Asha for Education

Document Date: 8th February 2007

Last update: 16th March 2007

Right to Education Proposal -2: Comments and Feedback on the Government's RTE Draft Bill from Asha Chapters.

Reference:

[1] Government's RTE Draft Bill:
http://www.ashanet.org/campaigns/rte/docs/RighttoEducationBill2005.pdf

[2] Original Proposal by Seattle Chapter: http://data. ashanet.org/ datastore/ data/Coordination/Decision_ Making_Process/ Proposals/ RTE-ARC-Proposal -2_new.doc

Table of Contents

Overall Chapter status 2
Austin 4
Atlanta 6
Berkeley: 12
Cleveland: 18
Detroit: 19
MHV 25
Princeton 26
Toledo 28
Canada 30
Philadelphia 33
MIT-Boston 37
LA 39
DC 40

Overall Chapter status: (as on 16th March 2007)

Chapter	Vote	Minutes/Feedback	Comments
Urbana-C (UIUC)			
Memphis			
Corvallis			
Silicon Valley			
Cornell			
Cleveland	Y	Yes	
Stamford	Y	No	
Irvine			
Portland			
Stanford			
Central NJ			
Princeton		Yes	Sent minutes but did not vote
Arizona			
Berkeley		Yes	Sent minutes but did not vote (Made comments but did not reach to a final vote)
Munich, Germany			
MIT-Boston	Y	Yes	
Houston			
Canada	N	Yes	
Frankfurt			
Chicago	A		
Zurich, Switzerland			
U Florida	Y	No	
Yale	A		
Seattle			
Dallas			
Colorado			
London	Y	No	Sent an email that minutes will be sent later
DC		Yes	Comments sent by email
NYC/NJ	Y	No	
MHV		Yes	Sent minutes but did not vote (as the minutes say YES I am marking accordingly)
Athens			
Detroit	Y	Yes	

Redlands			
Flint, MI			
St. Louis			
Austin	N	Yes	
U Toledo		Yes	Sent minutes but did not vote but looking at them I believe the vote is YES which I will confirm
Atlanta		Yes	Sent minutes but did not vote (they voted on individual basis so I cannot decide a YES/NO)
LA	Yes	Yes	
Philadelphia	Y	Yes	
Pittsburgh			
Cincinnati	Y	No	Minutes not in proper format
Minneapolis	Y	Yes	Minutes not in proper format
Salt Lake City	Y	No	
Eindhoven	Y	No	

Austin:

Asha Austin Meeting Minutes:

Date 2/1/07

Attendees: Gaurav, Santhosh, Vinod, Murali, Bhavna, Pankaj, Arun, Arvind V

This meeting was specifically to discuss the RTE Bill to come to consensus regarding the vote needed for ARC. The bill was discussed at great length and with great animation over many hours.

Some specific points regarding Seattle's positions were agreed to, others were not. Each point was debated individually with votes taken separately. At the end, a final single vote was taken regarding the overall proposal.

OVERALL VOTE :

FOR:0 AGAINST:8 ABSTAIN:0

See below for individual point votes and concerns. For detail on each vote, refer to the RTE bill.

1) Regarding the duty of Citizens:

This point was agreed to without much debate at a previous meeting in Dec'06.

2) Regarding Children's Age:

Vote- For:6 Against:1 Abstain: 0

Concern: Is this bill the right place for 14-18 age group?

3) Regarding girl children and children with special needs:

3.1 Needs of Girl Children

Vote- For:5 Against:1 Abstain:1

Concerns: Does adding girl children cause detriment to other groups not specifically mentioned.

3.2 Children with Disability

Vote- For:1 Against:6 Abstain:1

Concern: The bill broadly covers this already. Requiring specific implementation on this point only seems to be out of scope for the bill. It may get bogged down as a result of implementation specifics.

4) Regarding the Curriculum

Vote- For:0 Against:8 Abstain:0

Concerns: Requiring this detail could again bog the bill down. Also curriculum can be very regional and dependent on specific contexts. Defining these minimum requirements would be very difficult. Local government should be involved in deciding who the competent authority and SMCs should be involved in the curriculum development.

5) Regarding Finances

Vote- For:0 Against:8 Abstain:0

Concerns: Once this bill gets passed as an act, then point 5 is redundant as non-compliance is not an option.

6) Regarding Infrastructure

Vote- For:0 Against:8 Abstain:0

Concern: Point 7 in table should be "as may be prescribed". We don't feel that teacher-staff housing should be part of this. Add mid-day meals "as may be prescribed." Additional infrastructural requirements suggested may be too stringent and should be in desirable not required.

7) Regarding Enforcement

Vote- For:8 Against:0 Abstain:0

No concerns, this we fully support.

8) Regarding SMCs: Each subpoint on 8 was voted on individually

a) For: 0 Against:1 Abstain:7,

This was too vague to comment. This does not seem like an amendment, rather a reaction.

b) For:8 Against:0 Abstain:0;

Parents who are on the SMC should be voted in by the parents of the school. This is to prevent democratic representation and maintain accountability.

c) For:0 Against:8 Abstain:0,

We don't feel this is necessary as long as SMC members are elected

d) For:0 Against:7 Abstain:1,

Most thought this would create ulterior incentive to participate in SMC. Abstaining vote concern is that if a person cannot participate in the SMC due to loss of wages, then perhaps wages are warranted.

e) For:8 Against:0 Abstain:0,

Caveat is that bill should require the method of grievance, but not specifically describe it, rather make it "as prescribed", perhaps by the body mentioned in point (f).

f) For:8 Against:0 Abstain:0,

this was readily agreed to.

g) For:0 Against:7 Abstain:1,

This was seen as redundant, if this becomes an Act then the govt is responsible by the nature of the Act.

9) Regarding Teachers:.

For:0 Against:8 Abstain:0,

We feel this point needs to more concise. Teacher's salaries need to be adequately addressed. Tuition should be allowed only for topics outside the teacher's regular curriculum. The overall infrastructure comment does not need to be addressed here provided that salaries are adequate. Incentive based measures to address urban disparity are reasonable. General agreement on needing at least one female teacher.

10) Regarding Private Schools

For:4 Against:1 Abstain:3,

Some have seen to many problems in implementation of similar acts, takes some responsibility away from the government.

Atlanta:

Votes/Comments on the RTE consensus statement points						
	Chapter:	Atlanta				
	Voting period:	Feb2 - Feb7 '07				
	No. of respondents:	7				
1	Regarding the duty of citizens		86	% Agree		
		Votes	6	Agree	1	Do Not Agree

		Comments	1	Agree	1	Do Not Agree
			#1	Do not agree. The motivation behind Section 50 seems to be to ascribe some and not all of the responsibility (of providing education to a child) to the parent/guardian. It is important to note that the draft bill does assign responsibilities to other stakeholders too: state govt., central govt., local authorities and schools. However, the primary responsibility of enrolling a child in a school should definitely be that of the parent/guardian. True, there may be socio-economic disincentives for not enrolling a child. But the best 3rd-party judge of that would be a peer group of parents/guardians from identical socio-economic backgrounds. Assuming that such a group has adequate representation on the SMC, and that the SMC follows a 'fair' process of determining whether any parent/guardian is 'defaulting', Section 50 seems okay.		
			#2	Agree. In itself, the point is not critical. If there is no infrastructure in place to provide education, then how could one expect any infrastructure in the form of SMCs? Also, the proposed punishment does not seem to be effective in the long-term.		
2	Regarding children's age		43	% Agree		
		Votes	3	Agree	4	Do Not Agree
		Comments	0	Agree	3	Do Not Agree

