

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

School Education – The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 – Amendment – Orders – Issued.

SCHOOL EDUCATION (PE-SSA) DEPARTMENT

G.O. Ms.No.41

Dated: 19.06.2013

Read the following:-

1. The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued vide G.O. Ms. No. 20 School Education (PE-Progs.) Department, dated 03.03.2011 and notified in Gazette No. 10 dated 05.03.2011
2. G.O. Ms. No. 130 School Education (PE-Progs.) Department, dated 09.09.2011 notified in Gazette No. 42 dated 09.09.2011.
3. From the State Project Director, RVM(SSA), A.P., Hyderabad, Lr. Rc. No. 103/RTECELL/10/12, dated 30.11.2012 & 01.03.2013

ORDER:-

The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 under the provisions of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009) were notified in the supplement to part-I Extraordinary of A.P. Gazette No. 10 dated 05.03.2011.

2. The amendment to the said Right of children for Free and Compulsory Rules 2010 was notified in Extraordinary of Andhra Pradesh Gazette No. 42 dated 14.09.2011.

3. In the letter 3rd read above, the State Project Director, RVM(SSA), A.P., Hyderabad, has submitted proposals for substitution / addition of certain provisions to Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010.

4. Government after careful examination of the proposal of the State Project Director, RVM(SSA), A.P., Hyderabad, have decided to amend the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued vide G.O. Ms. No. 20 School Education (PE-Progs.) Department, dated 03.03.2011 and G.O. Ms. No. 130 School Education (PE-Progs.) Department, dated 09.09.2011 suitably.

5. The Commissioner & Director of School Education, A.P., Hyderabad and the State Project Director, RVM(SSA), A.P., Hyderabad shall take necessary action in the matter.

(P.T.O.)

6. The following notification will be published in an Extra Ordinary issue of the Andhra Pradesh Gazette dated 24.06.2013.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 38 of the Right of Children to Free and Compulsory Education Act, 2009 (Act No. 35 of 2009), the Government of Andhra Pradesh hereby makes the following amendments to the Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010 issued in G.O. Ms. No. 20 School Education (PE-Progs.I) Department, dated 03.03.2011, as subsequently amended from time to time.

AMENDMENTS

In the said Rules:-

1. **for rule 1, the following shall be substituted, namely:-**

Short title: These Rules may be called "The Andhra Pradesh Right of Children to Free and Compulsory Education Rules, 2010" or 'APRTE Rules, 2010'.

2. **In sub rule (1) of rule 3 :-**

(i) for clause (12), the following shall be substituted, namely :-

"(12). 'Elementary School' means a school that imparts education between first and eighth class either exclusively or in addition to education in other classes, and includes a High School or any other school by whatever name, in so far as the elementary education imparted by it."

(ii) for clause (13), the following shall be substituted, namely :-

"(13). 'Free Education' means and includes providing elementary education to all children with no direct or indirect costs like fees / capitation fees, etc."

(iii) for clause (15), the following shall be substituted, namely:-

"(15). 'Local Authority' means as defined in the Act, and includes Mandal Praja Parishads and Gram Panchayats, as the case may be in their respective jurisdictions."

(iv) for clause (20), the following shall be substituted, namely:-

"(20). 'Primary school' means a school or part of a school that imparts education between class I and V and 'Upper primary school' means a school or part of a school that imparts education between class VI and VIII.

(Contd...)

3. In sub rule (1) of rule 5 :-

(i) For clause (a), the following shall be substituted, namely:-

“(a). In respect of children in classes I-V, a school shall be established within a walking distance of one kilometer of the neighbourhood taking into consideration the population of at least 20 school-going children in the locality, to make the school viable and ensure quality.”

(ii) for clause (b), the following shall be substituted, namely:-

“(b). In respect of children in classes VI-VIII, a school shall be established within a walking distance of three kilometer of the neighbourhood taking into consideration the population of the school-going children in the locality, to make the school viable and ensure quality.”

