



Shardul Amarchand Mangaldas

CENTURY of EXCELLENCE



Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code

Version 3.0



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सचिव

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Foreword

With 472 million population below the age of 18, performance of education sector indeed plays a key role in realizing the potential of the future workforce in India. By 2030 the number of school going children in the age bracket of 4-17 years is estimated to be 300 million.

In last few years role of private schools in India has substantially gained importance. Over last 15 years the enrolment percentage in such schools has jumped from 18% to 43%. This rapid growth of enrolment in independent schools has ensured increase in supply and access. While the independent schools have gained recognition and credibility over the years it is true that a young demography and an increased demand has also attracted certain fly-by-night operators who indulge in mal practices. Such schools-malign the entire independent school segment and create an atmosphere of mistrust. In the past few years this has led to rise in parental and society activism and the governments are being pushed to come up with stringent regulations.

It is a time tested phenomenon that autonomy drives innovation and quality in educational institutions. This autonomy should be coupled with accountability and complete transparency. Educational institutions thrive only when there is an atmosphere of complete trust and collaboration between all stakeholders, parents, students, community, regulators, media and the schools. Over-regulation kills creativity as it diverts educator's focus from classroom to mundane administrative compliances and defeats the very objective of 'Minimum Government Maximum Governance.

I am pleased that FICCI ARISE has taken the initiative to develop Model Self-Financed Independent Schools (Establishment and Regulation) Code. The process adopted for development of this code is indeed commendable as it involved retaining of an eminent law firm who studied various existing legislations and court rulings and holding of several consultative workshops with active participation of all stakeholders from various states. The Code prescribes a balanced regulatory framework that mandates complete transparency and provides adequate autonomy to self-financed independent schools to excel while retaining adequate powers with the state to regulate them. The code also provides a pragmatic and balanced formula for regulating fee hike.

I am also pleased to learn that a few states are already in the process of adopting the frameworks emanating from this model code. This framework, once adopted by states shall clear the regulatory maze and attract long term visionary investors to enter the sector. Increased supply shall in turn increase competition that shall boost quality, transparency and affordability.

Anil Swarup
(Anil Swarup)

New Delhi
28th June, 2018

Foreword FICCI Arise

Education is covered under the Seventh Schedule of the Constitution of India that makes it a concurrent subject. The Constitution of India requires the State to make effective provisions for securing the right to education. Over the years the central and state governments have thus established a massive network of schools. Various acts, legislations and GO's have been framed around school education, which were primarily enacted to govern state owned schools. With the advent of independent schools that are set up by private investment, the enactments were expanded to cover these kind of schools too.

Self-financed independent school sector has grown manifold over the years. While in terms of physical spaces, self-financed independent schools constitute about 25% of total schools in the country, they cater to over 43% of school going students. Several such schools have been instrumental in introducing new age pedagogy and classroom practices that are in tune with the present times and equip today's students with the right skillset and acumen to take on the challenges of this new and rapidly changing world. Given the demographic state of our country, it is important to further encourage long term and visionary 'Edupreneurs' to enter the sector and upgrade/build high quality 21st century ready schools.

Present regulations deal with state as well as self-financed schools. This leaves enough room for overlaps and ambiguity that leads to inspector raj, misguided activism and litigation. Several courts including the apex court have pronounced a number of judgments

from time to time and number of cases are still pending. Educators have to unfortunately deal with this regulatory maze almost on a daily basis. Quality becomes the victim as educators time gets diverted from classroom teaching to fixing avoidable regulatory issues.

FICCI Alliance for Re-Imagining School Education (FICCI ARISE) in collaboration with Shardul Amarchand Mangaldas & Co has prepared Model Self - Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 for states for regulating the establishment and operation of new schools and recognition of existing schools as self-financed independent schools. The Model Code lays down the framework for independent schools to practice utmost levels of transparency and governance through self-regulation and accountability. Equity, Quality, Excellence and Partnerships are the core four pillars of this code. The Code prescribes a balanced framework that provides adequate autonomy to self-financed independent schools to excel and renders adequate powers to the state to regulate them. Parents shall be the winners who would then have a vast variety of high quality schools of different genres to choose from for their wards.

The Code was originally released in 2017. The same has evolved overtime based on engaging consultative process with stakeholders and authorities in various states, enactment of similar acts in states such as Uttar Pradesh and recent verdicts delivered by various courts. Hence this updated version 3.0.



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Foreword



The latest draft of the National Education Policy, 2019 published by the Ministry of Human Resource and Development (“**Policy**”), envisions an India centred education system that contributes to transforming our nation into an equitable and vibrant knowledge society through high quality education to all in a sustainable manner. The Committee tasked with drafting the Policy, chaired by Dr. K. Kasturirangan, believes that all the previous education policies were largely focussed on the issues of access and equity, and unfortunately “*dropped the baton with regard to the quality of education*”

Emphasising on the need for highest levels of educational outcomes, the Policy recognises that to ensure dissemination of quality education, the State, while ensuring the transformation of the public education system, must encourage and enable the private philanthropic school sector to play a significant role.

To achieve its vision, the Policy seeks a revolution in the State’s approach to governance and regulation, where schools and teachers are empowered with trust, enabling them to deliver high performance, while ensuring integrity, through transparency and full public disclosure.

The Policy acknowledges that the educational outcomes of private schools need to improve substantially, akin to the public schools.

The responsibility for such improvement rests with the private schools’ management and owners, pivotal as it is for the future of the large base of its students.

Considering the aspects outlined above, Shardul Amarchand Mangaldas & Co in association with FICCI Alliance for Re-Imagining School Education (“**FICCI ARISE**”), has drafted a Model Self - Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 (“**Model Self-Financed Independent Schools Code**”). Our objective is to highlight the need for an independent code for recognition and regulation of schools that is established on a self-financed independent basis. It is imperative that these schools are encouraged to operate on principles of self-regulation through good governance and optimal disclosures. It is hoped that the Model Self-Financed Independent Schools Code will be a useful model draft for the various State Governments to adopt, and encourage participation from private players/foundations, while addressing the concerns of all the relevant stakeholders.

Shardul Shroff

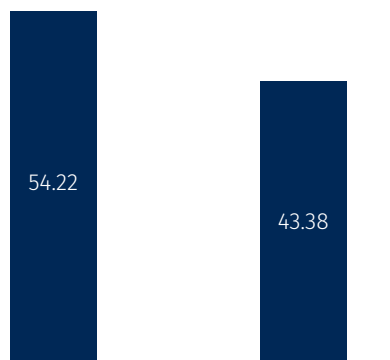
Executive Chairman

Shardul Amarchand Mangaldas & Co

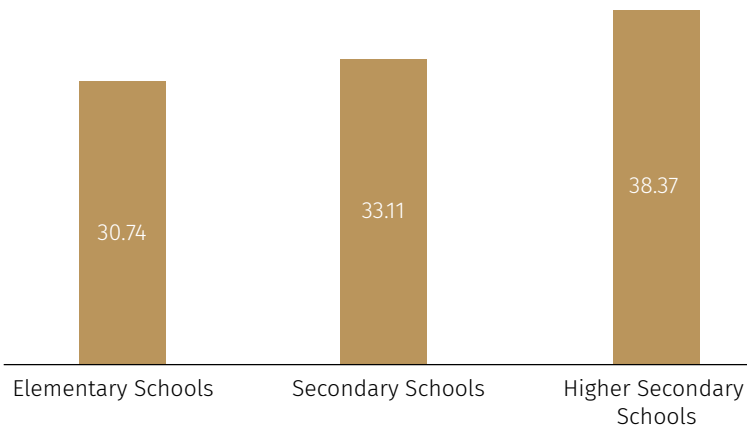
Introduction

The Indian education sector has evolved considerably over the last decade and garnered a lot of interest from all the stakeholders. One primary reason being the growing thrust and demand for quality education which has paved way for participation of private players/foundations in the establishment and operation of educational institutions.

