

A perception study on the implementation and impact of Clause 12



Centre for Civil Society

A-69, Hauz Khas, New Delhi 110016 India

Phone: +91 11 2653-7456 / 2652-1882 **Fax:** +91 11 2651-2347

www.ccs.in, www.schoolchoice.in, www.righttoeducation.in

ABSTRACT

NEED FOR EVALUATION

With the enactment of the Right of Children to Free and Compulsory Education Act (specifically Clause 12) the Indian government has finally acknowledged the role of the private sector in providing Education for All.

While the Act is a step in the right direction; there is an absence of clear policy guidelines and support structure from the government and; private schools are looking for guidance to put in place systems and processes to implement this scheme.

RESEARCH DESIGN

This study aims to highlight and review the impact and challenges in the implementation of Clause 12 through a perception study of the various stakeholders in four districts of North Delhi.

MAIN FINDINGS

- The biggest concern for all categories of schools (high, mid and low budget) was the lack of clarity about the reimbursement amount and schedule.
- Most government officials were fairly satisfied with the first year of implementation of this clause. However; they did feel that the targeting and sourcing of beneficiaries needed to be more streamlined.
- Both fee-paying parents and EWS (Economically Weaker Section) parents were fairly concerned about integration issues between their children though no child reported exclusion issues during the course of this study.

However, the study covered only the first year of the implementation and so further research is required.

INTRODUCTION

Over the last decade, India has increasingly focused on the achievement of the 'Education for All' (EFA) goals. However, more than 5.5 million children are still out of school and of those enrolled in primary school only 66% survive to grade 5 (UIS, 2007). Despite a high primary net enrolment rate of 91% (WDI, 2008), about 53% of children in the 5th grade lack the reading and math expected of children in the 2nd grade (ASER, 2010)¹.

As a part of this goal, free and compulsory education was established as a fundamental right in 2002. The Right of Children to the Free and Compulsory Education Bill was drafted in 2005 as a means to provide this right to every Indian child and in August 2009, the bill finally became an Act.

The scope of this study covers only the implementation of Clause 12 of the Act i.e. the 25 percent reservation² -its implementation and impact, in four districts of Delhi. Though the Act itself has been severely criticized on its lack of clarity and design – mainly its lack of detail, precise definitions and timelines; this clause in particular has brought about severe reactions from Indian society at large, especially from an ideological context.

At one end of the spectrum there have been *positive reactions to the idea behind this clause* i.e. the fact that through the Act, the government has finally recognized and acknowledged the private sector's role in the provision of quality education. Of all enrolled children living below the poverty line, 14.8% of 5-10 year olds, 13.8% of 11-14 year olds and 7% of 15-17

¹ ASER, 2010. Annual Status Education Report

² Clause 12 mandates the reservation of 25% of the entry-level seats in all private schools for government-sponsored students from economically and socially disadvantaged families. The government will reimburse these private schools to the extent of per-child expenditure incurred by the state, or the actual school fees, whichever is lower. Thus, the private sector is expected to provide the education, the state will fund the education of the children that comprise the 25%.

year olds attended private school (Gandhi, G. 2007)³ and their parents spend between 6-11% of their income on education in these private schools (ASER, 2010)⁴.

However several segments of society *strongly oppose the idea behind this clause*, as they believe that by including a provision for government sponsored school places in private schools the government is shirking its constitutional obligation towards providing education and is instead transferring its responsibility to the private sector.

This study aims to provide a commentary on the implementation of Clause 12 in Delhi so as to understand whether it is in fact encouraging private provision of education and if it is achieving the objective of social justice through inclusion of the poor and disadvantaged.

METHODOLOGY

This paper uses a perception study to understand the implementation of Clause 12: the grievances and difficulties faced by the various stakeholders and; the social, economic and educational impact of the clause.

