

*National Independent Schools Alliance (NISA) is the unified voice of budget private schools (BPS) in India, that aim at improving access to affordable and quality education for the economically weaker.*

photo: SCHOOL LEADERS WERE DISCUSSING ABOUT THE IMPORTANCE OF QUALITY EDUCATION



## editor's pick: ASER 2014 and RTE, 2009: Can We Now Focus on Where Our Children Are?

NISA SECRETARIAT

**Rohan Joshi**, Associate Director of Advocacy has critically analyzed the need of quality of education in the context of ASER report.

ASER 2014 is out, in its 10<sup>th</sup> consecutive year, with increased precision, rigor and diversity of data. The news once again is that our learning outcomes are falling. A lot has already been said and written about the report since it was made public last week in Delhi. Many academicians, educationists have called this a situation of national emergency and it indeed is. While the debate on what will get us to better learning outcomes has gathered momentum, it is important to ask, what is our policy focus and where are the policy gaps that contribute to poor learning outcomes? On April 1, 2015 we reach the second and final deadline of implementation of Right to Education Act (RTE, 2009), maybe this is the time to acknowledge the elephant in the room and take steps towards addressing the real challenge.

### Economy of Enrolments

Universalisation of primary education is

the key focus of RTE. ASER 2014, reports that we have an impressive 96.7% enrolment rate in 2014. However in 2010, at the outset of RTE, the total enrolments were 96.5%. This indicates that we have achieved 0.2% increase in enrolments over the last four years. Notably government school enrolments have shown a decrease of 6.2 % (from 71.1 % in 2010 to 64.9 % in 2014) during this period, while private school enrolments have gone up by 6.5% (from 24.3% in 2010 to 30.8% in 2014).

Looking the enrolment statistics one wonders how is RTE positioned to tie the two ends, enrolments and outcomes, together? Investment à Infrastructure à Regulation à Learning Outcomes is the inherent logic behind RTE, 2009. Put simply the policy approach is: Invest more to create better infrastructure and attract more students to schools, coupled with regulation of both private and public schools on set standards to achieve better learning outcomes. With the launch of RTE the total budget allocation for Sarva

Shiksha Abhiyan (SSA), the key implementation vehicle of RTE, has gone up from INR 275.52 billion in 2009-10 to INR 699.37 billion in 2012-13. This indicates a massive 156.6% increase in budget allocation for elementary education. Current research shows that out of its total SSA budget, government spends approximately 61% on teacher salaries. This means we have spent approximately INR 272.75 billion to achieve 0.2% increase in enrolments. The results of this investment however are that the overall increase in enrolment percentage is negligible, government schools enrolments are on a decline and private schools enrolments have increased and outcomes are falling in both the systems, more rapidly in government schools than in private. Is the approach of investing more to create better infrastructure and get more children in government schools yielding the desired results then?

### Efficiency of expenditure

Is government investing enough in public

education to yield the desired results? In 2013-14 government made an announcement of 32% reduction in budget allocation for SSA, which irked the proponents of RTE, who have been arguing for more government investment in public education. With additional 2% Education cess (tax on tax), introduced in 2004, all of us as taxpayers have been contributing towards the SSA budget. Currently 67% of SSA funds come from collections through education cess. The revenue collected by government through additional tax is diverted towards *Prarambhik Shiksha Kosh* which is non lapsable in nature, i.e., the funds cannot be diverted towards any other purpose than elementary education. However government has managed to spend just about 50% of the collected funds in 2012-13. At best government has managed to spend 77% of collected funds in year 2009-10.

School Management Committees which are seen and commonly accepted as the key player in enhancing RTE effectiveness, have very limited autonomy and voice in SSA expenditure. [Accountability Initiative's Report of 2011](#) states that out of total our education budget, 78% are invested in teacher and management costs, 14% on school infrastructure, the decisions of which are made at the State level. The SMCs have spending power of meager 5%. How then the demand for more government expenditure justified? The need clearly is of effective utilization of taxpayers' money and not of more investment.

### Effectiveness of regulation

ASER 2014 has shown approximately 20 points gap between learning outcomes of private and government schools. Only 44% children in standard 5<sup>th</sup> in government schools can solve simple subtraction questions, the percentage for the same in private schools is 65%. Over the last 9 years of ASER, private schools have consistently outperformed government schools in learning outcomes. It must be noted however that compared to global standards even the private schools performance is hardly anything to be proud of. This is one of the reasons why few have come forward to say that in terms of learning outcomes private schools are better than the government schools.