% of students enrolled in Schools in India (2016-2017)



% of students enrolled in Private Unaided Schools in India Level Wise (2016-2017)



Source : U-DISE Flash Statistics Report 2016-2017

As per the U-DISE Flash Statistics Report 2016-2017 released by the National Institute of Educational Planning and Administration, private unaided and aided schools account for 43% of the total enrollments in schools. Further, the enrolment in private unaided secondary and higher secondary levels is around 33% and 38% respectively.

Presently, in most States, both government schools and private self-financed schools are being regulated by the same enactment. This has led to some gnawing concerns as, unlike the government schools where a closer monitoring of the Government is a necessity,

private schools require more autonomy in their operations.

The Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 ("**Model Self-Financed Independent Schools Code**" or "**the Code**") has been drafted to regulate self-financed independent schools on the principles of autonomy, self-regulation and good governance. The Code has also been aligned with the landmark decisions of the apex Court on the aspects of operation and management of private unaided educational institutions.

The Code aims at regulating schools which are self-financed



institutions, receiving no aid or grant from the Government or any local authority. All expenses of such schools are met by the management of such institution itself.

The Code mandates these schools to be recognized by the State Government subject to the fulfilment of a prescribed eligibility criteria. The Code encourages experienced education providers by providing a fast track approval process. Further, consistent with the digital India drive, the Code provides for online application and approval process.

Principles of good governance is a focal point of this Code. The Code introduces the principle of self-regulation in schools based on the tenets of self-disclosure to ensure that an informed decision is taken by the students and parents while seeking admission. These disclosures are typically with respect to admission policy, fee structure, student to space ratio etc., and are required to be displayed on the school's notice board throughout the academic year.

The Code also puts considerable impetus on the quality of teaching faculty and requires schools to undertake regular teacher training/ motivation programmes in order to update and upgrade the skill sets of their teaching faculty.

On the issue of fee determination, the Code provides a mechanism which addresses the concern of the parents with respect to profiteering and capitation fees without putting undue fetters on the autonomy of the institution. In line with the rulings of the apex Court, the Code enables the schools to determine its fee structure while at the same time also providing parameters which shall guide schools in their fee determination process. The Code further provides for the establishment of a Zonal Fee Regulatory Committee and a Revision Committee to approve the fee structure of schools in case the same is being increased beyond the limits prescribed by the State Government.

The Model Self-Financed Independent Schools Code has been drafted with the objective of introducing the concepts of self-regulation and good governance in the education system wherein the Government plays only a facilitative role and reprimands only the ones that are non-compliant.



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Model Self - Financed Independent Schools (Recognition and Fee Regulation) Code, 2017

A Code to make provisions to establish new schools, including provisions for upgradation and recognition of existing schools, as self-financed independent schools with operational autonomy and due accountability, to make suitable provisions with regard to their operation and management and to provide for matters connected therewith or incidental thereto.

Chapter I: Preliminary

1. Short title, extent, application and commencement

- 1) This Code may be called the Model Self - Financed Independent Schools (Recognition and Fee Regulation) Code, 2017.
- 2) It extends to the whole of the State of [*name of the State to which this Code shall be made applicable*].
- 3) It applies to all existing and new schools which are self-financed independent institutions and are operating within the State.
- 4) It shall come into force on such date, as the Government may, by notification in the Official Gazette appoint, and different dates may be appointed for different provisions of this Code, and any reference to the commencement of this Code in relation to any provision thereof shall be construed as a reference to the date on which that provision comes into force.

2. Definitions

In this Code, unless the context otherwise requires:

- a) "affiliation" means enrolment of a recognised school among the list of approved schools of a Board for following prescribed/approved courses of studies up to classes X and XII, as well as those preparing students according to prescribed courses for the Board's examinations;
- b) "aid" means any aid, in cash or kind, granted to a recognised school by the Government, a local authority or any other authority designated by the Government, appropriate authority or a local authority;
- c) "appropriate authority" means the authority designated by the Government for a particular purpose, including, *inter alia*, to grant permission for establishment, upgradation and recognition, regulation of fees and adjudication of contraventions of the provisions of the Code or rules prescribed;
- d) "Board" means the [*name of the Board of School Education of the State to which this Code shall be made applicable*], the Central Board of Secondary Education,

Council of the Indian School Certification Examinations, any other Indian or International/Foreign board of examinations or any other board which the Government may, from time to time, specify;

- e) "capital employed" means the sum total of amount value of total assets of a school reduced by the current liabilities of a school as per the balance sheet of the immediately preceding financial year certified by the auditors of the school.
- f) "District Education Officer" means an officer appointed in each district of the State as may be prescribed or any other officer authorised by the Government to exercise the powers and perform the functions of a District Education Officer;
- g) "educational zone" means an educational zone notified as such by the Government, through notification in the Official Gazette;
- h) "educational purposes" means any educational activity undertaken by an eligible educational entity, *inter alia*, including, creation of courses/ content, patents, research and development activities, teacher training programmes, staff development programmes, upgradation of technology, vocational training, co-curricular activities and sports related infrastructure and equipment;
- i) "eligible educational entity" means any society registered under the Societies Registration Act, 1860, or public trusts or trusts created under the Indian Trusts Act, 1882, or company registered under the Indian Companies Act, 2013, or a body corporate engaged in establishment, management and maintenance of schools;
- j) "existing school" means a school which is in existence and is recognised under any previous law enacted by the State, prior to the date of commencement of this Code;
- k) "Government" means the Government of the State;
- l) "gross revenue" means the sum total of all receipts



- of revenue nature of a school as per the income and expenditure statement or profit and loss account, as the case may be, of the immediately preceding financial year certified by the statutory auditors of the school;
- m) “head of the school” means the principal or as may be called by any other name, of a recognised school, designated by the managing committee to manage the administration and academic affairs of the recognised school;
- n) “local authority” means in relation to the local area comprised within the jurisdiction of a municipal corporation, the concerned municipal corporation and in relation to any other local area in the State, the concerned municipal council, zilla parishad, mandala praja parishad, gram panchayat or township having jurisdiction over such local area;
- o) “manager” in relation to a recognised school, means the person appointed by the eligible educational entity, by whatever name called, who is entrusted, either on the date on which this Code comes into force or any other date, as the case may be, under the scheme of management under Section 8, with the management of the non-academic affairs of that recognised school;
- p) “managing committee” means the body of individuals entrusted with the management of any recognised school, by the eligible educational entity under the scheme of management under Section 8 and which shall work under the control and supervision of the eligible educational entity;
- q) “minority educational institution” means an institution established and administered by a minority, whether based on religion or language, having the right to do so under Clause (1) of Article 30 of the Constitution of India;
- r) “Nationalized Bank” means a bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;
- s) “permitted fee increase” means the increase in fee permitted under Section 13;
- t) “proposed fee increase” means the fee proposed by the managing committee of a recognised school under subsection (8) of Section 14.
- u) “prescribed” means prescribed by rules made under this Code;
- v) “prescribed authority” means any authority, as may be prescribed for a particular purpose including, *inter alia*, grant permission for establishment, up gradation and recognition, regulation of fees and adjudication of contraventions of the provisions of the Code or rules prescribed;
- w) “qualified eligible educational entity” means an eligible educational entity operating at least one school, within or outside the State, for a minimum period of five years, which is recognised by the relevant state authority, and has obtained affiliation, if required;
- x) “recognised school” means a school recognised by the appropriate authority under this Code;
- y) “recognition” means formal certification granted by an appropriate authority to a school that it conforms to the standards and conditions laid down under this Code;
- z) “Scheduled Bank” means a bank referred to in the Second Schedule to the Reserve Bank of India Act, 1934;
- aa) “school” includes the following levels of education:
- i) pre-primary school imparting education below the primary stage such as nursery and kindergarten; or
 - ii) primary school imparting education from classes I to V (both inclusive); or
 - iii) middle school imparting education from classes VI to VIII (both inclusive); or
 - iv) secondary school imparting education to classes IX and X; or
 - v) senior secondary school imparting education to classes XI and XII;
- managed by an eligible educational entity and affiliated to any Board as a self-financed independent school;