			#1	Do not agree. It would be great if the entire age group 0-18yrs got covered. But if it doesn't, that shouldn't be considered a deal-breaker. Healthcare, nutrition and pre-schooling are very important issues in the 0-6yrs age group. For that, probably, programs such as ICDS & anganwadi schemes could be strengthened. In an ideal world, policies pertaining to child healthcare, child labour and education should be tied together as part of a holistic approach. But this isn't an ideal world.		
			#2	Impractical		
			#3	This bill doesn't seem to be the right place to discuss healthcare for the 0-6 age group. Covering the 14-18 age group here does make sense but may render the bill infeasible due to high costs.		
3	Regarding Girl Children and children with special needs		100	% Agree		
		Votes	7	Agree	0	Do Not Agree
		Comments	1	Agree	0	Do Not Agree
			#1	Agree. These two categories of children merit special attention. The draft bill should incorporate (make part of central legislation) policy work already done in the field of inclusive education. E.g. Integrated Education for the Disabled / National Policy of Action for the Girl Child under SSA (Sarva Shiksha Abhiyan). Also the		

				term 'disability' should conform to the latest definitions (National Trust Act ?)		
4	Regarding Curriculum		67	% Agree		
		Votes	4	Agree	2	Do Not Agree
		Comments	1	Agree	0	Do Not Agree
			#1	Do not agree. The draft bill does not seem to be the right place to specify any curricula. Curriculum-specific guidelines in Sections 10 and 57 seem sufficient in the context of the bill.		
5	Regarding Finances		83	% Agree		
		Votes	5	Agree	1	Do Not Agree
		Comments	1	Agree	0	Do Not Agree
			#1	Agree. This issue is strongly tied to a basic premise – the RTE bill should lead to central legislation. The current framework puts the onus of legislation and bankrolling of the initiative on		

				the states. Disbursal of funds under the SSA scheme from the centre to the states follows what looks like a carrot-and-stick policy – may not be ideal for effective implementation.		
6	Regarding Infrastructure		50	% Agree		
		Votes	3	Agree	3	Do Not Agree
		Comments	0	Agree	1	Do Not Agree
			#1	Do not agree. The 'mandatory' and 'desirable' infrastructure norms covered in the schedule seem sufficient. It is also stated that the schedule is amendable and that this power lies with the NCEE- seems logical.		
8	Regarding SMCs		50	% Agree		
		Votes	3	Agree	3	Do Not Agree
		Comments	0	Agree	0	Do Not Agree

			#1	(a) Exercising of power should involve a system of checks-and-balances between an SMC and the local authorities. In any case, as the other points discuss, the constitution and structure of SMCs need to be clearly defined. A good discussion may be found in this paper: http://nac.nic.in/concept%20papers/edubill.pdf (c) Govt. /local authority office holders with experience in the field of education may be allowed to function in 'advisory' capacities on the SMC.		
10	Regarding Reservations		29	% Agree		
		Votes	2	Agree	5	Do Not Agree
		Comments	1	Agree	1	Do Not Agree
			#1	There are scores of equally good arguments on both sides of this issue (and in particular on the issue of reservations anywhere) that need not be repeated. But things may be put in perspective: (a) The proposed 25% reservations is sort of a compromise between no-reservations and the ideal Common School System (ideal, but expensive and something that requires improbably strong political will (b) Reservations in primary education is a far better proposition than reservation in higher education		
			#2	Reservation based on caste should be completely eliminated. Economic reservation is okay.		

Berkeley:

The berkeley chapter held a detailed discussion of RTE Proposal 2 at our meeting this Sunday and i've attached a document with our thoughts on the proposal. One general comment that came up a lot was that some of the points on the proposal seem to be just more detailed or more implementation orientated specifics that the draft bill does already cover - it might be better in some type of guidelines rather than part of the actual bill/legislation.

-Nandini

Asha-Berkeley Meeting : 4th Feb, 2007

Attendees: Bala, Nandini, Dipa, Jessica, Aditi, Anitha, Urmila, Sandipan, Anil, Shezad, Melissa, Vishali, JK, and [a few new volunteers]

Minutes

Berkeley's Discussion on Proposal 2:

1) **Regarding the duty of Citizens**

   Seattle's Recommendation

   The government should first get educational infrastructure and quality in place, and only then consider implementing Section 50.

   Why: There are various reasons for children not being sent to schools like starvation, the need for siblings to be taken care of, and/or the need to take care of the elderly/ill people. Rather than punishing parents for failing to make their children attend school, the government should first look at providing the means to solve the reasons for lack of attendance.

   Berkeley's Recommendation

   - While most members in the chapter agree with the reason why this concern was raised, it was felt that this was not something to be covered in the RTE bill.
   - A guideline could be added to section 50 recommending that parents be held responsible by the SMC, but with 'punishment' meted out on a case by case basis with careful consideration of their specific circumstances

2) **Regarding Children's Age**

   Seattle's Recommendation

   The needs of the 0 to 6 age group need to be addressed, specifically regarding nutrition, health care, and childcare. Additional educational opportunities for the 14 to 18 age group should be provided.

Why: According to the Supreme Court judgment of 1993, education is a fundamental right for all children until the age of 14. Since draft bill only guarantees the right for children in the age group 6-14, it is failing to protect many children's right to education. Addressing the age group of 0-6 is especially important since lack of nutritional and health care in this age group effects educational opportunities in their future. This is particularly relevant in India as more than 50% of children under 5 are malnourished.

Berkeley's Feedback

- 0-6 Age group : While this is an important factor that needs to be taken into account, the issue seems outside the scope of the RTE bill in terms of directing any well defined action on the goverment's part.
- 14-18 Age group : Vocational training would probably be more relevant to this age group..also in terms of practical implementation this could become very complicated. If this issue is addressed at all, there must be more concrete suggestions.
- The draft bill already addresses pre-schooling for 3-6 year olds as well as enforcing the continual availability of free education up to the age of 18 for children who do not complete elementary education by then.

2) Regarding girl children and children with special needs

Seattle's Reccommendation

3.1) The Draft bill should specifically address the needs of girl children in the context of closing the gender gap.

Why: The draft bill fails to mention any special provisions of educational opportunities for the girl child. Since the gender gap in education is high, special provisions should be made to attract girls to schools, until such time as the gender gap is closed.

3.2) The draft bill should contain greater specificity on implementing the rights of children with disability.

Why: The draft bill states that children with special needs have a right to education provided in an appropriate environment, but it omits any mention of how this environment will be provided and how the right to education will be implemented. Because of this, there is concern that the rights of these children will be overlooked.

For items 3.1 and 3.2, specific provisions could draw upon recommendations of the CABE report titled "Girls education and the Common School System".

- Berkeley's FeedbackConsensus on addressing this issue – The bill adresses it in section 5(v) "to ensure that economic social, cultural, linguistic, gender, administrative, locational, disability or other barriers do not prevent the child..."

  The wording could act as an addendum to this section to emphasize its importance.

3) Regarding the Curriculum

Seattle's Recommendation

There should be a minimum (and relevant) curriculum specified. There should be criteria established to enable school evaluation. To receive the graduation certificate, children should fulfill a specified minimum set of requirements.

Why: The draft bill specifies no curriculum, nor any way to evaluate how the schools or children are performing.

Berkeley's Feedback

- **Minor wording refinement is proposed.**

a. The cirriculum , education effectiveness and graduation evaluation (by SMC) should be strongly emphasized.

b. The bill should only point to a curriculum and the curriculum should not be specified within the bill.

c. The first sentence in seattle's recommendation is already covered in the bill, but the 2nd and 3rd sentences are not.

d.

- Again, the bill demands that a curriculum be made by "competent academic authorities" and demands continuous and comprehensive evaluation. However, the details are not specified as noted by Seattle, and these could be put in as guidelines to implementation of the bill.

4) Regarding Finances

Seattle's Recommendation

The Central Government must ensure that the bill gets implemented in its entirety, and must provide sufficient resources/legislation to ensure this, particularly with regards to states that lack funds.

Why: Under the constitution of India education is a concurrent subject of both federal and state governments. Shifting most of the burden to state governments would likely lead to non-implementation of various provisions of the bill, resulting in the 'Right to Education' not being guaranteed uniformly across India.

- Berkeley strongly agrees with this statement.

5) Regarding Infrastructure

Seattle's Recommendation

In order for a school to be recognized, additional infrastructure requirements regarding telephone, electrification, and maintenance should be met. Power to amend the schedule should lie with the parliament, and state and fully aided schools should also be subject to provisions of Section 18.4. In addition, issues regarding teacher-staff housing, mid-day meals and transportation for children need to be addressed.

