

## Still learning

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The Right of Children to Free and Compulsory Education Act 2009 (RTE Act) came into effect on April 1, 2010. Most people know it is important but understand little of what the Act really says. Overall the RTE is a mixed bag, with some good and some really bad ideas.

Over the last 60 years, despite significant improvements, universal elementary education has remained a distant dream. Even with high enrolment rates of approximately 95% as per the Annual Status of Education Report (ASER 2009), 52.8% of children studying in 5th grade lack reading skills expected in 2nd grade. To change this, elementary education was made a fundamental right in 2002 and the enabling Act was passed by the Parliament in August 2009, but was not notified for 7 months. The delay in notification can be mostly attributed to unresolved financial negotiations. Previous estimates for additional funds were more than halved with the final figure set at Rs 1.7 trillion over five years. Since education falls under the Concurrent List, negotiations led to an agreement of 45:55 share between the states and Centre. States such as Uttar Pradesh and Bihar, however, continue to argue that their share should be lower.

Key features of the Act and the Model Rules drafted under the Act include that every child from 6-14 years of age has a right to free education in a neighbourhood school, private schools must take in a quarter of their class strength from 'weaker sections and disadvantaged groups' sponsored by the government, all schools except private unaided schools are to be managed by School Management Committees (SMCs) with 75% parents and guardians as members, and all schools except government schools are required to be recognised by meeting specified norms within 3 years to avoid closure.

Several serious issues remain unresolved. One, the Act exaggerates the importance of inputs, which is unlikely to improve education in light of inefficient and unaccountable educational institutions. Second, the Act unfairly requires private unrecognised schools to be shut down within 3 years if unable to provide elevated civil service wages to teachers and infrastructural facilities. Independent studies by Geeta Kingdon, James Tooley and ASER suggest that these schools provide similar if not better teaching services when compared to government schools, while spending a much smaller amount than government schools. Exemption from these same recognition requirements of government schools makes for double standards—with the public sector being expected but exempted from the enforcement of the 'recognition norms'. A government school could run from a tent and have no toilet facilities, the poor should be grateful that their government is trying its best. For richer students in private schools, the government would send an inspector to make sure that they have a proper building besides various other infrastructural facilities.

Third, SMCs created to help increase the accountability of government schools need to be given greater powers over evaluation of teacher competencies and students learning assessment. Members of SMCs are required to volunteer their time and effort. This could be an onerous burden for the poor and therefore should be adequately compensated. Fourth, teachers are the cornerstone of good quality education and the government offers better infrastructure, training and salaries but there isn't direct accountability of teachers towards learning achievements of their students. The Act just hopes that with more money and facilities, teachers would teach better. The Act should have defined proper mechanisms for monitoring teachers and for disciplinary action given that an average of 25% teachers are absent from government schools at any given point and almost half of those present are not teaching.

Fifth, the Act and the Rules require all private schools to reserve at least 25% of their seats for economically weaker and socially disadvantaged sections in the entry-level class. These students will not pay tuition fees. Private schools will receive reimbursements from the government calculated on the basis of per-child expenditure in government schools. A greater clarity for successful implementation is needed on identification, selection, reimbursement mechanisms and monitoring processes. Moreover, the method for calculation of per-child reimbursement expenditure will yield an inadequate resource flow to private schools. Private schools will end up charging more from the remaining 75% students. Reimbursement calculations should include capital as well as recurring costs incurred by the government to reduce this burden of cross-subsidy.

The RTE Act has been passed; the Model Rules released; finances defined. Does this mean the policy process is now impervious to change? Even today, much can be achieved. State rules are yet to be drafted; they can address many if not all of the deficiencies. Since unrecognised schools could face closure, we could find ways to support them to improve their facilities. Moreover, by instituting proper school rating mechanisms wherein schools can be graded on the basis of not just infrastructure but also learning achievements, we can ensure constructive competition. Social audits and the use of right to information would be of great value in improving accountability and transparency.

We need to broaden our vision to create an ecosystem conducive to spontaneous private involvement, without restrictive licensing and excessive regulation. Let the government and the private sector come together to assure the right to education of choice to all the children.

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