Provided that where a school operates on a standalone basis as a pre-primary school imparting education below the primary stage, it shall not come under the purview of this Code;

- ab) “school property” means all movable and immovable property, tangible or intangible, owned by , or in the possession of, the recognised school or eligible educational entity and all other rights and interests in, or arising out of, such property, and includes land, building and its appurtenances, play grounds, hostels, furniture, books, apparatus, maps, intellectual property, equipment, utensils, cash, reserve funds, investments and bank balances;
- ac) “self - financed independent school” means an institution imparting education wherein all expenses of the institution, for any purpose whatsoever, are to be met by the management of such institution itself and/or out of the school funds/revenue or through contributions, loans, borrowings including loans obtained by creation of any encumbrances on school property and does not include an institution which:
- i) is established and administered or maintained by the Central Government or Government or any local authority; or
 - ii) is giving, providing or imparting only religious instruction, whether as a minority educational institution or otherwise; or
 - iii) is receiving any aid or financial assistance from the Central Government or Government or from a local authority;

Provided that reimbursement received under the provisions of sub-section (2) of section 12 of the Right of Children to Free and Compulsory Education Act, 2009, (35 of 2009) or any other statutory reimbursements as may be notified from time to time, shall be not be considered as aid.

Provided further that, in the event a recognised school is required to participate in any educational initiatives of the Central Government or Government/local authority, any funds received by the recognised school from the Central Government or Government/local authority, in cash (including salary of teaching/non-teaching staff) or kind, towards implementation/performance of such initiatives, shall not be considered aid.

Provided further that, for the purposes of this Code, allotment of land to an eligible educational entity by the State for establishing and operating a school in pursuance of any policy of the State, as may be introduced from time to time, or otherwise, on the terms and conditions of such policy and/or the letter of allotment, shall not be considered as aid.

- ad) “State” means the State of [name of the State to which this Code shall be made applicable];
- ae) “State Independent Schools Authority” means the authority constituted under Section 15 of the Code; and
- af) “Zonal Fee Committee” means the committee constituted under Section 14 of the Code;



Chapter II: Establishment and Recognition of Schools

3. Creation of an endowment fund

Any eligible educational entity desirous of establishing a new school or upgrading the existing school shall have to deposit an amount as may be prescribed, by way of National Saving Certificate or Fixed Deposit or Bank Guarantee in any Nationalized Bank or Scheduled Bank, as security deposit towards creating an endowment fund; and pledge, such certificate or fixed deposit receipt obtained in the name of the school, with the concerned District Education Officer.

4. Recognition of schools

- 1) No eligible educational entity shall be permitted to establish or manage a school under this Code, unless it conforms to the minimum norms and conditions prescribed with respect to:
 - a) adequacy of funds to ensure continued and efficient maintenance of a school;
 - b) suitable infrastructure in compliance with standard building norms, health and sanitary norms and the swachh bharat mission;
 - c) suitable policies for child protection, disaster management and prevention of sexual harassment;
 - d) qualified and trained teaching and non-teaching staff;
 - e) scheme of management as required under Section 8 of this Code;
 - f) provisions for enabling affiliation to any Board;
 - g) conformity with the National Curriculum Framework and/or the State's educational objectives, as amended from time to time;
 - h) facilities for physical education, library service, laboratory works, workshop practice, canteen and co-curricular activities;
 - i) information and communications technology enabled education; and
 - j) any other matter which it may deem necessary from time to time.

- 2) It shall be incumbent upon the eligible educational entity which has been granted recognition, to comply with the terms and conditions laid down by the appropriate authority while granting recognition, within such time period as may be specified.

5. Permission for establishment of a new school or upgradation

- 1) Any eligible educational entity desirous of establishing a new school or upgrading a recognised school, shall make an application to the appropriate authority in such format, along with such documents and fees as may be prescribed.
- 2) On receipt of application, the appropriate authority shall scrutinize and cause such verification of the application as is necessary, and if satisfied, issue a letter of intent to the applicant within ninety days from the receipt of such application. If no decision is taken within the specified period, permission shall be deemed to have been granted.
- 3) In case of refusal of permission, the appropriate authority shall give reasons in writing.
- 4) The permission shall be valid for a period of two years, which may further be extended by the appropriate authority upon receipt of an application in writing, in such form and manner as may be prescribed.

6. Procedure for recognition of a new school or upgradation or recognition of an existing school

- 1) Any eligible educational entity desirous of obtaining recognition for a new school or upgrading a recognised school, as the case may be, shall make an application within the time period prescribed under Section 5, in such format, along with such documents and fees as may be prescribed.
- 2) Every application made under sub-section (1) shall be considered by the appropriate authority and the decision



thereon shall be communicated to the applicant within a period of three months from the date of receipt of the application and where such recognition is not granted, the reasons for not granting such recognition shall be communicated to the applicant within the said period.

Provided that any application received, from a qualified eligible educational entity, with a duly filled application form along with all the prescribed documents, shall be eligible for a fast track process, wherein the application shall be considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of one month from the date of receipt of the application.

- 3) Every eligible educational entity operating an existing school shall, at any time after commencement of this Code, [but no later than the lapse of its recognition accorded under any previous law enacted by the State], make an application to the appropriate authority for seeking recognition under this Code, in such format, along with such documents and fees as may be prescribed.
- 4) Every application received under sub-section (3) shall be considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of one month from the date of receipt of the application and where such recognition is not granted, the reasons for not granting such

recognition shall be communicated to the applicant within the said period.

- 5) Where recognition is refused or there has been no response within the specified period under sub-section (2) and (4), the eligible educational entity aggrieved by such refusal or inaction may, within thirty days from the date of communication of such refusal or expiry of the specified period, appeal against such refusal or inaction, in the prescribed manner, to the prescribed authority, and the decision of the prescribed authority thereon shall be final.

Provided that the prescribed authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of thirty days, extend further, the said period by a period of thirty days, for reasons to be recorded by it in writing.

- 6) On hearing an appeal preferred under sub-section (5), the prescribed authority may, after giving the appellant a reasonable opportunity of being heard, confirm, modify or reverse an order appealed against.

7. Affiliations

Any eligible educational entity intending to establish or manage a school which it proposes to have affiliated to any Board, shall be bound to comply with the requirements of any such Board, in addition to any other requirements for establishing such school in the State.



Chapter III: Management of the Recognised School

8. Scheme of management

- 1) Each recognised school shall prepare, in conformity with the guidelines prescribed, a scheme of management for its operation and management, which, *inter alia*, may include:
 - a) composition and term of office of the managing committee;
 - b) functions of the managing committee;
 - c) duties, powers and responsibilities of the head of the school as well as the manager; and
 - d) any other matter which it may deem necessary from time to time.
- 2) The composition of the managing committee referred to in sub-clause (a) of sub-section (1) to be provided in the scheme of management, shall consist of a minimum of nine members and a maximum of eleven members. The managing committee shall include the following members:
 - a) a representative of the eligible educational entity;
 - b) the head of the school as an *ex-officio* member with the right to vote;
 - c) the manager of the recognized school;
 - d) one parent, who is a member of the parent- teacher association of the recognised school, constituted in accordance with Section 9;
 - e) one teacher from upto primary school and one teacher from post primary school, nominated by the management each year by rotation;
 - f) two other persons of eminence and repute in the field of education nominated by the eligible educational entity and of whom one shall be a woman; and
 - g) the remaining members, if any, to be nominated or elected, as the case may be, in accordance with the charter documents of the eligible educational entity.
- 3) In case an eligible educational entity runs more than one school, the eligible educational entity shall constitute a separate managing committee for each recognised school under this Code.
- 4) No person shall, after the commencement of this Code, be a member of more than ten managing committees at the same time.