The sample size comprised a total of 252 children: 162 EWS children and 90 fee-paying children, enrolled in 16 schools (high-budget, mid-budget and low-budget). This classification of schools into high, mid and low budget is based on the monthly fees charged by these schools. Since Delhi's State rules had not been notified at the time of this study, there were no predetermined categories (based on reimbursement amounts) that could be used to classify schools. Moreover, during our preliminary research, several different reimbursement amounts; varying from Rs. 1,000 to Rs. 1,300 to Rs. 1,500; were quoted. Thus, in the absence of a specific reimbursement amount, using fee slabs to classify schools was the most feasible option. Lastly, the study included interviews with 6 government officials including officials of the Department of Education and the Government of NCT Delhi

³ Gandhi, G. 2007. The progress of school education in India

⁴ ASER, 2010. Annual Status Education Report (Rural)

(including members of the monitoring committee). Details of these respondents can be found in Table 1.

The original sample was intended to comprise 306 respondents: 270 children (30 from each category of fee-paying, government sponsored and children eligible under Clause 12), 18 schools and 18 government officials. However due to the non-cooperation of some of these potential respondents, the final sample comprised a total of 274 respondents.

Table 1: Category wise sample covered

Sample Category	School Category (in numbers)			Total
	High Budget Monthly fee < Rs. 1,000	Mid Budget Monthly fees Rs. 500 - Rs. 1,000	Low Budget Monthly fee > Rs. 500	
Schools interviewed	6	4	6	16
Parents and children interviewed				
• Fee paying students Income > Rs. 1 lakh. Not eligible under the provision	30	30	30	90
• EWS students Income < Rs. 1 lakh. Eligible under the provision				
1. Eligible students that applied and received admission under the provision	30	11	6	47
2. Eligible students that applied but didn't receive admission under provision	25	0	0	25
3. Eligible students that did not apply under the provision	–	–	–	90
a. <i>Students that were unaware</i>	–	–	–	20
b. <i>Students that were aware but did not apply</i>	–	–	–	70
TOTAL EWS students	55	11	6	162
TOTAL	85	41	36	252

DATA COLLECTION PROCESS

Based on their recognition status and fee levels, schools were mapped and identified across four districts of Delhi. These districts were identified based on the presence of colonies of low income groups and the exposure of these areas to NGO activity.

The initial intention was to carry out the project in two phases: The first phase was to be carried out during the schools' admission process for EWS students. The second phase was meant to assess the socio-economic impact of this provision and was to be conducted at the end of the first quarter. However, there was a delay in the notification of Delhi's draft rules and most schools received only a limited number of applications due to which, the admission dates of the EWS students were extended. Therefore, both the phases of the assessment were carried out simultaneously in July-August.

TOOLS OF THE STUDY

The two main tools used during the study were:

1. In-depth Interviews (IDI) with parents, schools and government officials:
 - a. Parent IDI's: included parents' schooling pattern, profile of the eligible children, awareness levels, perceptions about the entire application and selection process and; the monitoring and grievance redressal system.
 - b. School IDI's: included questions that focused on the strength of their schools and the number of seats allocated to EWS students and the schools' perceptions about implementation of the scheme including the difficulties faced by them.
 - c. Government official IDI's: included questions about their responsibilities in the process, and their perceptions about the implementation of the provision and the scheme's monitoring and complaint redressal system.

2. Focus Group Discussions with community groups: These comprised 8-10 participants including 1-2 community leaders.

FINDINGS

The main findings of the study are:

1. AWARENESS LEVELS

In all of the 4 districts, *awareness levels among EWS parents were generally low*. Of the 162 EWS parents that were eligible to apply under Clause 12, over 56% did *not* apply as they were either unaware of this provision or were aware but did not know what the application procedure involved despite the presence of a number of schools within a 2-5 km radius.

On further investigation of these 162 parents, it was found that in families where at least one parent had graduated class 12, the awareness levels were much higher than when compared to families where neither parent had enjoyed an education. Moreover, 85% of the parents that were aware of the provision lived in mixed neighbourhoods. For the purpose of this study, mixed neighbourhoods are defined as those neighbourhoods that include low, mid and high income households. Residential location played an important role because most of the information about this provision was communicated through local media and friends.