4. In rule 19 -:

(i) For sub rule (1), the following shall be substituted, namely:

“(1) (a) The School Management Committee (SMC) shall be constituted in every school, other than an unaided school, within its jurisdiction, within six months of the commencement of the Act;

(b) The school having both primary and upper primary classes shall have one SMC for the entire school;

(c) In case of schools having classes for both elementary and secondary education, separate School Management Committee shall be constituted for the elementary section, which may be styled as ‘upper primary School Management Committee’ of the corresponding school;

(d) The School Management Committee once constituted shall exist perpetually until its abolition or merger, to be authorized by the Mandal Education Officer in case of Primary Schools and the DEO in case of other schools. However members will retire as per their terms. The resultant cyclical and casual vacancies shall be filled within reasonable time as prescribed by the Implementation Authority.”

(P.T.O.)

- (ii) **in sub rule (2):-**
(a), for clause (a), the following shall be substituted, namely:-

“(a). The composition of the Committee will be as follows:

Elected members:

(1) Three parents/guardians elected by parents/guardians of children in each class, of whom at least one person is parent/guardian of a child from the disadvantaged group and another person is a parent/guardian of a child belonging to weaker sections, and two are women.

Provided that, in case, the number of children in a class is less than 6, the same shall be combined with the next lower or higher class, such that the number of electors in the combined class is 6 or more.

(2) The term of an elected member will be for two years, or the date of leaving-from-the-school of the member’s child/ward, which ever is earlier.

(3) New parent/guardian members from entry class will be inducted into the SMC to replace those parent members who will move out of the SMC when their children leave school.”

- (b) for clause (b), the following shall be substituted, namely:-**

“(b). Ex-officio members:

(1) The Head Teacher or the in charge Head Teacher of the school shall be the Member Convenor;

(2) Additional Teacher Member nominated by the MEO preferably from the gender opposite to that of the Head Teacher;

(3) The concerned Corporator / Councillor / Ward Member, as the case may be;

(4) The Anganwadi Worker(s) serving the neighbourhood area of the school;

(5) The Multipurpose Health Worker - Female (ANM) serving the neighbourhood area of the school;

(6) The President of Mahila Samakhya of the concerned village/ward.”

(Contd...)

(c). **for clause (c), the following shall be substituted, namely:**

“(c). Coopted members:

(e) Two school supporters from among persons who is an eminent educationist, a philanthropist, office bearer of a voluntary organization, an alumni or such other supporter of the school; coopted by the elected members of the SMC.

(2) The term of coopted members shall be two years from the date of first meeting following the date of cooption.”

(d) **After clause (c), the following shall be added, namely:-**

“(d). Local-Authority-Chairperson: The concerned Sarpanch / Municipal Chairperson / Mayor may attend any meeting of SMC in their respective areas, at his/ her discretion.”

(iii) **for sub rule (3), the following shall be substituted, namely:**

“3. The School Management Committee shall elect the Chairperson and the Vice Chairperson from among its elected members. Provided that at least one of them should be a parent/guardian of a child from the disadvantaged group or the weaker sections. Provided further that at least one of them should be a woman.”

(iv) **for sub rule (4), the following shall be substituted, namely:-**

“4 (a) The Head Master of the school shall organize an annual general body meeting of parents/guardians within one month after the normal period of admission.

(b)All teachers working in the school and members of the SMC should be present at the annual general body meeting of parents/guardians.

(c)The Head Teacher shall present a report on the learning activities of the school in the previous academic year and the plan for the current academic year.

(d) The Chairman SMC shall summarize school development activities and management issues.

(e) Electors of respective classes shall elect new parent/guardian members of SMC from entry class and also to fill in any casual vacancy.

(f) Both parents of a child may participate in the deliberations of the annual general body. However, only one of the parents shall be eligible to vote for election of parent/guardian representative to the SMC.