9. Parent-teacher association

- 1) There shall be a parent-teacher association for every recognised school.
- 2) The composition of the parent-teacher association shall be in accordance with such rules as may be prescribed.
- 3) The parent-teacher association constituted in terms of this Section shall have the following functions:
 - a) facilitating interaction/channel of communication between parents and teachers; and
 - b) making suggestions to the school and rendering advice in the interests of the students.



Chapter IV: Admission to Schools and Fees

10. Admission to recognised schools

- 1) A child can be admitted to a pre-primary school only upon completion of three years of age.
- 2) No recognised school shall admit a child to class one or any equivalent class higher than one unless he/she has completed five years of age on the first day of the academic year. Correspondingly, children shall not be admitted to higher classes unless they have completed 4+n years of age as on the first day of the academic year, 'n' being the class to which admission is sought.
- 3) The recognised school may form its own admission policy.

11. Code of Conduct for students

All students of a recognised school shall be governed by such code of conduct as may be prescribed by the managing committee.

12. Fee and fund

- 1) Every recognised school shall, on its own, determine its fee structure for different levels/grades commensurate to, *inter alia*, meeting its operational expenses, providing for cost of capital, expansion, development and addition of infrastructure and facilities provided to the students, generate reasonable surplus to be utilised for, *inter alia*, augmentation of facilities and expansion, including establishment of a new branch or a new school under the management of the same eligible educational entity.
- 2) The procedure for collecting fees in a school shall be open, transparent and accountable.
- 3) The recognised school shall ensure that no capitation fee is charged.
- 4) The fees to be charged shall be classified as:
 - i) Fee Components: The school may charge a combination of any or all of the following:
 - a) Prospectus and Registration fee: It shall be payable only at the time of admission by the student;

- b) Admission Fee: It shall be payable only at the time of admission by the student;
 - c) Examination Fee: Shall be payable for examinations;
 - d) Composite Annual School Fee: Single head annual recurring fee, including tuition fee payable each year.
 - ii) Optional Fee Components: Various fee payable for optional activities and facilities provided by the school including but not limited to the following:
 - a) Transport facilities;
 - b) Boarding facilities;
 - c) Mess or dining facilities;
 - d) IT/Softwares;
 - e) Educational Trips/Excursions; and
 - f) Any other similar facilities/activities etc.
- 5) Refundable charge – Security Deposit/Caution Money: In addition to the fee stated under sub-section (4), a recognized school may collect an amount as a refundable security deposit or caution money provided that the quantum of such security deposit or caution money to be paid/maintained by a student to/with the school does not exceed 50% of the prevailing Composite Annual School Fee. Such security deposit/caution money shall be refunded by the school within sixty days from the issuing date of transfer/graduation certificate through e-payment, wherever the account details have been provided.
- 6) Subject to Sections 13, 14 and 15, the manager of every recognised school shall, at the time of admission, provide the parents or duly appointed legal guardians of students, a full statement of the fees to be levied by such school during the ensuing academic year.

Provided the school may be permitted to levy such reasonable charges that may be commensurate to and required towards providing certain optional facilities or events at particular times in the academic year.



- 7) Such recognised school shall upload the statement of fees on its website at least sixty days prior to the commencement of the ensuing academic year and also publish the same on the school's notice board.
- 8) The composite annual school fee shall be payable in advance each year on a monthly or quarterly or half-yearly or annual basis, as may be specified by the recognized school while publishing the statement of fees.

Provided that no recognized school shall solely provide that the composite annual school fee be paid on an annual basis.

- 9) No recognised school shall, except with the prior approval of the appropriate authority, charge, during the academic year, any fee in excess of the fee intimated to the appropriate authority under Section 19.
- 10) Receipt shall be issued for every fee, fund or charges levied on the children.
- 11) The school uniform shall not be changed by the school for a period of three consecutive academic years. In case a change is required within such a period, the recognized school shall, at least six months before the introduction of the new uniform, intimate the appropriate authority in writing along with a proper justification for such change.

13. Permitted fee increase

- 1) A recognised school may revise its fee annually for its existing students for each grade/class/level of school by a percentage equivalent to the average per capita increase of monthly salary of teaching staff of previous year, of the fee as applicable to a student for that grade/class in the previous year.

Provided that such permitted annual percentage increase shall not exceed the sum average of percentage increase of the national composite consumer price index for the preceding twelve months plus seven per cent.

Provided further that, in the years of implementation of the pay commission recommendation in any recognised school, the restrictions imposed under the first proviso above shall not apply.

Provided also that, in case of revision or introduction of any other policies by the Government from time to time including, inter alia any adverse revision of tax regime, cess etc., the State Independent Schools Authority may suo moto or upon a representation made by the recognised school, issue guidance on incremental revision of the fee commensurate to factoring the impact of the additional financial burden on the recognised school attributable to such governmental policy over and above the permissible fee increase as provided under this clause.

- 2) A recognised school shall be free to determine the fee for students seeking fresh admission to any class/grade/level. The increase in fee for subsequent years for these new students shall be in accordance with sub-section (1).
- 3) No recognised school shall be permitted to raise its fee beyond the permitted fee increase under sub-section (1) without following the procedure under Sections 14 and 15.
- 4) No student shall be compelled to purchase books, shoes, socks, stationary etc. from the school or a particular shop.

14. Zonal Fee Committee

- 1) The Government shall, by notification in the Official Gazette, constitute a Zonal Fee Committee, for each educational zone.
- 2) The Zonal Fee Committee shall be empowered to:
 - a) take decisions on proposals received from the managing committee regarding the proposed fee increase being beyond the permitted fee increase under Section 13; and



- b) hear any complaints from the enrolled students, their parents or duly appointed legal guardians, whose complaints remain unheard by the head of the school for a period of 15 days, in relation to:
- i) fees being charged in excess of the fee intimated to the appropriate authority under Section 19;
 - ii) any discrepancy or complaint pertaining to the disclosures made under Section 19.
 - iii) breach of the conditions specified in Section 18;
 - iv) capitation fee being charged;
 - v) revision of fee during the ensuing academic year; and
 - vi) increase in fee more than the permitted threshold under automatic route without obtaining approval from the authorities, as specified herein.
- 3) The Zonal Fee Committee shall consist of the following members, namely¹:

a) a retired High Court Judge of the State, nominated by the serving Chief Justice of the High Court of the State.	Chairperson
b) a chartered accountant having practicing experience of not less than 15 years, nominated by the Institute of Chartered Accountants of India.	Member
c) a civil engineer having practicing experience of not less than 15 years, nominated by the Institute of Civil Engineers.	Member
d) two persons of eminence and repute, as may be nominated by the Government.	Members
e) an eminent retired head/administrator of a self-financed independent school, as may be nominated by the Government.	Member

- | | |
|--|--------|
| f) representative of the Department of Education not below the rank of District Education Officer. | Member |
|--|--------|
- 7) The term of office of the members of the Zonal Fee Committee shall be for a period of three years from the date of their nomination and in case of a vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder period of the term.
 - 8) The procedures to be followed by the Zonal Fee Committee shall be such as may be prescribed.
 - 9) For the purpose of making any inquiry under this Code, the Zonal Fee Committee shall have all powers of a civil court and appellate court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely :
 - a) the summoning and enforcing the attendance of any witness and examining him on oath;
 - b) the discovery and production of any document;
 - c) receiving of evidence on affidavits; and
 - d) the issue of commission for the examination of the witness.
 - 10) The meeting of the Zonal Fee Committee shall be conducted only if at least fifty percent of the members of its total strength and the Chairman are present. No order shall be passed by the Zonal Fee Committee unless there is a quorum.
 - 11) Every recognised school, which proposes to increase its fee beyond the permitted fee increase shall, at least six months before the commencement of the academic session, submit a proposal containing the details of the proposed fee with appropriate documents, justifying the need for such increase to the Zonal Fee Committee.
 - 12) During the pendency of the proposal before the Zonal Fee Committee, the managing committee shall be permitted to collect the proposed increased fee, till the final decision of the Zonal Fee Committee.