Why: The infrastructure requirements contained within the draft bill do not cover nearly enough, and consequently, need to be amended. Further, these requirements need to apply to all schools, not just public schools.

- Yes, to the statement that all schools must conform to the infrastructure requirements.

- The other issues are again addressed in the draft, but only very briefly. Guidelines could be added in to specify details.

6) Regarding Enforcement

Seattle's Recommendation

The bill must grant the Right to Education as a justiciable right. There must be provision for holding the Government accountable if the Right to Education continues to fail to be implemented. Section 54 of the bill must be revised.

Why: The draft does not grant the Right to Education as a justiciable right. Section 54 of the Bill explicitly rules out the possibility of legal action against the Government for anything that is done or intended to be done in "good faith" which in practice could cover just about anything. This effectively renders the Right to Education un-enforceable and seriously jeopardizes its implemenation.

a. Berkeley's FeedbackStrongly Agree.

Following Items are with little consensus within Asha-Seattle:

The remaining items in this list were hotly debated given the great divergence of peoples views, and the nearly even split in opinion. However, through much debate and compromise, we either reached a consensus statement (SMCs and Teachers), or persuaded enough people to one side to just reach a 2/3 majority (Reservations).

7) Regarding SMCs

Seattle's Discussion

We have several concerns regarding SMCs as mentioned below. We feel that these concerns should be taken into account and a new proposal made regarding SMCs and their role before we can lend our support to the establishment of SMCs. We do view the management of schools by the communities that they serve as a positive in the long run.

Specific Concerns:

a) The SMCs are given way too much power too quickly. They need time to be established.

b) Constitution of SMCs should be made clear with adequate provisions for representation by minorities and oppressed classes. Methods for becoming a member of an SMC should also be made clear (elected/appointed etc.)

c) Individuals holding any other elected government position should not be allowed to be a member of an SMC.

d) Appropriate remuneration based on local prevailing wages for similar positions should be provided to SMC members unless they decline to be compensated.

e) A method and process for addressing grievances against the SMC should be provided in the bill.

f) The bill should provide for the establishment of an autonomous body to oversee the SMCs, the primary purpose of which would be to help establish, train, guide and monitor the SMCs. The experience of such a body would go a long way to offsetting the problems associated with new SMCs lacking guidance and experience.

g) A clear statement that assuring the right to education remains a state responsibility, and in as much as any local SMC or government fails, then it is the responsibility of the state to step in to guarantee this right to education.

Why: The SMCs are given way too much power way too quickly. They need time to be established with guidance along the way, and they need to be protected from local entrenched interests that do not represent the interests of the entire community.

Berkeley's Feedback

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- The statement "The SMCs are given way too much power way too quickly." is subjective and should be reworded in a more objective manner to enforce that the SMCs are representative of the community.For 7a) we suggest a more concrete statement – such as making the time frame for handing over to the SMC's more flexible, with thee months being ideal, but more time acceptable in order to make sure the SMC is prepared to deal with
- part of 7b) is already covered in the bill – it demands proportionate representation from all classes/sections of society.
- Disagree with 7d) except if being on the SMC constitutes a full time job. If not, the SMC is like a local panchayat and should not involve remuneration
- Agree with 7c), 7e) and suggest that 7g) be combined with e) to make it clear that the state government is responsible for ensuring proper operation of the SMC and for taking over in case of failure.
- Disagree with 7f) – this new autonomous body will only complicate the hierarchy..

8) Regarding Teachers

Seattle's Discussion

Several aspects of the RTE bill are overly repressive of teachers' rights, such as the requirement that teachers be a school-based cadre and disallowing private tuitions. Instead, more humane approaches should be pursued that at the very least consider transfers on a case-by-case basis and allow private tuitions except perhaps to one's own students.

On the other hand, we do endorse the attempt made in the RTE bill to address the pressing issue of teacher accountability. We agree with the approach of the bill where the teachers are required to be accountable to local school authorities (such as SMC).

The abysmal state of teaching infrastructure in India is a cause for deep concern. The overall infrastructure for teachers including housing, transportation, quarters and toilets should be comprehensively revamped with immediate effect. This would serve to help improve teaching conditions. In addition, the concentration of teachers in urban areas

continues to be a problem. Incentive-based measures could be adopted to address this disparity.

Finally, we feel that the requirements for teachers per school must include a minimum of two teachers per school, with at least one of them being female.

Why: To help improve teacher performance, and in particular reduce the high rate of teacher absenteeism, it is important to both improve teacher work conditions, and increase accountability.

Berkeley's Feedback

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a. As part of the justification, it should be pointed out that the teachers are not involved with activities that constitute a conflict of interest that compromises quality of education or teacher accountability.

b. Quality and consistency of the teachers should also be emphasized.

c. Also instead of requiring at least 2 teachers per school, this specification should be modified to require some minimum ratio of students per teacher.

d. Also, it should be required that students have access to a female authority figure such as a teacher in similar terms.

   - [*Consensus not reached]* The female authority representation points should be moved to another section where it is more expressed in terms of and educational environment enabler (comfort and encouragement to female students and from a rights standpoint). This point being brought up in the teachers section approaches classification as a social item exclusive of education. *Agree, in general. Also, feel that details of teacher housing etc, while they need to be addressed will be hard to practically pin down details – might be better put in as guidelines.*

9) Regarding Private Schools

Seattle's Discussion

We support 25% reservation in private schools. It is an attempt to provide access to better education to the weaker section of society. While implementing this, the government must ensure that the children admitted through reservation are not discriminated against as has been seen in some schools in Delhi.

Why: Today in India, there are many areas, especially urban areas, where private schools provide an attractive alternative to poor quality government schools. The middle class sends its children overwhelmingly to private schools. Unfortunately, these private schools are often expensive and hence inaccessible to the economically weaker classes. There is concern that this is contributing to the widening of disparities between the classes. Past government appointed education committees, while recognizing the importance of private schools in providing innovation and quality education, have recommended ways of addressing these disparities through frameworks such as the Common School System. Instituting 25% reservation will be a step in addressing these disparities.

Berkeley's Feedback

- A question was raised as to whether states are not already implementing a reservation policy in private schools. This topic is also currently being debated by the government – so this would be independent legislation and therefore too general an issue to address in RTE

Cleveland:

We discussed the RTE-2 proposal at our chapter yesterday. We have voted in favor of the proposal with discussion minutes detailed below.

If you have any questions/comments let me know.

Regards
Bharadwaj

Meeting notes
Asha
Cleveland Meeting: Jan 26, 2007

Attendance: Bharadwaj, Ramya, Manav, Bhushan, Amrata, Nigamanth, Smita, Sujai, Sagar, Amar, Divya, Fehmida

RTE presentation: Bharadwaj introduced the group to the Right To Education Bill, and the group discussed portions of the Bill.

Comments from Cleveland

1. Duty of citizens - Yes. Replace punitive penalties with incentives. For example, punishing the family for not sending a kid to school with a Rs. 10,000/- fine can be replaced with incentives on ration card, perhaps. Punishments will only push families toward corruption, especially these large fines.

2. Children's age - Replace age limitation with perhaps a minimum grade to achieve -- Class X, for instance.

3. Girl children and children with special needs –

3.1 - If we recommend special provisions, we should be explicit about what provisions we are talking about. As it is, the law does not see girls different from boys. (We will look into the CABE document that is being referred to and get back if we have any specific questions)
3.2 - Yes.
4. Minimum curriculum standards - Yes
5. Finances - Yes

6. Infrastructure - Yes

7. Regarding enforcement - Yes

8. SMCs - The role of the SMC must be clarified. Agree with points raised from Seattle discussion. Training and orientation must be planned and outlined in the Bill.

9. Teachers - More defined responsibility on teacher to show student performance. As it is, the teachers could have a free ride.
Evaluation mechanisms for teachers need to be specified.
Exams -- Not detaining children in a grade with no basis is not good.
Definitely need to re-think evaluation, and put in place *something*.

10. Private schools - Reservation in primary and secondary education was hotly debated.

Detroit:

RTE Conference Call on Proposal 2

When: Saturday December 16, 4-6 PM
Dial-in Number: (641) 297-4600
Access code: 844297#

Attendees:

Sai Gopisetty, Arun Govindaraju, Srini Rajagopalan, Deepak Aswani

Minutes:

Arun presented summary of Proposal 1 and Proposal 2. ARC is voting on Proposal 2 which will be sent as a letter to the Parliament and editor of the bill.

Detroit's Discussion on Proposal 2:

1) **Regarding the duty of Citizens**

   Seattle's Recommendation

   The government should first get educational infrastructure and quality in place, and only then consider implementing Section 50.

   Why: There are various reasons for children not being sent to schools like starvation, the need for siblings to be taken care of, and/or the need to take care of the elderly/ill people. Rather than punishing parents for failing to make their children attend school, the government should first look at providing the means to solve the reasons for lack of attendance.

   Detroit's Feedback

a. Modify Section 50 to more clear and tangible terms that it should not be implemented blindly and attention must be given to exceptions and circumstances.

b. Some of the suggestions are not convenient to implement and out of scope for RTE bill.

c. The connection between infrastructure and punishing parents is not well defined but arguably there may be circumstances which need to be studied and drafted in the bill appropriately.

2) Regarding Children's Age

<u>*Seattle's Recommendation*</u>

The needs of the 0 to 6 age group need to be addressed, specifically regarding nutrition, health care, and childcare. Additional educational opportunities for the 14 to 18 age group should be provided.

Why: According to the Supreme Court judgment of 1993, education is a fundamental right for all children until the age of 14. Since draft bill only guarantees the right for children in the age group 6-14, it is failing to protect many children's right to education. Addressing the age group of 0-6 is especially important since lack of nutritional and health care in this age group effects educational opportunities in their future. This is particularly relevant in India as more than 50% of children under 5 are malnourished.

<u>Detroit's Feedback</u>

a. Seattle's recommendation is worded more as a welfare issue than an educational issue. The wording should be modified more in the lines of "factors that inhibit student attendance such as nutrition, healthcare, and childcare should be seriously addressed in accordance with Article 45 of the 86th amendment to compliment the RTE bill" This proposed wording is more consistent with the theme of the RTE bill and does not overload it's objectives.

b. This should be carefully worded to primarily emphasize the 6-14 age group, then the 0-6 age group, and lastly the 14-18 age group.

c. Extending RTE to include 14-18 could have a counter-effect as the leading argument against implementation of the bill in its present form is lack of funds, and adding 4 more years onto the bill will worsen the chances of the bill getting passed or even brought in for review.

3) Regarding girl children and children with special needs

<u>*Seattle's Reccommendation*</u>

3.1) The Draft bill should specifically address the needs of girl children in the context of closing the gender gap.

Why: The draft bill fails to mention any special provisions of educational opportunities for the girl child. Since the gender gap in education is high, special provisions should be made to attract girls to schools, until such time as the gender gap is closed.

3.2) The draft bill should contain greater specificity on implementing the rights of children with disability.

Why: The draft bill states that children with special needs have a right to education provided in an appropriate environment, but it omits any mention of how this environment will be provided and how the right to education will be implemented. Because of this, there is concern that the rights of these children will be overlooked.

For items 3.1 and 3.2, specific provisions could draw upon recommendations of the CABE report titled "Girls education and the Common School System".

Detroit's Feedback

a. This section was found in acceptable form.

4) Regarding the Curriculum

Seattle's Recommendation

There should be a minimum (and relevant) curriculum specified. There should be criteria established to enable school evaluation. To receive the graduation certificate, children should fulfill a specified minimum set of requirements.

Why: The draft bill specifies no curriculum, nor any way to evaluate how the schools or children are performing.

Detroit's Feedback

a. Minor wording refinement is proposed.
b. The cirriculum , education effectiveness and graduation evaluation (by SMC) should be strongly emphasized.
c. The bill should only point to a curriculum and the curriculum should not be specified within the bill.
d. The first sentence in seattle's recommendation is already covered in the bill, but the 2nd and 3rd sentences are not.

5) Regarding Finances

Seattle's Recommendation

The Central Government must ensure that the bill gets implemented in its entirety, and must provide sufficient resources/legislation to ensure this, particularly with regards to states that lack funds.

Why: Under the constitution of India education is a concurrent subject of both federal and state governments. Shifting most of the burden to state governments would likely lead to non-implementation of various provisions of the bill, resulting in the 'Right to Education' not being guaranteed uniformly across India.

Detroit's Feedback

a. This section was found in acceptable form. Insufficient funds can not be cited as a reason for not implementing RTE in its entirety.

6) Regarding Infrastructure

Seattle's Recommendation

In order for a school to be recognized, additional infrastructure requirements regarding telephone, electrification, and maintenance should be met. Power to amend the schedule should lie with the parliament, and state and fully aided schools should also be subject to provisions of Section 18.4. In addition, issues regarding teacher-staff housing, mid-day meals and transportation for children need to be addressed.

Why: The infrastructure requirements contained within the draft bill do not cover nearly enough, and consequently, need to be amended. Further, these requirements need to apply to all schools, not just public schools.

Detroit's Feedback

a. The line - "In addition, issues regarding teacher-staff housing, mid-day meals and transportation for children need to be addressed." needs clarification or modification such that the bill should include qualifying criteria or prescribtion which can be used to evaluate the need on a case by case basis in the interest of the students and the school, and recommendations for support or subsidy based on the result should be outlined.

7) Regarding Enforcement

Seattle's Recommendation

The bill must grant the Right to Education as a justiciable right. There must be provision for holding the Government accountable if the Right to Education continues to fail to be implemented. Section 54 of the bill must be revised.

Why: The draft does not grant the Right to Education as a justiciable right. Section 54 of the Bill explicitly rules out the possibility of legal action against the Government for anything that is done or intended to be done in "good faith" which in practice could cover just about anything. This effectively renders the Right to Education un-enforceable and seriously jeopardizes its implemenation.

Detroit's Feedback

a. This section was found in acceptable form.

Following Items are with little consensus within Asha-Seattle:

The remaining items in this list were hotly debated given the great divergence of peoples views, and the nearly even split in opinion. However, through much debate and compromise, we either reached a consensus statement (SMCs and Teachers), or persuaded enough people to one side to just reach a 2/3 majority (Reservations).

8) Regarding SMCs

Seattle's Discussion

We have several concerns regarding SMCs as mentioned below. We feel that these concerns should be taken into account and a new proposal made regarding SMCs and their role

before we can lend our support to the establishment of SMCs. We do view the management of schools by the communities that they serve as a positive in the long run.

Specific Concerns:

a) The SMCs are given way too much power too quickly. They need time to be established.

b) Constitution of SMCs should be made clear with adequate provisions for representation by minorities and oppressed classes. Methods for becoming a member of an SMC should also be made clear (elected/appointed etc.)

c) Individuals holding any other elected government position should not be allowed to be a member of an SMC.

d) Appropriate remuneration based on local prevailing wages for similar positions should be provided to SMC members unless they decline to be compensated.

e) A method and process for addressing grievances against the SMC should be provided in the bill.

f) The bill should provide for the establishment of an autonomous body to oversee the SMCs, the primary purpose of which would be to help establish, train, guide and monitor the SMCs. The experience of such a body would go a long way to offsetting the problems associated with new SMCs lacking guidance and experience.

g) A clear statement that assuring the right to education remains a state responsibility, and in as much as any local SMC or government fails, then it is the responsibility of the state to step in to guarantee this right to education.

Why: The SMCs are given way too much power way too quickly. They need time to be established with guidance along the way, and they need to be protected from local entrenched interests that do not represent the interests of the entire community.

Detroit's Feedback

a. The statement "The SMCs are given way too much power way too quickly." is subjective and should be reworded in a more objective manner to enforce that the SMCs are representative of the community.

9) Regarding Teachers

Seattle's Discussion

Several aspects of the RTE bill are overly repressive of teachers' rights, such as the requirement that teachers be a school-based cadre and disallowing private tuitions. Instead, more humane approaches should be pursued that at the very least consider transfers on a case-by-case basis and allow private tuitions except perhaps to one's own students.