(P.T.O.)

(g) Parents/guardians having children in different classes shall be eligible to participate in the election process of each class.

(h) The Head Teacher shall conduct the election.

(i) At least 50% of the parents/guardians should be present for conducting the elections.

(j) Elections shall ordinarily be by show of hands or voice vote. In extraordinary situations of unresolved contention, secret ballot procedure may be adopted.”

(v) for sub rule (5), the following shall be substituted, namely:-

“(5). (a) The School Management Committee shall meet at least once in two months during the academic year. The first meeting will be around the beginning of the academic year. The last meeting, towards end of the academic year, shall review the academic progress and activities of the year.

(b) As and when any elected member of the SMC requests to convene a meeting with a specific agenda, the Head Teacher shall, with the approval of the Chairperson, either convene a special meeting or schedule the agenda for discussion in the next scheduled meeting.

(c) School Management Committee may constitute sub committees, like MDM, academic review, grants and expenditure and conduct social audit for effective monitoring and implementation of RTE.

(d) Minutes and decisions of the SMC and its Subcommittee meetings shall be recorded and made available or read over to all members.”

(vi) for sub rule (6), the following shall be substituted, namely:

“(6). The School Management Committee shall, in addition to the functions specified in section 21(2) of the Act, perform the following functions:

(a) Periodically review the outcomes of curriculum delivery in the school and arrange to demonstrate learning outcomes of the children in the areas of reading, writing, simple arithmetic and comprehension, by picking the children at random from each class and shall also pay attention to student absenteeism and teacher absenteeism and take steps to remedy;

(Contd...)

(b) Ensure the enrolment and continued attendance of all the children from the neighborhood in the school;

(c) Arrange to maintain a detailed list of all children including disabled, children of migrant families living in the neighborhood who are in the age group of 6-14 years and shall take effective steps to enroll the out of school children and recommend for the implementation of age appropriate class enrolment;

(d) Review & monitor attendance & availability of teaching & other staff of the school.

(e) Monitor the implementation of the Mid-Day Meal (MDM) in the school;

(f) Prepare an annual account of receipts and expenditure of the school.”

(vii) for sub rule (7), the following shall be substituted, namely:

“(7). Any money received shall be credited to the bank account of the School Management committee. The account shall be the joint account of the chairperson and the convener of the committee. The account will be made available for audit whenever required. At the end of each year, utilization certificate shall be submitted to the authority releasing the grants.”

(viii) for sub rule (8), the following shall be substituted, namely:

“(8). The Accounts of the School Management Committee shall be audited by the agency or team appointed for the purpose by the Implementation Authority or its delegatee for purposes of accounts and audit.”

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

**RAJESHWAR TIWARI
PRINCIPAL SECRETARY TO GOVERNMENT (PE) (FAC)**

To
The Commissioner, Printing & Stationary, Chanchalguda, Hyderabad
(with a request to publish the G.O. in the A.P. Gazette (Extraordinary) dated 24.06.2013 and supply 1000 copies to the Government in School Education Department.)
The Commissioner & Director of School Education, A.P., Hyderabad
The State Project Director, RVM(SSA), A.P., Hyderabad
The Director, State Council of Education Research & Training (SCERT), A.P.,
Hyderabad.

Copy to:

The Secretary, Ministry of Human Resource Development, Department of School Education & Literacy, Government of India, New Delhi.

P.S. to Special Secretary to Chief Minister

P.S. to Minister (PE&SSA)

P.S. to Minister (Secondary Education)

P.S. to Chief Secretary to Government.

P.S. to Prl. Secretary to Government, Primary Education, A.P. Secretariat.

P.S. to Prl. Secretary to Government, Secondary Education, A.P., Secretariat.

General Administration (Cabinet) Department

Law (A) Department

Finance Department

All remaining HODs under the control of School Education Department

The Publicity Cell, Information & Public Relations Department, A.P. Secretariat.

SC/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER