



RESERVATION IN PRIVATE SCHOOLS: MODEL FOR IMPLEMENTATION

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ViewPoint 10.1

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INTRODUCTION

Section 12 of the Right of Children to Free and Compulsory Education Act 2009 (the Act) has made it compulsory for every private unaided school to admit at least 25% of its entry level class from children belonging to economically weaker and disadvantaged groups. For this category of students the state government will reimburse schools an amount equal to either the fees charged by the school or the per child expenditure in state schools, whichever is lower.

Private aided schools are also stipulated to provide free education to children in proportion to the aid received by the government. However the Act has not specified the categories of students who would be eligible for this benefit in aided schools.

Through this document, we provide suggestions on effective, transparent and fair implementation of section 12 of RTE. In the first section, we have examined the Model Rules (the Rules) with reference to the 25% reservation. In the second section, we have proposed a model for efficient implementation of this provision.

(A) Key Concerns

1. 25% quota only in neighbourhood private schools:

The existing rule prescribes the definition of neighbourhood for the purpose of neighbourhood schools under Rule 4(1), also be used for defining areas and limits for the 25% opportunity seats. This definition may be too narrow for the purpose of 25% seats and result in reducing the choices available to parents. The poor and disadvantaged neighbourhoods such as slums are likely to have lesser number of private schools. Therefore, the neighbourhood restriction may limit access and choice for disadvantaged students.

(Note: Bihar state RTE Rule 7 says that to fill all the required seats under this category, the neighbourhood limits can be expanded after due consideration by the state government.)

2. *Determination of eligibility for free education in aided schools:*

The Act stipulates that all aided schools must provide free education to such proportion of their students as the aid received by them from the government proportions to their total recurring expenditure. However, the Act is silent about what criteria aided schools should use to determine the category of students eligible for free education under this provision. To revise this, the rules should provide that the children given free education under this provision belong to weaker sections and disadvantaged groups as defined for the purpose of the 25% quota.

3. *Sufficiency of Reimbursement:*

The per child expenditure for the purpose of reimbursement with respect to the 25% quota has been defined as the total annual recurring expenditure of the government on its own schools divided by the number of students enrolled in such schools. This amount may not be enough to cover the cost that some of the private schools actually incur. Apart from this, a higher reimbursement amount would engender less resistance to the 25% quota from private unaided schools. In the current scenario, schools may have to raise their fees to cover the increased expenses. This in turn will impose an inequitable burden on the parents of non-quota students.

4. *Frequency of calculation of per child expenditure:*

The Rules do not state how often per child expenditure should be calculated. One option is to re-calculate the amount after regular intervals, say every two years. Another option is to index the amount to Consumer Price Index and thereby compensate for inflation in the cost of providing education. If there are no clear guidelines on the frequency of re-calculation, there is a risk of reimbursement amount becoming insufficient over time.

(Note: Some state RTE Rules, like that of Bihar and West Bengal, state that per child cost will be calculated and declared at the start of every academic year by the state government.)

5. *Modalities and Schedule for the payment of per child expenditure:*

The Rules suggest that the reimbursement amount be paid directly into the bank account of private schools, but does not specify whether the full

amount be paid in one go or be divided over the academic year. Knowing the exact times and amounts the government will transfer to schools will help schools plan their finances better. In the perception study¹ conducted by CCS on the implementation challenges, many private schools stated that the lack of clarity on modalities of payment from the government is making them apprehensive towards the implementation of the 25% quota.

(Note: Some states like Kerala say 50% of the amount will be given to the private unaided schools by September and the remaining amount will be given by January.)

(B) Model for Implementation

For effective implementation of the 25% seats in private schools, there is a need to ensure a fair selection process, a leak proof payment mechanism and a transparent monitoring and evaluation system. At Centre for Civil Society, based on the experience of our pilot projects (Delhi Voucher Project, 2007-2009 and School Vouchers for Girls, 2009-2013) we have devised a process for implementation for this provision, as follows:

1. Defining Neighbourhood Schools
2. Creating Awareness
3. Identification of Children
4. Admission/Selection Process
5. Reimbursement
6. School Transfers
7. Monitoring and Evaluation

Figure 1: Recommended stages for implementation of 25% reservation in unaided private schools, section 12 of RTE Act.