On the other hand, we do endorse the attempt made in the RTE bill to address the pressing issue of teacher accountability. We agree with the approach of the bill where the teachers are required to be accountable to local school authorities (such as SMC).

The abysmal state of teaching infrastructure in India is a cause for deep concern. The overall infrastructure for teachers including housing, transportation, quarters and toilets should be comprehensively revamped with immediate effect. This would serve to help improve teaching conditions. In addition, the concentration of teachers in urban areas

continues to be a problem. Incentive-based measures could be adopted to address this disparity.

Finally, we feel that the requirements for teachers per school must include a minimum of two teachers per school, with at least one of them being female.

Why: To help improve teacher performance, and in particular reduce the high rate of teacher absenteeism, it is important to both improve teacher work conditions, and increase accountability.

Detroit's Feedback

a. As part of the justification, it should be pointed out that the teachers are not involved with activities that constitute a conflict of interest that compromises quality of education or teacher accountability.

b. Quality and consistency of the teachers should also be emphasized.

c. Also instead of requiring at least 2 teachers per school, this specification should be modified to require some minimum ratio of students per teacher.

d. Also, it should be required that students have access to a female authority figure such as a teacher in similar terms.

e. [Consensus not reached] The female authority representation points should be moved to another section where it is more expressed in terms of and educational environment enabler (comfort and encouragement to female students and from a rights standpoint). This point being brought up in the teachers section approaches classification as a social item exclusive of education.

10) Regarding Private Schools

Seattle's Discussion

We support 25% reservation in private schools. It is an attempt to provide access to better education to the weaker section of society. While implementing this, the government must ensure that the children admitted through reservation are not discriminated against as has been seen in some schools in Delhi.

Why: Today in India, there are many areas, especially urban areas, where private schools provide an attractive alternative to poor quality government schools. The middle class sends its children overwhelmingly to private schools. Unfortunately, these private schools are often expensive and hence inaccessible to the economically weaker classes. There is concern that this is contributing to the widening of disparities between the classes. Past government appointed education committees, while recognizing the importance of private schools in providing innovation and quality education, have recommended ways of addressing these disparities through frameworks such as the Common School System. Instituting 25% reservation will be a step in addressing these disparities.

Detroit's Feedback

a. This section was found in acceptable form under the basis that the reservation is not caste based

b. Clarification needed on means and details of support for the 25% reservation.

c. It should be ensured that 100% of costs are covered as part of the reservation.
d. Protective measures should be put into place to avoid loopholes.

MHV

OVERALL VOTE

FOR: 5 AGAINST:0 ABSTAIN: 0

The group overall was in consensus with the first 9 points of the RTE ARC Proposal 2, as put forward by the Seattle chapter BUT there was no support for point 10. (Regarding Private Schools).So if we were voting for each point of the proposal we would be FOR: 5 AGAINST:0 for first 9 points of RTE ARC Proposal 2. and FOR: 0 AGAINST:5 for point 10 of RTE ARC Proposal 2.

Thanks,
Smitha Reddy
Asha-MHV

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Meeting date : 02/04/2007

Attendees : Rashmi, Sameer, Swami Mathad, Smitha and Anish (not present , but gave input ahead of time)

Time: 10:30 to 1:30

OVERALL VOTE:

FOR: 5 AGAINST:0 ABSTAIN: 0

FOR: 5 AGAINST:0 for first 9 points of RTE ARC Proposal 2

FOR: 0 AGAINST:5 for point 10 points of RTE ARC Proposal 2

During the MHV meeting various clauses of the Education Bill were discussed in length along with the RTE ARC Proposal 2. Below are some of the points brought up

"Elementary education" should be defined at a qualitative level so it can be evaluated.

Need to define the minimum standard of education attained at the end of 8 years, maybe not as part of the bill but at least as a guideline somewhere

1) Students should not be passed indiscriminately. The purpose of sending them to school is to ensure that they gain a minimum amount of education. Making passing them compulsory will lead to passing without the required learning
2) There should be a central (either at the local, state or central level) evaluation system at least at the end of the 8th grade (and maybe even at regular intervals from 1st to 8th

standard). Teachers, Schools, SMCs and State Governments can be made accountable based on this evaluation system

3) There as to be accountability on the part of the government in case of failure to achieve objectives
    a. need to set clear timelines in which the govt will meet targets

SMC

1) Composition of the SMC: While overall there was strong support for the involvement of parents in the SMC (making the functioning of the school accountable to the parents of students), there was some concern that having the SMC composed 3/4th of parents of students at school might lead to a governing body composed of member who themselves may need help/expertise setting the correct direction for the school. There were no good suggestions around this issue. Some other suggestions consisted of

a. Ensuring that positions in the SMC were revolving in nature
    b. Setting up clearer guidelines for the functioning of the SMC (selection procedure, salary, punishments, jurisdiction etc).

c. Guidelines for time frames to resolve issues related SMC action on students or any other decision to be taken.

Regarding Teachers

1) There was some debate on the clause that "teachers shall not be transferred":
    a. Recruitment of teachers to rural areas might become a bigger problem than it already is.
    b. This may negatively impact the quality of teachers in the area
    c. Timelines to find teachers and fill posts need to be spelt out, so students in remote areas are not left without teachers for an indefinite time

Regarding Private Schools

1) : The group here overall was opposed to having 25% reservation in the private sector
    a. It was felt that this was an attempt by the govt to pass the responsibility of the education to the private sector.
    c. It defeats the stated purpose of providing "equitable education" to the underprivileged
    d. It puts undue financial burden on the parent of children going to the private schools as they will eventually have to make up the difference between what the school needs to run and what the govt. pays the school.
    e. It was felt that affirmative action was not something that should be part of this bill

Princeton:

General theme of the discussion was the need to prioritize our suggested demands. One of the sentiments expressed was, should perfect be enemy of the good?

Other comments and suggestions below.

Sridhar and Hansa

Asha Princeton discussion on RTE Proposal-2

Attendees: Hansa (leading discussion), Vikas, Sridhar, Jalpa, Ravi, Kavitha, Dileep, Vinay, Sowmya, Amrish, Anjani Ripple Shah, Karan Bhatia, Sumi Bhatia (new volunteers)

1. Regarding the duty of citizens

- Number of parents are not sending their children to school because of lack of infrastructure. Asha Princeton agrees with the proposal that infrastructure quality should be improved by the government before punishing parents.

- Ravi's concern: The schools should also try to generate interest in education for the students so they are eager and willing to come.

2. Regarding children's age

- Asha Princeton agrees with the proposal that the government should address health and nutritional concerns for age group 0-6. So if the younger siblings were cared for, the older siblings can concentrate on their education.

- Princeton Group's concern: The statement " Additional educational opportunities for the 14 to 18 age group should be provided." seems vague. What kind of opportunities? Formal education or vocational training?

3. Regarding Girl children and children with special needs - Asha Princeton agrees with the proposal on this issue and has the following comments:

- For 3.1 - Citing specific examples, including statistics if possible, would make this argument stronger to the government, perhaps in FAQ or additional supporting document.
- As an addendum this point should be included: Support for the children of migrant laborers should be addressed, including domicile requirements to satisfy schooling requirements so that they have access to the same quality education as others.

- Another addendum - What about addressing the needs of child labourers? While child labor is illegal, it is still prevalent in many parts of the country. How would their education be addressed?

4. Regarding the Curriculum

- Princeton agrees with the proposal, but would like more information, because of the following concerns:

- How should the curriculum be evaluated? Evaluation process is very tricky. Should it be a state level or a national level curriculum? How often would the testing be? Quite often, teachers may teach to tests, particularly if they are evaluated based on it. What would be the frequency of testing? Too frequent would be burdensome to children, and just one may place undue emphasis on that exam. Frequent evaluation by the teachers on how much the children have assimilated material will be necessary. How do you hold teachers accountable?

5. Finances

- Princeton agrees with the proposal that central government budget should provide the finances for state government to implement. This will help to close the gap between central and state government on issues related to on education which is a concurrent responsibility.

6. Infrastructure

- Princeton agrees with the proposal that the schools should be set up with adequate infrastructure and has the following comments:

- Toilets, drinking water, facilities for teachers and chalkboards should be of higher priority (may already be included in the Draft Bill). Additional infrastructure such as telephone are good to have, but not critical. Asha Princeton feels this (additional infrastructure requirements) is not as high priority requirement as compared to the other points.