¹ **Note:** The composition of the Zonal Fee Committee is indicative. A State adopting this Code may appropriately modify the same.



- 13) The differential fee, collected in terms of sub-section (9) above, shall be deposited in a designated account by the recognised school.

Explanation: For the removal of doubts it is hereby clarified that the expression “differential fee” means the differential amount between the proposed fee increase and the permitted fee increase.

- 14) The Zonal Fee Committee shall, upon considering the proposal and the reasons given by the managing committee, accept or reject the proposal or prescribe such percentage increase in fees as it may deem fit, not being less than the permitted fee increase under Section 13. Such order shall be, in writing and be given to the managing committee within a period of sixty days of receipt of the proposal. The order passed by the Zonal Fee Committee shall be binding on the recognised school for the academic year for which such proposed fee increase is sought.
- 15) Where the managing committee is aggrieved by the decision of the Zonal Fee Committee passed under sub-section (11), it may, within thirty days from the date of receipt of such decision, prefer an appeal, in the prescribed manner to the State Independent Schools Authority.

Provided that the State Independent Schools Authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in the specified period, extend the said period, for reasons to be recorded by it in writing.

- 16) In case the increase in fee is not permitted and an appeal is not preferred in terms of sub-section (12), the differential fee collected shall be refunded along with interest earned on the amount, if any, by the school.

15. State Independent Schools Authority

- 1) The State Government shall, by notification in the Official

Gazette, constitute an independent authority called the State Independent Schools Authority in the State, which shall consist of the following members, namely²:

a) a retired judge of the Supreme Court of India or retired Chief Justice of the High Court appointed mutually by the Chief Minister of the State in consultation with the serving Chief Justice of the High Court of the State;	Chairperson
b) Principal Secretary of the Department of Education;	Member
c) a chartered accountant having practicing experience of not lesser than 20 years, nominated by the Institute of Chartered Accountants of India;	Member
d) a civil engineer having practicing experience of not lesser than 20 years, nominated by the Institute of Civil Engineers;	Member
e) an eminent retired head/administrator of a self-financed independent school, as may be nominated by the Government; and	Member
f) two persons of eminence and repute, as may be nominated by the Government.	Members

- 7) The State Independent Schools Authority has the power to hear appeals against the decisions of the Zonal Fee Committee.
- 8) The State Independent Schools Authority, shall from time to time issue, *suo moto* or upon a representation made by the recognised school, issue, through a notification, guidance on revision of the fee commensurate to factoring the impact of the additional financial burden on the recognised school attributable to revision or introduction of any policies by the Government from time to time including, *inter alia*, the implementation

² **Note:** The composition of the State Independent Schools Authority is indicative. A State adopting this Code may appropriately modify the same.



of pay commission reports, adverse revision of tax regime, etc. over and above the permitted fee increase as provided under Section 13.

- 9) The term of office of the members of the State Independent Schools Authority shall be for a period of five years from the date of their nomination and in case of a vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder period of the term.
- 10) The procedures to be followed by the State Independent Schools Authority for hearing the appeal shall be such as may be prescribed.
- 11) For the purpose of hearing appeals against the decisions of the Zonal Fee Committee under this Code, the State Independent Schools Authority shall have all powers of a civil court and appellate court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely :
 - a) the summoning and enforcing the attendance of any witness and examining him on oath;
 - b) the discovery and production of any document;
 - c) receiving of evidence on affidavits; and
 - d) the issue of commission for the examination of the witness.
- 12) The meeting of the State Independent Schools Authority shall be conducted only if at least fifty percent of the members of its total strength and the Chairman are present. No order shall be passed by the State Independent Schools Authority unless there is a quorum. The State Independent Schools Authority shall have the power to grant stay of the order under challenge.
- 13) On hearing an appeal preferred under sub-section (12) of Section 14, the State Independent Schools Authority may, after giving the appellant a reasonable opportunity of being heard, confirm, or reverse an order appealed against or prescribe such percentage increase in fees as it may deem fit, not being less than the permitted fee increase under Section 13, in the prescribed manner. The order passed by the State Independent Schools

Authority shall be binding on the recognised school for the academic year for which such proposed fee increase is sought.

- 14) The State Independent Schools Authority shall decide the appeal or reference within a period of forty five days from the date of its filing.
- 15) In case the increase in fee is not permitted, the differential fee collected shall be refunded along with interest earned on the amount, if any.

16. Bar on Jurisdiction of civil courts on issues of regulation of fees

No civil court shall have the jurisdiction to settle, decide or deal with any question or to determine any matter, which by or under this Code is required to be settled, decided or determined by the Zonal Fee Committee and the State Independent Schools Authority.

17. School fund/revenue

- 1) In every recognised school, the school fund/revenue shall include the fees, any charges and payment which may be collected by the recognised school from the students for the facilities provided by the recognised school.
- 2) Save as otherwise provided in this Code, this school fund/revenue shall be utilised for educational purposes.

18. Limitation on entitlement of cost of capital to the eligible educational entity

No recognised school shall be permitted to transfer or provide for, on an annual cumulative basis, any sum which exceeds a cap of twenty per cent per annum of the gross revenue or capital employed, whichever is higher, as the cost of capital to the eligible educational entity. Such amount shall be utilized by the eligible educational entities only for educational purposes including establishment of a new branch/school under same management or for such purposes as permitted under the charter documents of the eligible educational entity.



19. Disclosures to be made by recognised schools at the time of admission

- 1) The recognised school shall, sixty days prior to commencement of admissions in each academic year, but not later than sixty days before the commencement of the academic year, publish on its notice board, website, if any, and in the form of a brochure to be provided along with the admission form the following details in the prescribed form:
 - a) general information about the recognised school, accreditation, and affiliation.
 - b) admission policy;
 - c) details of the fee and fund structure for the previous year, current year and the ensuing year;
 - d) details of facilities including hostel, sports, co-curricular activities and extra-curricular activities;
 - e) details of student to space ratio and student to teacher ratio;
 - f) complete information of title, cost and sources for purchase of textbooks and uniforms;
 - g) calendar of major events being organised by the recognised school throughout the academic year for students; and
 - h) calendar of major events being organised by the recognised school throughout the academic year for teacher training and staff development programmes.


- 2) Unless otherwise specified under this Code or the rules prescribed, information disclosed in sub-section (1) shall remain in the public domain for the entire academic year.
- 3) The State shall also facilitate the provision of a single digital portal where all information disclosed by the recognised schools shall be available.

20. Striking off the name from the rolls

The name of a student may be struck off the rolls by the head of the school on account of non-payment of the requisite instalment of the composite annual school fee which may be due for payment, within forty five days from the last day of payment.

21. Disclosure to be made by recognised schools for census or State conducted surveys

- 1) The State during the conduct of census or any surveys, including, *inter alia*, the national achievement survey and the state level learning survey, may, through a written communication by the appropriate authority, seek specific information from the recognised school in relation to the same.
- 2) Upon receipt of any such request for information, the recognised school shall provide the information within the prescribed time.



Chapter V: Teaching and Non-Teaching Staff

22. Power to prescribe minimum qualifications for recruitment

- 1) The Government may prescribe the minimum qualifications for the teaching staff of a recognised school.
- 2) Each recognised school shall make policies for recruitment of its teaching and non-teaching staff, subject to such minimum qualifications prescribed.

Provided that no qualification shall be varied to the disadvantage of existing teaching and non-teaching staff of such existing schools.

23. Code of Conduct for teaching and non-teaching staff

All teaching and non-teaching staff of a recognised school shall be governed by such code of conduct as may be prescribed by the managing committee.

