

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education – Right of Children to Free and Compulsory Education Act, 2009, (Central Act No. 35 of 2009) – Prohibition of Screening Test and Collection of Capitation fee – Prescribed fee Structure for private recognized schools – Orders - issued.

SCHOOL EDUCATION (PE.PROG.I) DEPARTMENT

G.O.Ms.No. 42

Dated:30.07.2010

Read the following:-

- 1) Gazette of India – Extraordinary – Part II – Section I, No. 39, New Delhi, issued by Ministry of Law & Justice on the Right of Children to Free and Compulsory Education Act, 2009 – (Central Act No. 35 of 2009, dated: 26th August 2009
- 2) Model Rules under the Right of Children to Free and Compulsory Education Act, 2009
- 3) Lr. No. 165/RVM(SSA)/B12/2009, dt: 14.06.2010 of SPD, SSA

ORDER:

Government of India enacted Right of Children to Free and Compulsory Education Act, 2009, which has come into effect from 01.04.2010. This Act prohibits screening tests for admission into classes I to VIII in schools in India (including pre-primary classes). The Act also prohibits collection of capitation fee from students/parents/guardians.

2. During the last few years there has been a trend that private recognized schools in the State have been admitting children into elementary classes by holding screening tests (interviews/ tests to children/parents/guardians), issuing applications for admission/seats only to such candidates to whom they intend to give seats. Further several complaints have been received that apart from fees, huge donations are collected from the parents at the time of admission. Against this background this Act prohibits holding of screening tests for admission, collection of capitation fees. Instead the admission of a child shall be to an age appropriate class(age 3-5 for Pre-primary Class, age 6 for Class I, age 7 for Class II and so on up to minimum age 13 for Class VIII).

3. The method of selection for admission of a child to an elementary class shall be as per the steps/ sequential order given in Annexure-I appended. In accordance with these provisions of the Right of Children to Free and Compulsory Education Act, 2009 the screening procedures presently in vogue in terms of interviews/tests conducted for admission to any class from Pre-primary to VIII in any school under any management or any Syllabus (State syllabus/CBSE/ICSE/any other) shall be dispensed with including Entrance test for admission to Class VI or any other class conducted by District Common Examination Board (DCEB). Any deviations in this regard will be punishable under the Section 13 (2) (b) of the said Act with fine which may extend to Rs. 25,000/- for the first contravention and Rs. 50,000/- for each subsequent contravening admission.

4. Capitation fee by definition means any kind of donation or contribution or payment other than the fee notified by the school. This means that the school should notify the prescribed fee to the parents/general public both in notice board in at least three prominent places in the school and in public domain during the admission period (including admission extended period) of the current year from April 15th of the previous year to 11th September of the current year.

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5. A recognized school is supposed to provide minimum facilities like infrastructure, teaching and non-teaching staff, Teaching Learning Materials, Library, Laboratory and Play area facilities etc., as per norms and standards given in the Schedule of the Act. Against this background the Government hereby order the fee structure in Annexure-II appended.

6. Vigilance Cells shall be constituted at Office of the District Educational Officer at District level Office of Commissioner & Director of School Education at State level during the period of admission process from April 15th to September 11th to monitor implementation of the provisions of the said Act.

7. These orders shall be implemented with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHANDANA KHAN
PRINCIPAL SECRETARY TO GOVERNMENT**

To

The Commissioner & Director of School Education, AP, Hyderabad

The State Project Director, Rajiv Vidya Mission(SSA), AP, Hyderabad

The Director, State Council for Education Research & Training(SCERT, Hyderabad

Copy to

Law (A) Department

PS to Principal Secretary to CM

PS to Hon'ble Minister (MW, PE & SSA)

PS to Hon'ble Minister (Secondary Education)

All HODs under the control of School Education Department

The Commissioner, Printing Stationery and Stores Purchase, Chanchalguda, Hyd (with a request to publish in Andhra Pradesh Gazette and supply (300) copies immediately.)

//FORWARDED BY ORDER//

SECTION OFFICER

ANNEXURE-I

(G.O. Ms. No.42, School Education (PE-Prog.I Dept. dt.30.07.2010)

Method of selection for admission of a child to an elementary class in a Private
recognized school

(i) During the admission period every year (from April 15th of the previous year to 22nd June of the current year), the school has to notify admissions and obtain applications for admission. Applications on plain paper can also be accepted. On receipt of the application the head of the institution has to give a receipt to the applicant/ parent in token of having received the application form for admission to an elementary class.

(ii) Applications received from candidates/parents/guardians should be considered for selection of candidate for admission by transparent, random method. For ex: taking lots of all filled in applications (application numbers) for a class on any notified day between June 1st to June 15th publicly to select candidates to the extent of 75% seats(un-reserved) of the total enrollment of that class.