7. Enforcement

- Princeton agrees that holding the government responsible for failing to implement RTE is definitely needed.

8. SMC - School Management Committee

- Princeton agrees with all the sub-points on SMC, but would also like to see a point that includes minority in SMC

9. Teachers

- Princeton agrees with Seattle's points and especially on stopping/reducing private tuition classes.

- Princeton's concern about the following statement: " Finally, we feel that the requirements for teachers per school must include a minimum of two teachers per school, with at least one of them being female." is that we cannot force the gender of the teacher. What if female teachers are not able to travel to remote villages? Would the school not run if a female teacher is not present? - Also another statement - "higher absenteeism. ." - do we have nation wide statistics for this argument, perhaps as FAQ or separate supporting documentation?

10. Private Schools

- Princeton would support the 25% reservation policy for economically underprivileged children. We didn't get to discuss this in great depth since we were running way past our meeting time.

Toledo

3) Regarding girl children and children with special needs:

3.1) The Draft bill should specifically address the needs of girl children in the context of closing the gender gap.

Why: The draft bill fails to mention any special provisions of educational opportunities for the girl child. Since the gender gap in education is high, special provisions should be made to attract girls to schools, until such time as the gender gap is closed.

3.2) The draft bill should contain greater specificity on implementing the rights of children with disability.

Why: The draft bill states that children with special needs have a right to education provided in an appropriate environment, but it omits any mention of how this environment will be provided and how the right to education will be implemented. Because of this, there is concern that the rights of these children will be overlooked.

For items 3.1 and 3.2, specific provisions could draw upon recommendations of the CABE report titled "Girls education and the Common School System".

Asha Toledo comments: *Night schools can also be considered a special type of education. Considering the huge number of night schools in India, it will be helpful if details for them are included in the bill. All the following comments can be applied to these schools as well.*

6) Regarding Infrastructure: In order for a school to be recognized, additional infrastructure requirements regarding telephone, electrification, and maintenance should be met. Power to amend the schedule should lie with the parliament, and state and fully aided schools should also be subject to provisions of Section 18.4. In addition, issues regarding teacher-staff housing, mid-day meals and transportation for children need to be addressed.

Why: The infrastructure requirements contained within the draft bill do not cover nearly enough, and consequently, need to be amended. Further, these requirements need to apply to all schools, not just public schools.

Asha Toledo's comments: *Regarding section 10 (2.ii and 2.iii)*

i. For new schools, the exercise should be more frequent, say twice a year, for first couple of years and then resume at once a year thereafter.

ii. In addition to establishment of the new schools and making them functional, there are certain cases where a building is not appropriate for schools because of certain reasons. In such cases the bill should mention about repairing the functional schools in terms of building atleast.

Also, in remote places two or more less populated villages may be separated by long distances. The bill should address if either a common school with transportation facilities for children will be provided or a school will be set up in each of the villages.

7) Regarding Enforcement: The bill must grant the Right to Education as a justiciable right. There must be provision for holding the Government accountable if the Right to Education continues to fail to be implemented. Section 54 of the bill must be revised.

Why: The draft does not grant the Right to Education as a justiciable right. Section 54 of the Bill explicitly rules out the possibility of legal action against the Government for anything that is done or intended to be done in "good faith" which in practice could cover just about anything. This effectively renders the Right to Education un-enforceable and seriously jeopardizes its implemenation.

8) Regarding SMCs: We have several concerns regarding SMCs as mentioned below. We feel that these concerns should be taken into account and a new proposal made regarding SMCs and

their role before we can lend our support to the establishment of SMCs. We do view the management of schools by the communities that they serve as a positive in the long run.

Specific Concerns:

a) The SMCs are given way too much power too quickly. They need time to be established.

b) Constitution of SMCs should be made clear with adequate provisions for representation by minorities and oppressed classes. Methods for becoming a member of an SMC should also be made clear (elected/appointed etc.)

c) Individuals holding any other elected government position should not be allowed to be a member of an SMC.

d) Appropriate remuneration based on local prevailing wages for similar positions should be provided to SMC members unless they decline to be compensated.

e) A method and process for addressing grievances against the SMC should be provided in the bill.

f) The bill should provide for the establishment of an autonomous body to oversee the SMCs, the primary purpose of which would be to help establish, train, guide and monitor the SMCs. The experience of such a body would go a long way to offsetting the problems associated with new SMCs lacking guidance and experience.

g) A clear statement that assuring the right to education remains a state responsibility, and in as much as any local SMC or government fails, then it is the responsibility of the state to step in to guarantee this right to education.

Why: The SMCs are given way too much power way too quickly. They need time to be established with guidance along the way, and they need to be protected from local entrenched interests that do not represent the interests of the entire community.

Asha Toledo's Comments: *The minimum strength of the SMC needs to be mentioned.*

Canada

Asha-Canada's response to RTE proposal 2

Response proposed by: Navin Kashyap (on behalf of Asha-Canada)
Response endorsed by: Gaurav Guleria, Priya Veerasubramanian, Ravi Venugopal

Overall vote: NO

Reason:
It is not clear to us what we are in fact voting for. In our understanding, this proposal is actually a call for feedback in the form of chapter discussion minutes, and so the actual YES/NO vote is irrelevant. We are taking the conservative view that a YES vote would imply an unconditional agreement with the Asha-Seattle document, and therefore, are voting NO.

General comments:

- Asha's stance document, when finalized, should clearly distinguish between items we think should go into a Bill that will become Law, and what we think should be guidelines for implementation of the Law. In the case of the former, we should make an effort to draft clauses for the Bill that reflect our stance.
- The present Asha-Seattle document is too vague in some of its recommendations, and addresses points that could easily be considered to be beyond the purview of a Bill that implements the 86th Amendment to the Indian Constitution. We have to decide whether we want to fight to create a reasonable statute that implements the right to education as guaranteed by Article 21A of the Indian Constitution, or do we want to fight for a further amendment to the Constitution.
- We feel that Asha should aim to be more than a voice of conscience in preparing our letter to Parliament (or whatever other form our response takes). While the current Asha-Seattle document is full of good intentions, it is far from obvious how these good intentions could be translated into practice.

If we must criticize, then let us criticize constructively by being specific about how we think it could be done better.

Comments on Specific Items in the Asha-Seattle Document:

[Please see the original recommendation points of Seattle in the ARC proposal]

<u>Item 1) Regarding the duty of Citizens</u>

- Asha-Canada Response: Do Not Agree. We do think that (as stated in Clause 50(1) of the Bill) it should be the responsibility of the parent/guardian to enroll their wards in a school. And sub-clause (2) does not imply that defaulting parents/guardians must be punished. Thus, Section 50 is OK as it stands. Accompanying guidelines to the Bill could set out sample scenarios and specify how the government envisions that the proper authority (SMC's?) would deal with the scenarios.

<u>Item 2) Regarding Children's Age</u>

- Asha-Canada's Response: Do Not Agree.

There is a good argument to be made that this is outside the purview of the Bill. The Bill is the enforcement arm of Article 21A of the Indian Constitution, and that Article only guarantees RTE to children aged 6-14. Trying to extend the scope of the RTE bill to include care for children aged 0-6 is controversial; for the sake of argument, why not then extend the Bill to include a provision for pre-natal healthcare as well.

This Bill is about Education, not Healthcare.

We are agreeable to inserting a clause in the Bill extending the right to a free education for all children from Std I to Std VIII (or Std X), instead of an absolute upper bound of age 14.

Item 3) Regarding girl children and children with special needs:

- Asha-Canada's Response: Agree in principle. But we should be able to formulate clauses to be included in the Bill that reflect our position on this issue.

Item 4) Regarding the Curriculum.

Asha-Canada's Response: Agree in part. Curriculum is mentioned eight times in the draft Bill. It is mentioned (Section 10(2)(v)) that it is the responsibility of the appropriate government to ensure that the curriculum for elementary education be prescribed and revised periodically. The Bill is no place to actually prescribe a curriculum, so it does its job by ensuring that there be mechanisms in place to prescribe a curriculum.