24. Contract of service

- 1) Every recognised school shall be allowed to appoint teaching and non-teaching staff on a part-time, temporary, contractual or permanent basis.
- 2) Such recognised school shall enter into a written contract of service with its teaching and non-teaching staff in terms of the rules prescribed, with such variations, as may be required, based on the type of appointment referred to in sub-section (1).

Provided that, if at the commencement of this Code, there is no written contract of service in relation to any of the existing teaching and non-teaching staff of a recognised school, such recognised school shall enter into such contract within a period of six months from the commencement of this Code.

Provided further that no contract referred to in the foregoing proviso shall be varied by the recognised school to the disadvantage of any existing teaching and non-teaching staff.

25. Teacher training and motivation programmes

- 1) Every recognised school shall, on a continuous basis, undertake regular teacher training/ motivation programmes in order to update and upgrade the skill sets of their teaching staff.
- 2) Every recognised school shall formulate and implement teacher training programmes for each academic year which shall be conducted by internal as well as external experts.



Chapter VI: Miscellaneous

26. Maintenance of accounts

- 1) All recognised schools shall maintain proper books of accounts.
- 2) All recognised schools shall maintain their accounts in accordance with relevant accounting standards and generally accepted accounting principles as notified by the Institute of Chartered Accountants of India.

27. Contravention of the provisions of this Code or any rules prescribed

- 1) If any complaint is received with respect to any violation of any of the provisions of this Code or rules prescribed hereunder or failure to comply with any directions issued under this Code or the norms or standards or terms and conditions, if any, stipulated by the Government, from time to time, the appropriate authority, shall be allowed to issue directions in terms of the rules prescribed hereunder to the recognised school.
- 2) If the recognised school is found to be in contravention of the provisions of this Code, the appropriate authority, may provide an opportunity to the recognised school for rectifying such defects or deficiencies in terms of the rules prescribed hereunder.
- 3) No directions may be issued, unless a reasonable opportunity of being heard is given to such eligible educational entity.
- 4) Any recognised school, aggrieved by an order/direction issued under sub-section (1), may, appeal to the prescribed authority, who shall dispose off the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed.
- 5) In case the recognised school fails to comply with such directions issued by the appropriate authority or the prescribed authority or the Zonal Fee Committee or State Independent Schools Authority, the relevant authority shall impose penalties in the manner as follows:
 - a) the recognised school may be let off with only an official warning and a mark on the school's public

record, if the relevant authority is convinced that the violation was committed, without mala fide intent;

- b) in case the recognised school fails to rectify the contravention for which a warning under sub-rule (a) had been issued to a school within [insert number of days] days from the issue of the warning, the relevant authority may impose a fine which shall not be less than [one lakh] rupees, which may extend to [five lakh] rupees on such school;
- c) in case the recognised school continues to remain in contravention of the directions for a period of [insert number of days] days from the imposition of fine, in addition to the fine imposed in terms of sub-clause (b), the eligible educational entity operating the school shall be barred from drawing the permitted payments towards cost of capital under this Code for one year;
- d) in case the recognised school repeatedly contravenes or fails to comply with directions or to pay the penalty under sub-clause (b), the relevant authority may initiate withdrawal of recognition proceedings against a school or take any such action as it may deem fit.

28. Withdrawal of recognition

- 1) The appropriate authority may by order, withdraw the recognition granted to the recognised school on the following reasons:
 - a) if the recognised school has obtained such recognition by fraud, misrepresentation or suppression of material particulars; or
 - b) repeated contravention or the school's failure to comply with directions issued under Section 27.
- 2) No order may be issued, unless a reasonable opportunity of being heard is given to such recognised school.
- 3) Every such recognised school, whose recognition is withdrawn, may appeal to the prescribed authority, who



shall dispose off the appeal within three months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed off within that period, the order for the withdrawal of recognition shall, on the expiry of the said period of three months, stand withdrawn. The prescribed authority shall have the power to grant stay of the order under challenge until final disposal of the appeal.

29. No recognised school under this Code to be closed down

- 1) Save as otherwise provided in this Code, no recognised school under this Code shall be closed down or discontinued, unless a notice of not less than six months indicating the intention of the management of the recognised school to do so, has been given by the eligible educational entity, to the concerned appropriate authority and the Government. On receipt of such notice, the appropriate authority may, if in his discretion he so desires, grant the eligible educational entity, an opportunity of being heard in person. Thereafter, if the appropriate authority is of the opinion that the closing down or discontinuation of recognised school is justified, he shall report to the Government for taking appropriate action to accommodate the affected students. The Government shall take appropriate action to accommodate such affected students to other available recognised schools in the neighbourhood.
- 2) If the eligible educational entity fails to give notice as required under sub-section (1), it shall be penalised with a fine which shall not be less than [such amount as may be laid down by the State] rupees, which may extend to [such amount may be laid down by the State] rupees.

30. Powers of the eligible educational entity

In case of any inconsistency between the Code and the constitution documents of the eligible educational entity, the provisions of this Code shall prevail.

31. Delegation of Powers

- 1) The Government may delegate all or any of its powers, duties and functions under this Code to the appropriate authority or any other officer.
- 2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with such effect as if such power had been conferred on him directly by this Code and not by way of delegation.

32. Jurisdiction of civil courts barred

No civil court shall have jurisdiction in respect of any matter in relation to which the Government or the appropriate authority or any other person authorised by the Government or appropriate authority or any other officer or authority appointed or specified by or under this Code, is empowered by or under this Code or exercise any power, and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Code.

33. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against the Government, appropriate authority or any other person authorised by the Government or appropriate authority for anything which is in good faith done or intended to be done in pursuance of this Code or any rule prescribed hereunder.

34. Power to amend

- 1) The Government may, from time to time, by notification in the Official Gazette, modify, add to or delete any provision of this Code or the rules prescribed and may, for that purpose, suitably amend this Code or the rules prescribed, by the said notification, and thereupon the provision in this Code or the rules prescribed shall stand amended accordingly.
- 2) Every notification issued under sub-section (1) shall be laid, as soon as may be, after it is issued, before the State Legislature.



35. Code shall be in supersession of any existing laws

The provisions of this Code shall supersede, any provisions of any law for the time being in force in relation to, and applicable to, a school.

36. Power to make rules

- 1) The Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out all or any of the purposes of this Code.
- 2) Every rule made under this Code shall be laid, as soon as may be, after it is made, before the State Legislature, while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the State Legislature agrees to make any modification in such rule or State Legislature agrees that such rule should not be made, and notify their decision to that effect in the Official Gazette, the rule shall from the date of publication of such decision in the Official Gazette, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

37. Exemption

The Government may, by notification and for reasons to be specified therein, exempt any recognised school from the operation of all or any of the provisions of this Code or the rules prescribed hereunder, subject to such conditions as they may deem fit to impose and may likewise vary or cancel such exemption.

38. Power to remove difficulties

- 1) If any difficulty arises in giving effect to any of the provisions of this Code, the Government may, as occasion arises, by an order published in the Official Gazette, do anything, not inconsistent with the provisions of this Code, which appears to it to be necessary or expedient for the purposes of removing the difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Code.

- 2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

Model Self - Financed Independent
Schools (Recognition and Fee
Regulation) Rules, 2017

Chapter I: Preliminary

1. Short title and commencement

- 1) These Rules may be called the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Rules, 2017.
- 2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these Rules, unless the context otherwise requires:

- a) "Code" means the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code, 2017;
- b) "Affiliating Board" means the concerned Board referred to in clause (d) of Section 2;
- c) "Appendix" means the appendix appended to these Rules;
- d) "appropriate authority" means the authority designated by the Government as follows:

- i) For grant of permission for establishment, upgradation and recognition:

Category of Schools	Appropriate Authority
Pre-primary and primary schools	[.]
Middle, secondary and senior secondary schools	[.]

- ii) For disclosure of fees:

Category of Schools	Appropriate Authority
Pre-primary and primary schools	[.]
Middle, secondary and senior secondary schools	[.]