ASER report has also been careful in giving performance certificate to private schools. The study conducted alongside ASER survey has shown that out-of-school support has played an important

role in better academic performance of children attending private schools. While decoding the performances of private and government schools, it is important to note that 15.7 % children attending government schools also go for paid tuitions, whereas 8.1% of children attending private schools go for paid tuition classes. The percentage of children attending paid tuition classes has increased gradually over a period of time in both the systems. This indicates two clear trends, one, more parents are inclined towards spending on children's education; two, need for additional academic support is felt by parents in both the systems. At this point, it would be important to find out, is the need for additional academic support felt more by parents sending their children to government schools than by those in private schools? The argument of additional support playing important role in better performance of private schools needs to be examined further, since *prima facie* at least ~16% government school children are getting the additional support through paid tuition classes.

ASER 2014 has evaluated the status of compliance of government schools on 8 different RTE norms. These norms include compound walls, playgrounds, libraries, separate toilets for boys and girls etc. The trends show varying degrees of improved compliance of RTE norms in government schools. Broadly most government schools have basic infrastructure owing to growing government investment as mentioned earlier. It is high time to ask the question, why then the performance of government schools is falling? RTE and all other State education acts have focused heavily on regulating private schools. RTE in particular, has unrealistic norms for private schools in terms of infrastructure, teacher eligibility, teacher salaries etc. Most common argument in favor of heavy regulation is that the *teaching shops* or opportunistic private schools need to be regulated to ensure that they achieve some quality. The net result of this approach is, as reported by many newspapers and Centre for Civil Society's research in Punjab, that thousands of private schools have closed down in last 4 years of RTE owing to their non-compliance of RTE norms in the meanwhile those who have survived have survived without following all the RTE norms and have also outperformed the government schools on learning outcomes along the way.

Accepting the ASER 2014 verdict and viewpoints expressed by several academicians in ASER preface, at this point it would be premature to argue in favor of private education purely on the basis of learning outcomes. However, the need at the moment is to view comparatively better learning outcomes of private schools and parental choice in favor of private schools, both reflected bold and clear in ASER 2014, together.

### What next?

The debate on how to achieve better learning outcomes has just started and ASER has a very important role in bringing the issue of learning outcomes on national agenda every year. This year, for the first time we heard some key political leaders taking a stance on RTE and expressing the need to revisit some of its norms, which are arguably contributing a zilch towards learning outcomes. It is important to continue this debate and arrive at the right answer or a set of right answers towards achieving better learning outcomes.

In the meanwhile, it is imperative to revisit not just RTE but overall regulation of private schools in the country. Proponents of RTE and public schooling often confuse between better regulations with promotion of private education. In one of our meetings with the Education Secretary of a state, the education secretary made a remark "our role is to regulate private schools not to ensure their prosperity". It is evident from ASER 2014 and all its previous versions that the private schools with their growing share in enrolments do not require government patronage for prosperity. What private schools really need at the moment is regulation that acknowledges the parental choice, role of private schools in making the choice available and most importantly focuses on learning outcomes, so that the schools can continue to do what they are better at doing: providing quality education!

The key factor defining in better regulation is the overall focus of regulatory framework. In this case the focus must shift from inputs to outcomes in education. This essentially involves government assuming a different role in delivery of education. Some of the possible activities that government might want to take up to make this happen are: facilitate large scale assessments and evaluate the schools on the basis of assessment results, rate schools government and





private, on the basis of their performances and make the information available to parents on an ongoing basis. In more immediate future, it is also important to streamline existing norms of various State Education Laws with RTE norms. In Tamilnadu and Karnataka, recognized CBSE schools have been asked to apply for recognition again, because the Section 19 of RTE requires schools to be recognized by local authority. While we do not allow education to be for-profit in the country, in most states private schools are required to pay for electricity and other utilities at commercial rates. In states like UP, private schools are not allowed to

operate in residential buildings. In the same state, private schools are required to obtain a lease agreement of 10 years before applying for recognition. In Haryana, private schools require to convert agricultural land to non-agricultural before applying for recognition. Remarkably both UP and Haryana are among the top 3 states in the country in terms of private school enrolments with above 50% children enrolled in private schools.

We are standing at a very important juncture: ASER 2014 results are out, the new government is gearing up for its first full-fledged budget, MHRD had announced formation of new Education Policy and

RTE implementation final deadline (1<sup>st</sup> April 2015) is just about three months away. It is important to revise our policy approach and develop a time-bound plan to roll out a more effective policy that focuses on learning outcomes.

Let our simple principle for revised policy be, as somebody mentioned on recent television debate, focus on where our children are!

photo: Parliamentarians Discussed Education Policy Reforms



## Parliamentarians Discussed Education Policy Reforms

Centre for Civil Society brought the members of Lok Sabha and Rajya Sabha to discuss key issues in Education Policy. The discussion was facilitated by Dr. Gurcharan Das noted author, and intellectual and former CEO of P & B and hosted by Dr.Parth J Shah, President ,Center for Civil Society. Shri Mr.Thangso Baite,Shri Md. Badruddoza Khan, Shri DR Dhram Vir Ghandhi,Shri. Ninong Ering, Darda, Shri Vijay Jawaharlal, Smt.Anu Aga are some of MP's participated in this discussion.