Parents that were unaware but eligible were keen to learn more about the RTE and the admission process under Clause 12. However they were fairly pessimistic about the actual benefits because of the perceived prevalence of bribery and corruption present in the system.

2. SCHOOLS' IMPLEMENTATION OF CLAUSE 12

Most parents didn't face any issues during the application process and a majority of them applied to 4-5 different schools as the application forms were available free of cost. Thus, the Act did result in increasing school choice to a certain extent and it made parents more involved in their child's entire schooling process as it allowed parents to choose the learning environment that they thought would be most conducive for their child.

Of the 72 parents that were aware and had applied under the provision, 76% applied to high-budget schools, 15% to mid-budget and 8% to low-budget schools. This can be attributed to the fact that most high budget schools were better at implementing and advertising the 25% provision. More importantly, most parents claimed that they preferred to apply to these schools as they equated high budget schools with a high quality education.

Since the seats in high budget schools were oversubscribed to, these schools conducted lotteries to select the EWS students as per the guidelines issued by the DoE. However, these

schools were unwilling to share details of the number of applications received and the number of seats provided under this provision.

Most parents were happy with the selection process and felt that it was conducted as per the guidelines. However some parents (including the parents that were unsuccessful in the application process) were dissatisfied with the process as they felt that the schools did the selection unilaterally. They felt that only the students that had some connection with the school authorities/staff or had any political connection were selected.

The students that were granted admission under this provision in these schools were not charged any tuition fee or admission fee but were charged money for stationery, uniform and books. Over 47% of these parents paid between Rs. 1001-1500, 36% paid less than Rs. 1000 and only 17% paid more than Rs. 1500⁵.

Low and mid budget schools however did not have to conduct lotteries as most of the seats under this provision were allotted to students' known/referred to the school. These schools didn't charge very poor students any fees and thus implemented the 25% reservation in that way. These schools noted that the biggest barrier in the implementation of this provision was the fact that most EWS parents did not possess the documents necessary for their child's' admission.

Overall, the government officials interviewed were satisfied with the first year of implementation. However, they did feel that it was necessary for schools to publicize this provision so that no EWS seats remain vacant.

The biggest apprehension for all three categories of schools was the reimbursement amount and schedule. High budget schools were concerned that the reimbursement amount was too low. Both mid and low budget schools were satisfied with the reimbursement amount but were anxious about the regularity of reimbursement.

3. SOCIO-ECONOMIC IMPACT

⁵ The notification (issued on January 7, 2011) of the DoE, Government of Delhi is silent on this issue: it does not specify if schools are allowed to charge EWS students for books, uniforms and stationery.

Most of the EWS parents were keen to send their children to private schools as they felt a good education would make their children economically better off in the future but, they had some apprehensions that their children might be treated differently when compared to the fee-paying students. It is noteworthy that so far, no complaint of differential treatment has been reported.

However some fee-paying parents had concerns about how the provision would impact the atmosphere in school and the quality of education. Table 2 documents these responses. Overall, fee-paying parents were of the view that if the quality of education wasn't adversely impacted they were indifferent to the implementation of this provision. As an alternate to this provision, these parents suggested that the government should open new schools for EWS children and take measures to ensure that the quality of education in these schools was maintained.

Schools were of the view that exclusion should not be an issue since admission was at entry level and the children were only 5 years of age. Additionally, they were clear that there would be no segregation in the classes between EWS and non-EWS students.