- e) "Form" means a form annexed to these Rules;
- f) "middle school level" means a level of education from classes VI to VIII (both inclusive);
- g) "Nationalized Bank" means a bank constituted under Section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980;
- h) "pre-primary level" means a level of education below

the primary level, such as [nursery and kindergarten];

- i) "prescribed authority" means the authority designated by the Government as follows :

- i) For grant of permission for establishment, upgradation and recognition:

Category of Schools	Appropriate Authority
Pre-primary and primary schools	[.]
Middle, secondary and senior secondary schools	[.]

- ii) For disclosure of fees

Category of Schools	Appropriate Authority
Pre-primary and primary schools	[.]
Middle, secondary and senior secondary schools	[.]

- j) "primary level" means a level of education from classes I to V (both inclusive);
- k) "Rule" shall mean a reference to a rule in these Model Self-Financed Independent Schools (Establishment and Regulation) Rules, 2017;
- l) "Rural area" means a rural area as defined under [•];
- m) "Scheduled Bank" means a bank referred to in the Second Schedule to the Reserve Bank of India Act, 1934;
- n) "secondary level" means a level of education including classes IX and X;
- o) "Section" means a reference to a section of the Code;
- p) "senior secondary level" means a level of education including classes XI and XII;
- q) "Urban area" means an urban area as defined under the [·];and
- r) Words and expressions used in these Rules, but not defined, shall have the same meaning as assigned to them in the Code.

1 The terms 'nursery' and 'kindergarten' shall be defined by the State appropriately.



Chapter II: Establishment and Recognition

3. Permission for establishment of a new school or upgradation of a recognised school

- 1) Every eligible educational entity, desirous of establishing a new school or upgrading a recognised school under Section 5, shall apply to the appropriate authority in the Form prescribed by the Government, along with the following application fee, expressing its intention to establish a new school or upgrade a recognised school:

Category of School	Application fee
Pre-primary school	INR. [insert amount]
Primary school	INR. [insert amount]
Middle school	INR. [insert amount]
Secondary school	INR. [insert amount]
Senior secondary school	INR. [insert amount]

- 2) The applicant, in addition to the application shall, give an undertaking containing the following particulars, namely:
 - a) the area in which the new school is proposed to be established, and the approximate number of students likely to be enrolled in that school;
 - b) the level of education intended to be imparted in the new school and in case of a secondary or a senior secondary school, the Affiliating Board it is proposing to obtain affiliation from;
 - c) evidence of ownership or of lease of the land and/or building for the purposes of the new school, as the case may be, in terms of the minimum requirements prescribed under Rule 4;
 - d) a sketch plan of the site indicating the location of the school;
 - e) a plan of the building to evidence that the minimum requirements for recognition in terms of Rule 4 are going to be complied with;
 - f) evidence of creation of an endowment fund in terms of Rule 4;

- g) the financial resources from which the expenses for the establishment and operation of the school shall be met;
 - h) a copy of the constitution document and bye-laws of the eligible educational entity registered with the respective registration authorities, together with the list of office bearers of the eligible educational entity; and
 - i) any other facility which is proposed to be provided for the students of the new school.
- 3) On receipt of an application, the appropriate authority shall cause such verification of the application as is necessary and make such inquiries as it deems fit, within thirty days of receipt of the application.
 - 4) The appropriate authority may, through a written communication, seek additional information or documents from the applicant. The applicant shall furnish the required information or documents within fifteen days of the receipt of such communication from the appropriate authority.
 - 5) Upon satisfaction with the application and the additional information or documents provided, if any, the appropriate authority shall issue a letter of intent in the Form prescribed by the Government, no later than sixty days from the date of receipt of the application or the receipt of additional information or documents, whichever is later.
 - 6) If no decision is taken within such period, the consent will be deemed to have been granted. However, such consent does not enable the school to get recognition automatically, for which the applicant shall have to fulfil all the required conditions.
 - 7) In the event that the appropriate authority is not satisfied with the application, it may, stating reasons in writing, refuse to grant consent to the eligible educational entity.
 - 8) The letter of intent granted to establish a new school shall be effective from the date decided upon by the



appropriate authority and ordinarily, it shall be granted from the date of commencement of the next academic session. The consent shall be valid for a period of two years.

- 9) In case the eligible educational entity fails to establish the school within two years from the effective date of the letter of intent, it may, through an application in writing, stating reasons, seek an extension of the validity of the letter of intent.
- 10) Upon receipt of application for extension under sub-clause (9), the appropriate authority may grant such extension through endorsement on the letter of intent.
- 11) Unless specifically extended in terms of sub-clause (10) above, the letter of intent or the deemed consent granted to an eligible educational entity shall lapse upon:
 - a) in case of letter of intent, the end of the validity period as stated in such letter; or
 - b) in case of deemed consent, end of two years from the effective date of deemed consent.

4. Conditions for recognition

In addition to the conditions that may be prescribed in the letter of intent or the certificate of recognition in terms of Rules 3, 6 and 7, no school shall be granted consent or shall be recognised, or continue to be recognised by the appropriate authority unless the school fulfils the following conditions, namely:

- a) (i) that the school is run by an eligible educational entity and is managed in accordance with a scheme of management made under Section 8;
- (ii) that consent for opening of a new school or upgradation of a recognised school, has been obtained in terms of Rule 3.
- b) that an endowment fund has been created by depositing

an amount as specified below, by way of a National Saving Certificate or a Fixed Deposit in any Nationalized Bank or Scheduled Bank, as a security deposit; and by pledging, such certificate or fixed deposit receipt obtained in the name of the school, with the concerned District Education Officer:

Category of School	Amount
Pre-primary school	INR. [insert amount]
Primary school	INR. [insert amount]
Middle school	INR. [insert amount]
Secondary school	INR. [insert amount]
Senior secondary school	INR. [insert amount]

- c) that the land and/or building for the purposes of the school, by ownership or by a long term lease for a period not less than *fifteen* years, is as per the following minimum land and building requirements:
 - i) Land:

School	Minimum Land Area (in sq. ft.)	Nature of Area
Pre-primary school	[·]	Rural area
	[·]	Urban area
Primary school	[·]	Rural area
	[·]	Urban area
Middle school	[·]	Rural area
	[·]	Urban area
Secondary school	[·]	Rural area
	[·]	Urban area
Senior secondary school	[·]	Rural area
	[·]	Urban area



ii) Building:

School	Minimum Built Up Area	Nature of Area
Pre-primary school	[·]	Rural area
	[·]	Urban area
Primary school	[·]	Rural area
	[·]	Urban area
Middle school	[·]	Rural area
	[·]	Urban area
Secondary school	[·]	Rural area
	[·]	Urban area
Senior secondary school	[·]	Rural area
	[·]	Urban area

- d) that the eligible educational entity's ownership / leasehold rights over the land and/or building upon which the school is situated, are valid and subsisting;
- e) that there is adequate space for the smooth conduct of classes which is approximately [insert the area] sq.ft. per student, and shall be calculated section wise;
- f) that the balconies in case of high rise buildings, have adequate provisions for the safety of the students such as grills, safety nets, safety walls, etc.;
- g) that fire extinguishers and fire-fighting equipment, as prescribed in the National Building Code of India, 2016 and approved by the fire service department of the State, have been provided;
- h) that, if applicable, the rules, regulations and other orders issued by the concerned transport authority, regarding the maintenance of vehicles, and the safety of children, are followed, and the relevant fitness certificates of the school vehicles from the concerned transport authorities, as prescribed by the Government from time to time, have been obtained;
- i) that there is adequate space for laboratory, library, workshop and canteen facilities;
- j) that the furniture and the equipment in the school is adequate and suitable for an educational institution;
- k) that there is a provision for adequate ventilation, such as fans, air-conditioners, etc., in each classroom;
- l) that adequate facilities for imparting ICT enabled education are in place;
- m) that adequate sanitary facilities for children and staff have been provided;
- n) that adequate drinking water facilities has been provided;
- o) that adequate playground facility has been provided;
- p) that compliance has been ensured with minimum safety norms for school buildings, based on which structural soundness, occupancy certificates or other similar certificates have been obtained;
- q) that the managing committee observes the provisions of these Rules;
- r) that first aid kits have been provided in sufficient numbers in the school premises;
- s) that the provision of zebra crossings at the roads near the school has been ensured;
- t) that adequate personnel to guide the movement of the children, to ensure road safety, and electronic surveillance systems to ensure safety and security of children, have been deployed;
- u) that there is no thoroughfare through any part of the school's premises and the student area is completely secured and inaccessible from public passages;
- v) that the managing committee has formulated a policy for prevention of sexual harassment, policy for child protection, and a school disaster management plan in terms of these Rules;
- w) that the National Policy of Education, 1986 envisages exclusion of corporal punishments to children in schools. Therefore, the head of the school shall ensure that the students are not subject to corporal punishments of any nature under any circumstances and the staff enforcing such punishments against the students shall be subject to suitable disciplinary action;



