

TUESDAY, APRIL 10, 2012

Path-breaking rules under the Right to Education Act, in Gujarat

by [Parth Shah](#).

One major initiative of the Indian government, in [the field of education](#), was the Right to Education Act of 2009. This act has major problems, as has been argued by numerous observers and experts in the field. This Act focuses on the interests of incumbent public sector education providers, instead of focusing on the interests of children and parents. It is focused on inputs into the educational process, regardless of the outcomes which are coming out. It penalises private schools that have weaknesses on *inputs*, regardless of the fact that these schools often induce better learning *outcomes* when compared with public schools.

At the same time, the translation of the Act into benign or malign outcomes critically hinges on the Rules under the Act, which are notified by State governments. Thus, now that Parliament has chosen to enact the RTE Act, the critical frontier that matters is how state governments choose.

In recent weeks, Gujarat notified its [Rules for the implementation of the Right to Education Act \(RTE\) 2009](#). It has introduced some of the most innovative ideas for recognition of existing private unaided schools. The Committee in charge of drafting the Rules in Gujarat, that was headed by the former Chief Secretary Mr.Sudhir Mankad, has broken new ground in understanding the policy issues faced in education in India today.

Instead of focusing only on input requirements specified in the Act like classroom size, playground, and teacher-student ratio, the Gujarat RTE Rules put greater emphasis on learning outcomes of students in the recognition norms. Appendix 1 of the Gujarat Rules is the one which has a path breaking formulation for recognition of a school: this will be a weighted average of four measures:

Student learning outcomes (absolute levels): weight 30%

Using standardised tests, student learning levels focussing on learning (not just rote) will be measured through an independent assessment.

Student learning outcomes (improvement compared to the school's past performance): weight 40%

This component is introduced to ensure that schools do not show a better result in (1) simply by not admitting weak students. The effect of school performance looking good simply because of students

coming from well-to-do backgrounds is also automatically addressed by this measure. Only in the first year, this measure will not be available and the weightage should be distributed among the other parameters.

Inputs (including facilities, teacher qualifications): weight 15%
Student non-academic outcomes (co-curricular and sports, personality and values) and parent feedback: weight 15%

Student outcomes in non-academic areas as well as feedback from a random sample of parents should be used to determine this parameter. Standardised survey tools giving weightage to cultural activities, sports, art should be developed. The parent feedback should cover a random sample of at least 20 parents across classes and be compiled.

This is one of the first times in India's history that public policy has focused on children and parents, instead of focusing on the public sector producers of education services.

Furthermore, the Gujarat RTE Rules have taken a more nuanced and flexible approach in other areas too. For instance, both class size and teacher-student ratio have not been defined in absolute terms, but in relative terms. The required classroom size is 300 sq feet but in case classrooms are smaller, then instead of re-building them, the Rules allow for a way to accommodate that with a different teacher-student ratio. The formula is: $\text{Teacher Student ratio} = (\text{Area of the classroom in sq feet} - 60)/8$. This approach not only allows smaller classrooms to exist but also gives schools a more efficient way to manage physical infrastructure.

If a private school is unable to meet recognition norms, then the RTE Act de-recognises the school and forces it to close down. This sudden forced closure would create serious problems for the students and parents who would have to find a new school in the neighbourhood. The Gujarat Rules allow for the State to takeover the school, or transfer management to a third party, and create a genuine possibility for the school to continue and meet the norms. This, once again, shows the focus of the Gujarat Rules upon the interests of students and parents.

This approach is significantly better to that of the other states where recognition norms are based solely on input requirements and that are also rigid (like playground, classroom size and teacher-student ratio). The Gujarat approach recognises the substantial contribution made by budget private schools in urban and semi-urban areas where land and buildings are very expensive. Actually many government schools themselves would not be able to meet the rigid input norms that RTE has mandated.