We concur that the Bill should make it the responsibility of the appropriate government to ensure that schools are evaluated on the performance of their pupils vis-a-vis the prescribed curriculum. But again, this Bill is no place to specify the details of the implementation of this responsibility.

Item 5) Regarding Finances

- Asha-Canada's Response: Strongly Agree. The Central Government should not pass the buck on such an important issue to the states.

Item 6) Regarding Infrastructure

- Asha-Canada's Response : Agree in part, and disagree in part. The idea of the power of amendment of the relevant schedule lying with the NCEE seems perfectly fine, as that should be the most competent authority in this case. Also, while many of the points raised by Asha-Seattle are pertinent to the issue of school recognition, the Schedule on Norms and Standards as it stands is largely satisfactory. This Schedule may be expanded to include additional items like teacher-staff housing, mid-day meals and transportation, after appropriate and informed debate on whether they should be mandatory or merely desirable.

We do agree that the Bill should explicitly contain means to ensure that State and fully-aided schools also meet the standards required of other "recognized" schools. Since there is no provision in the Bill for "de-establishing" or "de-recognizing" a State school in the event of non-compliance, such schools in effect get a free hand.

Item 7) Regarding Enforcement

- Asha-Canada's Response: Strongly agree.

Item 8) Regarding School Management Committees (SMC's)

Asha-Canada's Response: We do not feel competent enough to respond to this.

Item 9) Regarding Teachers.

Asha-Canada's Response : We agree that the standards required of teachers are too tight, and need to be relaxed considerably. It does seem impractical to require that teachers not be allowed to hold private tuitions. We agree that they should be allowed to do so, except in cases where there is a conflict of interest.

The idea of teachers being permanently assigned to a specific school is akin to a life sentence. A much better approach would be, for instance, to make teachers sign contracts that keeps them at a specific school for a period specified in the contract.

We are not sure how a requirement of having a minimum number (or percentage) of female teachers can be implemented in practice. In our experience, finding female teachers for schools in remote rural areas is a big problem.

Item 10) Regarding Private Schools

- Asha-Canada's Response: This is outside the purview of the RTE Bill. While we may agree in principle to the idea of 25% reservation in private schools, the RTE Bill is not the right vehicle for it. Let us keep this Bill to the point, and not take on any more controversial issues than absolutely necessary.

Philadelphia

Response Proposed By: Mehak Chopra, Ronjon Bose, Suroor Manzoor, Dhruv Salhotra
Response Approved By: Rekha Kambhampati, Rajkumar Mayank Singh, Akash Sanghvi

No
Overall, we feel that we should be providing insight into potential and practical solutions instead of only critiquing

Section 1

1) Regarding the duty of Citizens: The government should first get educational infrastructure and quality in place, and only then consider implementing Section 50.

Philadelphia Response: We agree that the **full** responsibility should not lie with the parents.

2) Regarding Children's Age: The needs of the 0 to 6 age group need to be addressed, specifically regarding nutrition, health care, and childcare. Additional educational opportunities for the 14 to 18 age group should be provided.

Philadelphia Response: We disagree that this bill should deal with the 14-18 age groups as different laws should reflect different age groups.

- If we do end up implementing this into our proposal, can we at least propose the quota into this age group as well?

3) Regarding girl children and children with special needs:

3.1) The Draft bill should specifically address the needs of girl children in the context of closing the gender gap.

Philadelphia Response: We agree that there should be provisions for female children

3.2) The draft bill should contain greater specificity on implementing the rights of children with disability.

Philadelphia Response: We agree with the provisions for children with disabilities with recommendations from CABE report

4) Regarding the Curriculum: There should be a minimum (and relevant) curriculum specified. There should be criteria established to enable school evaluation. To receive the graduation certificate, children should fulfill a specified minimum set of requirements.

Philadelphia Response: We do not know enough about the curriculum, but we suggest that there should be more specific provisions. Each school should be able their State Board Curriculum (or state curriculum) as a **minimum standard**. The CBSE and the ISC curriculums could be too difficult to implement at this stage in the children's education.

5) Regarding Finances: The Central Government must ensure that the bill gets implemented in its entirety, and must provide sufficient resources/legislation to ensure this, particularly with regards to states that lack funds.

Philadelphia Response: We agree and we should provide recommendations for allocations of finances from both State and Central governments. More responsibility will lead to more chances action.

6) Regarding Infrastructure: In order for a school to be recognized, additional infrastructure requirements regarding telephone, electrification, and maintenance should be met. Power to amend the schedule should lie with the parliament, and state and fully aided schools should also be subject to provisions of Section 18.4. In addition, issues regarding teacher-staff housing, mid-day meals and transportation for children need to be addressed.

Philadelphia Response: We agree that provisions for teachers that need housing, and other infrastructure needs. They should be addressed on a **situational basis** instead of a requirement for every single school.

7) Regarding Enforcement: The bill must grant the Right to Education as a justifiable right. There must be provision for holding the Government accountable if the Right to Education continues to fail to be implemented. Section 54 of the bill must be revised.

Philadelphia Response: We agree

Section 2

8) Regarding SMCs: We have several concerns regarding SMCs as mentioned below. We feel that these concerns should be taken into account and a new proposal made regarding SMCs and their role before we can lend our support to the establishment of SMCs. We do view the management of schools by the communities that they serve as a positive in the long run.

Philadelphia Response: Our main recommendation is to provide specific standards for all SMC's for some type of uniformity in their operations. Just like Asha, they should have set guidelines that they run under. Regardless of who is running it, they should prescribe these hard benchmarks as to minimize the chances of corruption within the SMCs

Specific Concerns:

a) The SMCs are given way too much power too quickly. They need time to be established.

Philadelphia Response: This comment should be reworded to reflect the practical recommendations from our end. Sufficient time could be about 4-6 months to establish this group. The hard standards as described above will help monitor the 'too much power' issue.

b) Constitution of SMCs should be made clear with adequate provisions for representation by minorities and oppressed classes. Methods for becoming a member of an SMC should also be made clear (elected/appointed etc.)

Philadelphia Response: We agree. Can we provide these methods/provisions for representation as a suggestion to the government? i.e. specific percentages (2/3, 50%) dependent on the community as already stated (22) 2 i

c) Individuals holding any other elected government position should not be allowed to be a member of an SMC.

Philadelphia Response: Agree

d) Appropriate remuneration based on local prevailing wages for similar positions should be provided to SMC members unless they decline to be compensated.

Philadelphia Response: Agree, but we believe no one will decline

e) A method and process for addressing grievances against the SMC should be provided in the bill.

Philadelphia Response: Agree, we believe an emphasis on the process itself.

f) The bill should provide for the establishment of an autonomous body to oversee the SMCs, the primary purpose of which would be to help establish, train, guide and monitor the SMCs. The experience of such a body would go a long way to offsetting the problems associated with new SMCs lacking guidance and experience.

Philadelphia Response: Disagree, not necessarily autonomous body per SMC, but 1 autonomous body per Zones of SMC's. This will provide for uniformity since these Zonal Autonomous Bodies will oversee the SMC's it trains.

g) A clear statement that assuring the right to education remains a state responsibility, and in as much as any local SMC or government fails, then it is the responsibility of the state to step in to guarantee this right to education.

Philadelphia Response: Agree, but still hope the Central government will take on more responsibility overall through provisions set in this bill.

9) Regarding Teachers: Several aspects of the RTE bill are overly repressive of teachers' rights, such as the requirement that teachers be a school-based cadre and disallowing private tuitions. Instead, more humane approaches should be pursued that at the very least consider transfers on a case-by-case basis and allow private tuitions except perhaps to one's own students.

Philadelphia Response: Vehemently agree; Philly volunteers provided personal stories of tutors who are also teachers taking advantage of private tuitions.

10) Regarding Private Schools: We support 25% reservation in private schools. It is an attempt to provide access to better education to the weaker section of society. While implementing this, the government must ensure that the children admitted through reservation are not discriminated against as has been seen in some schools in Delhi.

Philadelphia Response Hotly debated during our discussion, same points raised as within debate of Affirmative Action within America.