¹ CCS Perception Study aimed to understand the impact and challenges of government and private schools due to Clause 12 of the Right to Education Act. To view the study, go to <http://righttoeducation.in/sites/default/files/Perception%20study%20on%20the%20implementation%20and%20impact%20of%20Clause%2012.pdf>

1. *Defining Neighbourhood Schools:*

- The Act defined principle of neighbourhood (one kilometre for class one to five and three kilometre for class six to eight) should be used only to establish new schools.
- This criterion should not be used for the implementation of the 25% as it is likely to restrict choice and access, since poor and disadvantaged neighbourhoods, such as slums, are likely to have lesser number of private schools.
- For implementation of 25% reservation, the school district/zone of whole town could be defined as the neighbourhood in urban areas and Panchayat, Zila Parishad or district as the neighbourhood in rural areas.

2. *Awareness of 25% Reservation:*

- Government should post a notification in local newspapers as well as through speaker announcements on the community radio and local cable TV channels to build awareness of the rights of disadvantaged groups and weaker sections to seek admissions in private schools.
- Each school should announce the number of seats reserved under the Act on their school website and front gate notice board.
- Each school should provide information on available number of seats to the state/local authority.
- Local/state authorities should compile the number of seats available under 25% quota and disclose that information outside their office and where applicable on their website.
- Monitoring and Evaluation (M&E): government should take steps to encourage social mobilisation and social auditing to spread awareness on this issue and to ensure accountability.

3. *Identification of Children:*

- As per section 12 of the Act, 25% seats at the entry level class are reserved for “**disadvantaged groups and weaker sections.**”
- **Disadvantaged Groups**
 - a. According to the RTE Act, disadvantaged groups include scheduled castes, scheduled tribes and other backward classes.
 - b. Caste/Tribe/OBC certificate can be used as proof to establish if a person falls under any category of disadvantaged groups.
 - c. Annual income level can be verified to exclude the creamy layers amongst the disadvantaged except where deemed necessary to include all.
- **Weaker Sections**
 - a. Families below a specified annual income would qualify for reservation. Any government document such as income certificate, BPL card, ration card, job card issued under NREGA, UID card etc can be used for verification.
- **Monitoring & Evaluation:** The verification of identified candidates should be done by the National Commission for the Protection of Child Rights (NCPCR), its state branches and affiliated NGOs. The NCPCR should have the powers to take action or impose fines on states that have significantly high rates of identification errors of omission and commission in order to keep the pressure on the states to improve their identification processes and technologies.

4. *Admission Forms and Selection Process:*

We discuss two options for selecting students to fill the reserved seats. We argue that the Neighbourhood Admission Process is more effective as it ensures increased transparency and lesser scope for corruption and abuse by either schools or education officers. We feel that the Neighbourhood Admission Process is better because it increases transparency and reduces the scope for corruption and abuse by either schools or education officers.

- **Option 1: Neighbourhood Admission Process:**

- a. There should be a common admission form for all schools at the city/town, ward or block level. The form should be made freely available online and in any school, and state/local authorities such as directorates of education, municipalities, Zila Parishads, Panchayats/PRI's, etc.
- b. The admission form should be in English as well as in the local language and ought to give parents/children the option of listing up to ten schools in their order of preference.
- c. The admission forms should be submitted to state/local authorities and the receipt of application be acknowledged by assigning a registration number.
- d. The state/local authority should maintain a database (preferably electronic) of all the received application forms.
- e. First round of lottery, matching the school preference: The state/local authority should conduct a lottery on a specified date in a public place in front of parents and media at the school level (assuming more applicants than seats in the school). Such computerised lotteries shall be run to match the school preference to the students successful in the lottery.

(Note: The Kerala state government has been successfully running such computerised lotteries for admission to higher secondary schools for the last few years. Please refer the 'Centralized Allotment Process for Higher Secondary Education' of Kerala government, available at <http://hscap.kerala.gov.in/CMS/frame.html>.)

- f. Second round of lottery for remaining students: There should be a second round of lottery conducted by state/local authority for those students who did not get admission in any of their preferred schools. Through this lottery, the remaining students will be placed amongst the schools with vacant seats.
- g. In practice, both the lotteries will be conducted on the same day.