The discussion focused on a few important aspects of the education.

1. Ensuring the availability of good quality education in our country for both elementary and higher education systems.
2. Importance of Choice in education. The members discussed the need and impor-

tance of choice in education. Some of the key challenges in RTE and role of Budget Private Schools were discussed in details. Parliamentarians shared policy challenges and perspectives in their. Discussion also focused how the current education policies can be revised to focus on quality education of choice for all.

This parliamentarian's dialogue on education proved to be useful in terms of initiating a discussion with policymakers on education policy. Parliamentarians appreciated this effort and assured that they would take up some of the questions on RTE for discussion in next parliament session.

***The Next parliamentarian's budget session will be organized in March 2015 to critically analyze the education budget.***



photo: Launch of Teacher quality improvement program



## HPSWA Launched Teacher Quality Improvement Program

Haryana Federation of Private Schools and Welfare Association (HFPSWA) and NISA launched Teacher Quality Improvement program on 28<sup>th</sup> December 2014 in Ambala, Haryana.

The launch program oriented around 150 teachers about the importance of their role in improving the quality of education in all private schools. In addition Vinod Karate from STiR also talked about how the teacher's network can develop the standard of education in private schools. This program aims at creating teacher change makers, who can find more inno-

vative methods for influencing improved learning. All these aspects will also improve the teachers' capacities to come with new pedagogical methods to increase the interest of students in classroom processes.

Since 2012-13 Punjab Private Schools Organization in support from NISA has been running a network of 13 schools in Rajpura. Rajpura quality education program has been successful in strengthening the teacher's networks, innovative teaching learning materials. From this program the schools saw a significant

change in students' willingness to learn. It also developed the teacher's capacities in many ways. Complete report of Rajpura program Year 1, is available on NISA Google Group. HFPSWA adopted this program with full interest to enhance the quality education in select schools in Ambala over the next

two years. Remarkably HFPSWA has decided to take up the costs of this quality education program. NISA appreciates this and encourages other states to come forward and take up similar initiatives in their states.



## An Indian high court scraps private school closure order

An Indian high court (The Punjab and Haryana High Court at Chandigarh) passed a [judgment](#) on 15 January 2015, quashing the blanket school closure order issued by Haryana (a northern Indian province) Authorities in 2013 against 1372 private schools that did not meet recognition norms, or had not applied for recognition under Sections 18 and 19 of the Right of Children to Free and Compulsory Education Act, 2009. The order stated:

[...]the petitioners themselves admitted that after the notices were issued some of them had given replies and some of them had not; some of them applied for recognition under the Act and some may not have. Whatever were the failings of the

petitioners, there is a modicum of procedure that the State is bound to follow before the orders are passed directing closure of the schools. If only the State had undertaken any inspection and noticed on a case to case basis that norms had not been fulfilled or applications had not even been filed or replies had not been given, it would not be possible for the State to pass the order in the manner that it did. [...] An omnibus order that the replies submitted were not found in proper order only betrays a complete lack of application of mind. If the schools were required to be closed or recognition was required to be withdrawn, there bound to be for reasons laid down under the 2003 Rules or under the RTE Act. [...]

Back in 2012, a self-styled public spirited citizen filed a petition in the high court against private schools complaining that those are running without recognition contrary to law and therefore those should be closed. Acting on the complaint, the Court directed the State Government on 4<sup>th</sup> Sep 2012 to conduct a compliance survey in the entire State of Haryana. This was to ensure that no school be established or allowed to operate without recognition from the government or without complying with the input-centric norms of Right to Education Act as well as the state education rules.

The Government authorities on 5<sup>th</sup> July 2013 issued notice to several schools to show-cause why action should not be



taken against them for running without approval. In reply to the notice, some budget private schools submitted a detailed explanation to the concerned authority. Others did not reply at all. The government on 17<sup>th</sup> Sep, 2013 passed a blanket closure order for all budget private schools irrespective of who replied and what they replied. The Director, Secondary Education, Haryana, informed the District Education Officers of the respective districts to close down the schools which could not satisfy the desired norms, directed those schools to adjust their students in the nearby government schools and called for the compliance report.

A number of budget private schools, including members of the National Independent Schools Alliance, an initiative of Centre for Civil Society, challenged the closure orders issued by the Haryana Authorities in the High Court. Obviously, the compliance check did not mean that the government ought to close down schools “without even informing them as to how their schools are not meeting the prescribed norms because in the absence of any speaking order, they would not be in a position to challenge its correctness.” The High Court immediately stayed the closure order.