We encourage **better enforcement**, but we did not feel competent enough to suggest practical methods of these reservations.

MIT-Boston

MIT/Boston's vote is, yes, with the foll. comments.

1)Regarding the duty of citizens

Any endeavor is successful if everyone involved has a stake in it which in this case are parents, children and government. Often times in urban and rural areas it is hard to convince or motivate parents to send their kids to schools, even when there is no financial burden on them. As they see loss of their short term interest (getting little money from child labor or getting help at home) more clearly then they can see the long term interest, that after being educated the same children will earn more and be able to take care of their needs better.

This can only happen when all the parents are themselves educated then they can see what education has made difference in their life and then that itself will serve a self motivation tool for them to send their kids to school. Another important thing is working at home taking care of younger sibling or other work is also a kind of child labor which is not right anyway. Under Section-50, parents are not punished but by SMCs which is a body of parent representatives can prescribe them community service in the area if they fail to send their kids to school

2)Regarding children age

Section 7 of the bill address that government will provide facilities for the pre-school education need of the children of the age-group of 3-6 years. Most of the countries provide free education up to the age of 15 years. Most of the students who are in school by that time are mature enough to make the decision and continue study or enter into vocational training or job market by that time. Even in richer countries like US by 16 the children are out of social security system. Government uses public money to achieve anything. Lets not expect too many different things. Lets achieve first the basic education for all.

3)Regarding girl children and children with special needs

3.1 Agree. For this we can provide statistics to prove that their is a gender gap.
3.2 Agree. May be need to provide some special provisions to care of the need of the migrant children who can not be in school for the whole 12 months because of the special condition of employment of their parents

4) Regarding the curriculum

Right now there is a system in place where NCERT prescribes a basic framework for the curriculum and then based on that states are supposed to develop their textbooks. The curriculum prescribes the minimum level of competencies for each subject and grade a student has to achieve at the end of the grade.The NCERT also produces the textbook.

Not sure why we are asking to invent a wheel when there is a system in place. The need is to put a system in place where in today's ever evolving world this curriculum, textbooks could be revised in a pre-determined period of time so that students in school do learn something which is appropriate and current.

5) Regarding Finances

Basically however, central government and state should together come up with a formula as to the contribution of centre to state shares in order to implement the bill in its entirety in all states. This should be done in order for poorer state to provide quality education to their students in par with some of the better resourced states.

6) Regarding the infrastructure

Most important and should be in our top priority. Just ensuring the kids come to schools will not be of any use. To ensure that the teaching actually takes there is no need to provide an environment that facilitate learning. For that there is need to ensure the basic amenities like classrooms, drinking water, toilets, chalkboards, fans and the required number of teachers according to the teacher/student ratio as provided in the bill. Once we achieve that only then can we ask for transportation for kids, telephones or teacher-staff housing.

7) Regarding the enforcement

Once again this should be our top priority that the RTE should be judicial, the very reason to make it a fundamental right instead of directive principle

8)Regarding SMCs

Agree with all the points Seattle chapter has raised and once again this is very important and should be our top priority.

9)Regarding Teachers

Agree with improving teacher's work conditions and increase accountability. Also, employing teacher for a particular school is overly oppressive may lead to loss of many good teachers.

Disagree with teachers being allowed to do private tuition. Instead some of after school program can be provided where students who need help can be provided help and teachers can be

compensated for the extra time they are putting in. Allowing private tuition leads to no teaching in actual classes as some teachers want to really relax during the actual school hours in order to keep their energy for the tuition times.

10) Regarding Private schools

Not sure providing 25% reservation will help. Unless we prepare our teachers and students to accept those students who will enter their classes using the reservation policy. If student and teachers will not accept these students will go though lot of trauma and not sure what this will lead to.

The point that is not included in the ARC proposal is the evaluation policy. If we want teachers to be accountable then so should parents and students. To ensure that students are getting the education they need there needs to be an accountability system in place to test them at the end of the year, to see whether kids have achieved the minimum level of competencies. Just letting kids go from one class over to the next is not good. If a student has not mastered the content of the previous class no matter what the next teacher tries, the kids will not learn. This will lead the kid to fall behind more and more, eventually to losing interest and drop out of school.

LA

Asha LA agrees with the proposal and the vote is yes. here are a few comments

(note: the discussion on the proposal was not preceded by reading of the RTE bill and discussion of the same.)

1) Regarding the duty of Citizens

Instead of citizens, the responsibility should lie with the govt to create incentive like mid-day meals etc to improve enrollment and continuation

3)Regarding children with special needs in addition to enforceability (6), there should be a provision on the lines of American Disability Act

4) Regarding the Circulum Empahsis should be on relevant education (rather than putting it in a bracket :))

5) Regarding Finances the demand for uniformity should be greater than simply financial support. also for uniformity, there should be a basic bottomline like the US Commerce Bill (pingali will send a note on that as well :))

8) Regarding SMCs in addition to no official having govt position, there shud be clause excluding conflict of interest

9) Teachers should also included performance based incentive instead of seniority based

10) Private schools The statement should be broken up to separate the quality of public schools and accessibility to private schools

General
This may come in the rules that follow the mother bill, but there should be provisions specifying requirements like quality, transparency, feedback. annual report etc

Pingali's Note about American Disability Act Basically ADA is a law that allows individuals to sue govt/organizations that discriminate. The impact has been widespread and touched every part of the system. We should have such a law in general and specifically for education, we should have one. Any textbook material should be accessible to blind students, for example. http://www.usdoj. gov/kidspage/ crt/disable. htm The Americans with Disabilities Act of 1990 (ADA) prohibits discrimination in employment, in places of public accommodation, including all hotels, restaurants, retail stores, theaters, health care facilities, convention centers, parks, and places of recreation, in transportation services, and in all activities of state and local governments because a person has a disability.

DC

DC chapter had detailed discussions on RTE proposal over two meetings (12 and 6 volunteers in attendance). The comprehensive comments captured from these meetings are pasted below.

RTE Bill Comments from Washington, D.C. Chapter

Addressing concerns raised by Seattle:

1. Duty of citizens

· Right Vs Compulsory – Should not be compulsory, should be more incentive based. Incentives could be scholarships, mid-day meals (it is now on paper, but it should be implemented), health check-ups

2. Age 6-14 covered in the bill, what about ages 0-6

· On what basis is the age 6 chosen. It is our understanding that most children start attending school in India at age 4 or 5.

· The bill should include a provision for pre-school activities to be provided for children between the ages of 3-6. Such a provision will better prepare children with uneducated parents for elementary education.

3. Gender gap

· The bill does not address the growing gender gap. Girls are often forced to drop out of school or not sent at all. The bill should identify benchmarks for closing this gap.

· Scholarships should also be provided for girl children for both performance and need based.

4. Curriculum

· The bill should include standards to evaluate children against to ensure that they are actually learning. The bill mentions that standards will be prescribed by a "Competent Academic Authority." The bill should specify what this body actually is and does. Is it a School Board?

· The teacher student ratio should be optimal

· It should be assumed that the children are starting from scratch (starting with alphabets) and they have no prior "education."

· Children are tested at grades 5 and 8, but should be extended to grades 1 and 3 as well. The bill does not specify what level of skills is desired from children before they are promoted to the next grade.

· The bill mentions that children will be leaning in their "mother tongues", but this could be a potential problem for children who move out of the region or children of migrant workers. How will this issue be addressed?

· The bill does not mention when English will be taught in school.

5. Finances

· The resources should come from the Central Govt and not place the burden on state governments. Shifting the burden to state governments will lead to non-implementation.

6. Infrastructure

· Facilities in the school should be functional

· There should be enough female teachers

· We agree with the concerns raised by the Seattle chapter on this particular issue.

· The "good faith" clause must be revised because it relinquishes the government of responsibility too easily.

7. Enforcement

· Some basic metrics have to be identified such as teacher attendance, performance of the students, and accessibility to schools. Accessibility to schools should be determined by population density and distance from dwellings to the school.

· Teachers should be paid competitive salaries, but SMCs should ensure attendance. Greater parental or civil society involvement/demands may help with teacher attendance.