Table 2: Fee-paying parents' views

Fee-paying parents' views	Multiple Response
EWS students living in different cultural environment will leave bad impact on the general students	31.10%
For EWS children it will be difficult to learn and understand the lessons taught in the classes	41.10%
The EWS children will not be able to do the home work as there will be no one to help and assist them	4.40%
The overall quality of education imparted in private schools will suffer	10%
The non-quota students will learn some bad habits like abusing and fighting	43.30%
The scheme will result in an excess burden on the fee-paying parents	12.20%

LIMITATIONS OF THE STUDY

This study is the first step of many, towards understanding the challenges faced by the various stakeholders in implementing Clause 12. The relatively small sample size and concentrated geographic area are useful in providing some insight but, it is important to

understand that this is a preliminary study in only four districts of Delhi. Moreover, since this was the very first year of implementation and Delhi's rules have not yet been notified, some changes in the implementation strategy can be expected once the rules have been notified. Lastly, it is important to note that in terms of the inclusion of government funded students, this study contains only perceptions of both fee paying and EWS parents. To draw out all of the shortfalls of this Act, further research is need over the next few years of implementation.

CONCLUSION AND RECOMMENDATIONS

This study has illustrated that marginalized parents have realized and acknowledged that education is vital. But, the government school system is failing a majority of them. As a result, they have come to depend more on private schools. Around 24% of the children in the 6-14 age group in rural areas are enrolled in private schools (ASER, 2010)⁶. These numbers are a powerful testament to those policy makers who continue to believe that the private sector has no role in education. Growing evidence points to better learning outcomes in English, Math and Language in comparison to government schools. But, what is perhaps most telling of this is the fact that the poorest in India choose these private schools over free government schools and are willing to spend substantial amounts money on educating their children in these schools.

If implemented correctly, Clause 12 of the RTE Act can help create access to quality education and more importantly, provide marginalized children with the ability to choose their own schools. However in its current form, this Clause is facing opposition from schools because of the lack of clarity about the reimbursement procedure and from fee-paying parents because of the perceived integration issues. Moreover the biggest shortcoming in this Clause is the broad definition of its beneficiaries. Several changes need to be made in terms of increasing awareness levels, streamlining the selection and admission process and clearly defining reimbursement amounts and timelines.

⁶ ASER, 2010. Annual Status of Education Report, 2010

Several states across India are in the process notifying their state rules. In the run up to this notification, several clauses and sub clauses are in the process of being reviewed and adapted. This study aims to contribute to these revisions by providing evidence based research that uses the experiences and challenges faced by the several shareholders in this study.

BIBLIOGRAPHY

- Al-Samarrai, S. 2007. "Financing Basic Education in Bangladesh." University of Sussex – Centre for International Education
- Andrews, L. 2005. "The Special Education Scare: Fact vs. Fiction." Article in "What America Can Learn from School Choice in Other Countries. Washington DC: Cato Institute
- ASER, 2010. Annual Status Education Report (Rural)
- Australian Government, 2010. "Review of Funding for Schooling."
- Fitz, Edwards and Whitty, 1989
- Gandhi, G. 2007. The progress of school education in India
- Hepburn, C. 2005. "Public Funding of School Choice in Canada: A Case Study." Article in "What America Can Learn from School Choice in Other Countries. Washington DC: Cato Institute
- Hofmeyr, J. 2000. "The Emerging School Landscape In Post-Apartheid South Africa."
- Hsieh, C., Urquiola, M. 2003. "When Schools Compete, How Do They Compete? An Assessment Of Chile's Nationwide School Voucher Program." NBER Working Paper Series
- Mahmud, S. 2003. Female secondary school stipend programme in Bangladesh: A critical assessment.
- Ministry of Education, Denmark
- Morphis, E. 2005. "The Shift to School Choice in New Zealand"
- Muralidharan and Kremer, 2006. Public and Private Schools in Rural India
- Nesdale, P. 2002. International Perspectives On Government Funding Of Non Government Schools. 14th Biennial NCISA Conference.
- Patel, F. 2004. "The resourcing, funding and financing of schools in South Africa
- Walberg, H. 2007. School Choice the findings.

- Whitty, Power and Edwards, 1998;

WEBSITES

UIS : <http://www.uis.unesco.org/Pages/default.aspx>

WDI: <http://data.worldbank.org/data-catalog/world-development-indicators>