(iii) Admission for 25% of seats reserved for Disadvantaged groups and Weaker Sections (in accordance with G.O. Ms. No.44, School Education (PE-Prog.I Dept. dt.30.07.2010).) to be selected in the manner stated at (ii) above.

a) Step 1: Method of Lots can be adopted for all applicants for a class belonging to Orphans.

Step 2: Method of Lots can be adopted for all applicants for a class belonging to HIV infected / affected

Step 3: Method of Lots can be adopted for all applicants for a class belonging to CWSN (disabled)

Limited to 5% enrollment of that class.

b) Step 4: Method of Lots can be adopted for all applicants for a class belonging to ST limited to 4% of the enrollment of that class.

c) Step 5: Method of Lots can be adopted for all applicants for a class belonging to SC limited to 10% of the enrollment of that class.

d) Step 6: Method of Lots can be adopted for all applicants for a class belonging to weaker sections i.e., BCs, Minorities and OCs whose parental income is less than Rs. 60,000 per annum limited to 6% of the enrollment of that class.

ANNEXURE-II

(G.O. Ms. No.42, School Education (PE-Prog.I Dept. dt.30.07.2010)

Maximum fee structure for the Basic maximum school size (for which educational agency obtained recognition) per student is given below.

Fee Structure for Basic Maximum School Size

Fee per Student	Primary		Upper Primary School		High School	
	Urban Up to (Rs.)	Rural Up to (Rs.)	Urban Up to (Rs.)	Rural Up to (Rs.)	Urban Up to (Rs.)	Rural Up to (Rs.)
Per Annum	9000	7800	9000	7800	12000	10800
Per month	750	650	750	650	1000	900

1. The fee includes tuition fee, special fee, School development fee, building fee, computer fee, the expenses to be incurred under recurring and non-recurring items i.e., Infrastructure, Salaries to the teachers and other staff, Equipment, Library, Laboratory, Furniture, Day to day maintenance and income for management.

2. When the school is confining itself to the fee structure to the ceiling (limits) mentioned in the above table, they are exempted from taking the approval of District Fee Regulatory Committee (DFRC).

The District Fee Regulatory Committee (DFRC) comprises:

- 1) The District Collector or his nominee not below the rank of Joint Collector : Chairman
- 2) The District Educational Officer concerned : Member Convener
- 3) The District Audit Officer / Auditor of Pay & Accounts Officer : Member
- 4) Revenue Divisional Officer concerned: Member
- 5) Deputy Educational Officer concerned : Member

3. The educational agency shall notify the fee structure to the general public by placing it in the public domain and also in the prominent places of the school Notice Boards (irrespective of the fee structure being within the above ceiling or not).

4. The fee shall be collected from the students month-wise or once in two months.

5. If the Governing Body proposes more than the fee structure mentioned above in the table for any subsequent academic year for approval of DFRC, they have to submit justification report along with audited statements of the previous three years before 30th April of that academic year. After giving an opportunity of being heard to management of private un-aided school / un-aided section (Aided school with un-aided sections) and the representation of parents, the DFRC shall accord approval before June end of the next academic year either as it is or with modifications in the proposed

fee structure which shall be placed in the public domain for information of all. The fee structure approved by DFRC shall be valid for 3 years.

6. If the Governing Body proposes more than the fee structure mentioned above for the next academic year for the approval of DFRC, they have to display their proposals for enhanced fee structure in public domain, so that students and parents may approach DFRC if they have any grievances on the proposed fee structure.

7. Every un-aided school or aided school having recognized un-aided Classes / Sections shall have its own fee structure to determine the fee to be collected from the students of various courses / classes, of those unaided Classes/ Sections basing on the facilities provided and get it approved by the District Fee Regulatory Committee (DFRC). This pertains to only Un-aided sections but not aided sections.

8. There should be no other fee except the fee approved by the DFRC. Any other fee or amount collected either from student or parent or guardian or any other person on behalf of student shall be treated as capitation fee under Section 13 (2) (a) of the Right of Children of Free and Compulsory Education Act 2009 punishable with fine which may extend to 10 times the capitation fee charged.

9. The Educational agency shall maintain separate accounts in one or more banks for the amounts allocated for various purposes mentioned above so that the amount allocated for a specific purpose shall not be diverted for another purpose. These accounts opened as specified above shall be operated through joint accounts in the name of the Secretary / Correspondent, management of the Institution and the headmaster of the institution.

10. The fee collected from the student as above is subject to inspection and auditing by the Auditors appointed for the purpose by the Governing body.