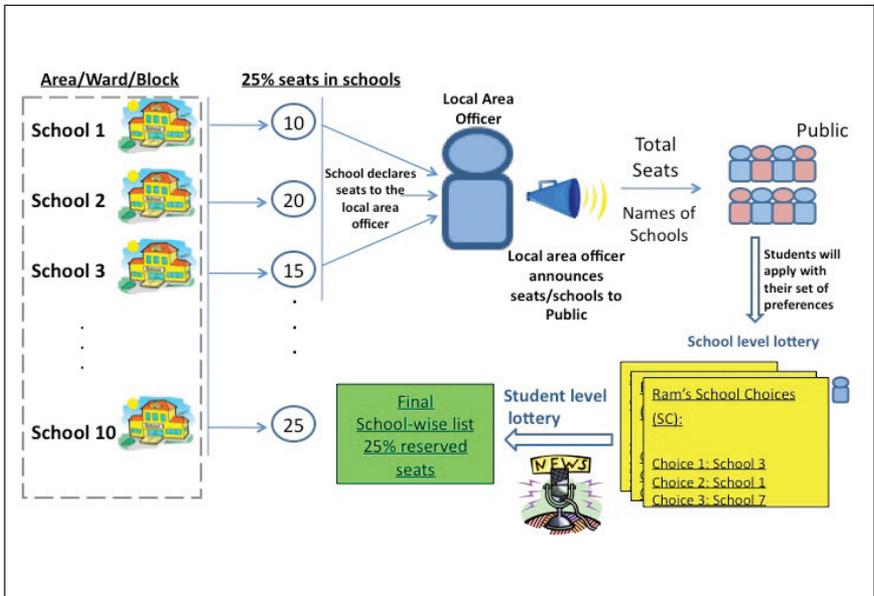


Figure 2: Diagrammatic representation of Option 1 – Neighbourhood Admission Process showing lottery of 25% seats at the ward/area level and matching the choice/preference of the successful students.

- **Option 2: School Level Admission Process:**

- Where state/local authorities do not have the resources to manage the common admission process and conduct a centralised lottery, there should be a school-wise application process and selection via lottery, done at the school level in the presence of the applicants and media.
- Admission forms should be in English as well as the local language and the schools should make them available free of cost.
- Admission forms should be submitted to the schools, who acknowledge the receipt of the same.

- d. The acknowledgment receipt should clearly mention the date of the lottery. The date of lottery should be put on the notice board outside the school premises.

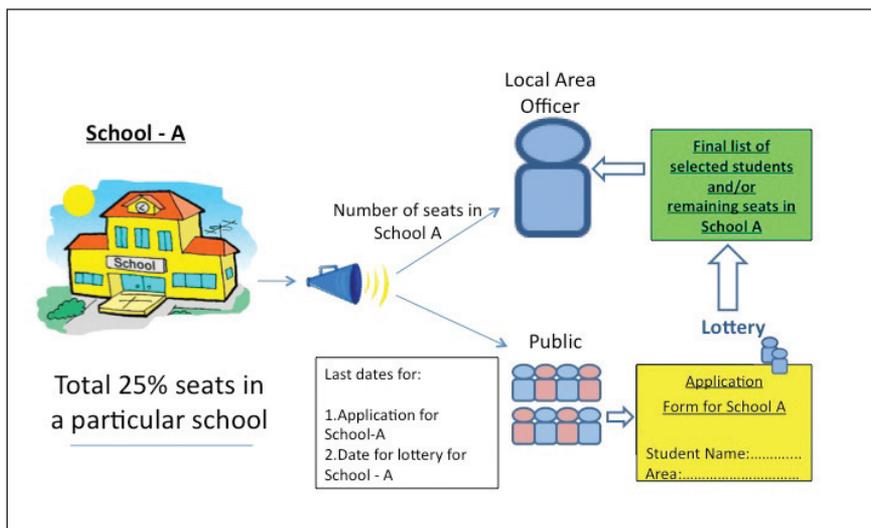


Figure 3: Diagrammatic representation of Option 2 – school level admission process, showing single school lottery.

- **Steps Following Option 1 or 2:**

- a. The list (including waiting list) should be publicised in the state/local authority offices as well as in individual schools.
- b. Applicants should be able to check their status/ranking among remaining schools online and state/local authorities.
- c. The state offices should generate a list of the available 25% reserved seats according to school to be published by the state/local authority.

