning ability of children, hold meeting with parents / guardians to appraise the performance of the students (Section 24(1))
- ❖ Teachers should participate in in-service training programmes, curriculum formulation, development of syllabi and text book development (Rule 18). Teacher shall maintain pupil cumulative record for every child [Rule 18(c)]
- The sanctioned strength of teachers should fall in line with the notification issued by the State Government within a period of eighteen months. The Teacher Pupil Ratio (TPR) is 1:30 for primary classes (I to V) and 1:35 for upper primary classes (VI to VIII). The Government and Government Aided Schools having the teachers in excess of the sanctioned post prior to the notification shall be redeployed within six months. In a school, vacancy of teachers shall not exceed ten percent of the total sanctioned strength.
- ❖ Teachers are not to be allowed to engage in private tuition or private teaching activity (Section 28).
- ❖ Teachers shall not be engaged in any non educational purposes, other than the decennial population census, disaster relief duties or duties relating to elections or any other duties assigned by the State Government as the case may be.
- ❖ Teachers should work a minimum of 45 teaching hours per week including preparation hours (Teaching learning Materials (TLM), lesson plan, correction work, coaching the students)

4.9. Recognition

- No school shall function without a certificate of recognition as per Form- II given by the competent authority. The school can obtain the certificate of recognition by fulfilling the norms and conditions. (Section 18)
- ❖ If a school violates in one or more conditions for grant of recognition or fails to fulfill the norms and standards specified in the schedule, the authority shall initiate the process of withdrawal of recognition. (Section 18 (3)
- ❖ The schools should comply with the norms and standards regarding the land, buildings, furniture, teaching learning equipment, laboratories, library, games equipment, drinking water, lavatory and urinal facilities etc. (*Rule (12) (c)*)

- ❖ If the school fails to fulfill the norms and standard, a written explanation may be sought from the Secretary/ Correspondent. If the explanation is not satisfactory, an inspection committee may be constituted to make an enquiry and submit a report. Based on the report, the competent authority may issue order of withdrawal of recognition after offering an opportunity of being heard to the school. (Rule (12) (5))
- ❖ The school after receipt of withdrawal order shall become inoperative from the immediately succeeding academic year. The order should also specify the nearby schools in which the children are to be admitted (Rule (12) (6))

4.10. Contraventions on the Provisions of the Act

SI. No	Contravention of provisions of Act	Punishment	Disciplinary Action
1	Capitation Fee	A fine extended to 10 times of the capitation fee charged	
2	Screenings procedure	A fine extend to Rs.25000 for the first contravention and 50000 for each subsequent contravention	
3	Physical & mental harassment		Liable to disciplinary action under service rules (from censure to dismissal).
4	School continues to run after withdrawal of recognition	A fine of Rs.1 lakh, In case of continuing contraventions to a fine of 10 thousand rupees for each day	
5	Default in performance of Teachers duties.		Disciplinary Action
6	Delay in issuance of TC		Disciplinary Action
7	Private Tuition		Disciplinary Action

Abbreviations used in the Guidelines

SI. No.	Abbreviations	Expanded Forms
1.	AEEO	Assistant Elementary Educational Officer
2.	BC	Backward Communities
3.	BRTEs	Block Resource Teacher Educators
4.	CCE	Continuous and Comprehensive Education
5.	CEO	Chief Educational Officer
6.	DEEO	District Elementary Educational Officer
7.	DEO	District Educational Officer
8.	HIV	Human Immuno Deficiency Virus
9.	НМ	Headmaster
9.	IAIS	Inspector of Anglo Indian Schools
10.	ICSE	Indian Council for Secondary Education
11.	IMS	Inspector of Matriculation Schools
12.	МВС	Most Backward Communities
13.	RDO	Revenue Divisional Officer
14.	RO, CBSE	Regional Officer, Central Board of Secondary Education
15.	RTE	Right of Children to Free and Compulsory Education Act, 2009
16.	SC	Scheduled Caste
17.	SDP	School Development Plan
18.	SMC	School Management Committee
19.	SSA	Sarva Shiksha Abhiyan
20.	ST	Scheduled Tribe
21.	TET	Teacher Eligibility Test
22.	TLM	Teaching Learning Materials
23.	TPR	Teacher Pupil Ratio

^{&#}x27;Section' described in the material refers to the Sections of the 'Right of Children to Free and Compulsory Education Act, 2009'.`

'Rule' described in the material refers to the 'Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011'_