It took two years for the Court to conclude the hearing. The judgment is new hope for over 4,00,000 budget private schools, most of which face a threat of closure due to non compliance with input norms under the Right to Education Act 2009. Even a school that has not applied for recognition or which has not complied with the norms must be informed of that particular reason for closure and or of the deficiencies that exist before they could be asked to close down. The government

officials will now have to deal with each school on case to case basis. This could mean physically going to each school to inspect, record deficiencies and pass speaking orders. Not going to be easy for Indian bureaucracy! For BPS, the message is loud and clear. Do not be afraid of recognition. Compare yourself to neighborhood public school in terms of infrastructure as well as learning outcomes and make a case for yourself. If a government official threatens to shut you down, ask for an order in writing. If they provide it, let your students and their parents challenge it. It is their right to be in a school of their choice.

First, the single biggest input barrier is minimum land requirement which BPS find difficult to comply with. Interestingly, in some cases such as illegal settlements, it can be impossible to comply with. If a neighborhood or settlement is unauthorized, how do they expect schools to be authorized? How will schools buy land or rent it formally? This mean, no schools can then exist in urban slums as most slums are illegal. Some state rules such as Haryana rules mandate specific dimensions for classrooms, doors, windows and stairs. Should a school shut down because its door is six inches narrow than mandated by a bureaucrat? Most public schools in rural areas are not input-compliant either, as per government records.

Secondly, let's look at the outcomes - Pratham's Annual Status of Education Report 2014 (ASER 2014). In 2014, enrolment in private schools in Haryana increased from 51.4 to 54.2 percent in rural areas. Private schools also perform better, on average, than government schools in the State, with only 36.5 percent of children in Std III in government schools be-

ing able to read a Std I text, while the figure for private schools is 82.8 percent. Similarly, for mathematics skills, in government schools, 24.3 percent student in Std III could do subtraction, while in private schools this figure is 74.7 percent.

“Private schools outperform government schools on almost parameters, at a fraction of the functioning cost. The poor are voting with their feet away from government schools, and the High Court judgment is a step toward strengthening the position of budget private schools in the country and creating access to education of choice for all”, said Parth J Shah, President, Centre for Civil Society.

Please note that if private schools do not comply with input norms, they are fined to the extent they will be forced to shut down. On the other hand, there is no recognition system for public schools. They are opened by the very education department that checks private schools and grants recognition to private schools. So, if public schools do not comply...? Nothing really happens.

(Note: Media reports that since the passing of the RTE, 2,983 schools have been shut down across 17 states, and another 5,907 face threat of closure. These figures, already staggering, become even more so when you consider on-ground figures. Our NISA field coordinators report that 4,331 schools have already been shut down in 17 states – 1176 in Punjab, while another 15,083 face threat of closure affecting over 40,72,410 students.)



*Prashnt Narang  
Advocate iJustice*



photo: NISA MEMBERS AT SLS 2014



## events

NISA SECRETARIAT

National Conference | 18-19 April 2015, New Delhi

### NISA 3<sup>rd</sup> Internal National Level Meeting

The NISA 3<sup>rd</sup> internal National level meeting for 2015 will be organize in April 18,19<sup>th</sup> at New Delhi. Where association leaders will discuss the progress made since the last meeting, address concerns and chart out a plan of action for the rest of the year.

## newsreel

THE RTE PLATFORM

Indian Express | 1 December 2014

### Notices to 35 schools for defying RTE norms

<http://http://indianexpress.com/article/cities/pune/notices-to-35-schools-for-defying-rte-norms/>

The Times of India | 6 December 2014

### 'Plea questions TN move to regulate CBSE Schools

<http://http://timesofindia.indiatimes.com/home/education/news/Plea-questions-TN-move-to-regulate-CBSE-schools/articleshow/45391372.cms>

Hindustan Times | 27 January 2015

### Maharastra: Experts divided over age limit for school admissions

<http://hindustantimes.com/mumbai/maharashtra-experts-divided-over-age-limit-for-school-admissions/article1-1311217.aspx>

Deccan Herald | 31 January 2015

### Pvt Schools frown on plan to amend RTE Act

<http://timesofindia.indiatimes.com/city/nagpur/37-unrecognized-schools-under-education-department-scanner/articleshow/38986875.cms>

Courtesy: **RightToEducation.in**

Reminder:

# NISA requests all the state associations to complete the data collection of school data forms.

Welcome:

Association of Private Schools Management (CBSE), Tamil Nadu



NISA has presence in Andhra Pradesh, Arunachal Pradesh, Assam, Bihar, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Madhya Pradesh, Maharashtra, Odisha, Punjab, Tamil Nadu, Uttarakhand, Uttar Pradesh, Rajasthan and



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