5. *Reimbursement:*

- Reimbursements should be made on a per student basis and transferred directly to the school's bank account.
- To ensure accountability from schools, the reimbursement should be done in two parts: a percentage to be paid on admission and the remaining at the end of the year after receiving attendance and assessment reports.

(Note: As per Kerala state rules, first installment of 50% will be reimbursed in the month of September and balance will be reimbursed in the month of January. The second installment will be made after verification of the retention and attendance of such children subject to a minimum of 80% and the pupil cumulative record.)

- At the macro level, the central government should pay directly for the 25% opportunity seats rather than relying on the state government to reimburse schools. State governments have already been pointing out that Sarva Shiksha Abhiyan (SSA) funding received from the central government does not include the cost of the 25% seats in private schools. Instead of including this cost in the SSA budget which would vary widely from state to state, it is far more convenient and straightforward for the central government to take direct responsibility. To manage these reimbursements, the centre should create an independent special purpose vehicle which could be called the India Inclusive Education Fund.
- In some cases, per child expenditure of the state will be substantially lower than the fees charged by private unaided schools. To manage this gap, central government should commit to contribute to the India Inclusive Education Fund, but more importantly it should raise extra money from corporations, foundation and individuals. The non-government funds could be used to bridge the gap between the reimbursement amount calculated on the basis of the actual per student cost in government and the fees of the private unaided schools. Private schools would be free to raise their own funds to bridge this gap, through charity events.

- M&E: State education departments should maintain a list of students studying in each school and update it periodically to verify.

6. *School Transfers:*

- During the academic year, a student should be able to seek transfer to those schools that have not filled their 25% reserved seats. If no such school exists which is convenient to the student, then the student should be able to seek transfer to a government school.
- Each year the schools should review if any student from the 25% quota has dropped out. That vacancy should be published and applications should be invited from weaker sections and disadvantaged groups who wish to seek school transfers.

7. *Monitoring & Evaluation:*

- Though these M&E mechanisms are mentioned in the individual stages, in this section we summarise them all.
- While spreading awareness about 25% reservation, government should take steps to encourage social mobilisation and social auditing to spread awareness on this issue and ensure accountability.
- While identifying the students, the verification of identified candidates should be done by the National Commission for the Protection of Child Rights (NCPCR), its state branches and affiliated NGOs. The NCPCR should have the powers to take action against states that have significantly high rates of identification errors of omission and commission in order to keep the pressure on the states to improve their identification processes and technologies. The NCPCR can require that the failing states contribute to the fund in proportion to the degree of their failure.
- The India Inclusive Education Fund (mentioned in Section 5: Reimbursements), could also offer inclusion awards for schools that do well in social integration and holistic learning of the 25% opportunity students. These awards could help cover a part of the

gap for private schools as well as incentivise schools to take the challenge of inclusion more seriously.

- The lottery for the selection of students among different applicants should be done transparently and in public.
- State education departments should maintain the list of students studying in each school and update it on occasion to confirm whether the child is still studying there and if reimbursement has been made. This list should be made public.

Concluding Remarks

For the success of any scheme, the devil lies in the details. In the case of the reservation of 25% seats in private unaided schools, there is a lack of clarity in the design and implementation strategy. Restrictive neighbourhood criteria will limit access and choice of the disadvantaged students. There is an urgent need to create awareness among the potential beneficiaries of the 25% reservation seats in private unaided schools. Moreover, the inappropriate amount and delay of reimbursement may yield an inadequate resource flow to private schools, giving rise to resentment and poor implementation. Clear policy guidelines and support structures from the government as proposed in this paper can go a long way in effective implementation of this important scheme.

Further Readings

1. Analysis by CCS of Model Rules under RTE, <http://righttoeducation.in/analysis-ccs-model-rules-under-rte>
2. Details of Delhi Voucher Project, 2007 http://schoolchoice.in/events/20090219_delhivoucher.php
3. Details of School Vouchers for Girls, 2009, <http://schoolchoice.in/gvp/>
4. Matrix for Drafting State Rules under the RTE Act, <http://righttoeducation.in/matrix-drafting-state-rules-under-rte-act>
5. Parth J Shah, Indian Express, How to fulfil the RTE Promise, 23 April 2012
6. Parth J Shah and Shreya Agarwal, Right to Education Act: A Critique, CFO Connect, 9 May 2010

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