- x) that no candidate, whose certificate has been suspended or who has been convicted for offences involving moral turpitude or has crossed the prescribed age limits, has been appointed or shall be appointed, as a teacher in a school;
 - y) that all the teachers are suitably trained, possessing minimum qualifications as prescribed under these Rules, and are academically and otherwise suitable to teach in a school;
 - z) that the terms on which the teachers are engaged are reflected in the written agreement between the school and each teacher as prescribed;
 - aa) that the salaries of teaching and non-teaching staff are paid regularly;
 - bb) that the school shall, in addition to academic activities, ensure the provisions for physical education, co-curricular activities, etc.
 - cc) that the admission to the school is open to all without any discrimination based on religion, caste, race, place of birth or any other whimsical or for extraneous reasons;
 - dd) that the school shall collect fee only in accordance with the Code or these Rules;
 - ee) that the school makes mandatory annual disclosures as required under Section 19;
 - ff) that the school furnishes such reports and information as may be required by the appropriate authority, from time to time, and complies with such instructions of the appropriate authority, as may be issued, to ensure the continuous fulfilment of the conditions of recognition or the removal of deficiencies in the working of the school;
 - gg) that the school shall maintain all records as per Rule 30;
 - hh) that the eligible educational entity or the managing committee shall not carry on or encourage any propaganda or practice wounding the religious or regional feelings of any class of citizens of India or insulting the religion or the religious beliefs of that class or indulge in any act that undermines national integrity and insult to national anthem and national flag;
 - ii) that the school building or other structures are used, during the day or night, only for educational purposes and for providing sporting or other extra-curricular facilities, as may permitted and recognised by the State from time to time, including, *inter alia*, sports academies and creative art studios, for the students as well as others, after school hours;
 - jj) that unless specifically exempted, all the conditions under the Code and these Rules, shall be complied with;
 - kk) that any other requirements as may be prescribed by the State from time to time, shall be complied with; and
 - ll) that separate guidelines containing additional requirements for schools that provide boarding facilities, if prescribed by the State, through a notification, have been complied with.
- 5. Procedure for application for recognition**
- 1) Every eligible educational entity seeking recognition under sub-section (1) of Section 6, may make an application in the Form prescribed by the Government, along with the fees prescribed in sub-rule (2) below, to the appropriate authority. Such application shall be submitted within the time period prescribed under Section 5. The appropriate authority shall issue a receipt acknowledging the submission of the said application.
 - 2) Every application shall be accompanied by the following documents:
 - a) a copy of the letter of intent obtained under Rule 3 or in case of deemed consent, a copy of the application for consent submitted under Rule 3;
 - b) evidence in support of payment of the following application fee to the appropriate authority:



Category of School	Application fee
Pre-primary school	INR. [insert amount]
Primary school	INR. [insert amount]
Middle school	INR. [insert amount]
Secondary school	INR. [insert amount]
Senior secondary school	INR. [insert amount]

- c) structural soundness certificate of the school building premises;
- d) occupancy certificate from the authorities concerned;
- e) sanitary certificate from the authority concerned, regarding the adequacy of health and sanitation facilities;
- f) no-objection certificates from the fire department with respect to the compliance with the applicable norms;
- g) an undertaking containing the following particulars:
 - i) that the school has been established in compliance with the terms and conditions stated in the letter of intent, if any;
 - ii) that the land and building owned or leased, is free from litigation;
 - iii) that there is no complaint/enquiry pending against the eligible educational entity with regard to the school premises;
 - iv) that the school has purchased adequate library resources (such as books, e-readers, e-books, subscription to online databases, etc.), laboratory equipment, sports material, furniture, etc.;
 - v) that the school has appointed qualified staff, as prescribed under these Rules; and
 - vi) in case the eligible educational entity is desirous of operating secondary or senior secondary levels, that it shall obtain affiliation to an Affiliating Board before the commencement of such level.

- 3) Every eligible educational entity seeking recognition of an existing school under sub-section (3) of Section 6 may make an application in the Form prescribed by the Government, along with the fees specified in sub-rule (2), to the appropriate authority, expressing its intention to obtain recognition under the Code. Such application shall be submitted at any time after commencement of this Code, but [no later than the lapse of the recognition accorded to the existing school under any previous law enacted by the State]. The appropriate authority shall issue a receipt acknowledging the submission of the said application. Every application shall be accompanied by the documents listed in sub-rule (2) above.
- 4) Every eligible educational entity seeking upgradation of a recognised school under sub-section (1) of Section 6, may make an application in the Form prescribed by the Government, along with the fees specified in sub-rule (2), to the appropriate authority, expressing its intention to obtain recognition under the Code. Such application shall be submitted within the time period prescribed under Section 5. The appropriate authority shall issue a receipt acknowledging the submission of the said application. Every application shall be accompanied by the documents listed in sub-rule (2) above.
- 5) The State may, through a notification, exempt an existing school seeking recognition under the Code or a qualified eligible educational entity desirous of establishing a school in the State or an eligible educational entity seeking upgradation of a recognised school, from the requirement of any of the documents referred to in sub-rule (2) above.

6. Procedure for grant of recognition to a new school and upgradation of a recognised school

- 1) The appropriate authority shall, within thirty days of receipt of the application, in terms of sub-rule (1) and sub-rule (4) of Rule 5, scrutinise the same, taking into account the prescribed norms and conditions.



- 2) Upon scrutiny, the appropriate authority may, through a written communication, seek additional information or documents from the applicant. The applicant shall furnish the required information or documents within fifteen days of the receipt of the communication from the appropriate authority.
 - 3) Upon satisfaction with the application and the additional information or documents provided, if any, the appropriate authority shall issue a recognition certificate in the Form prescribed by the Government, granting recognition to the school, no later than two months from the date of receipt of the application or the receipt of additional information or documents, whichever is later.
 - 4) In case of extraordinary circumstances, the appropriate authority may, stating its reasons in writing, refuse to grant recognition to an eligible educational entity that has fulfilled all the conditions specified in the letter of intent.
 - 5) In the event of refusal to grant recognition or no response from the appropriate authority within the specified period, the eligible educational entity may prefer an appeal against such refusal or inaction in terms of Rule 8.
- 3) Upon satisfaction with the application and the confirmation provided, if any, the appropriate authority shall issue a recognition certificate in the Form prescribed by the Government, granting recognition to the school, no later than one month from the date of receipt of the application or the receipt of additional information or documents, whichever is later.
 - 4) In the event that the appropriate authority is not satisfied with the application, it may stating reasons in writing, refuse to grant recognition to the school.

8. Appeal against refusal of recognition

7. Procedure for recognition in certain cases

- 1) The appropriate authority shall, within seven days of receipt of the application from an existing school under sub-rule (3) of Rule 5, or a qualified eligible educational entity under sub-rule (1) of Rule 5, scrutinise the same, taking into account the prescribed norms and conditions.
 - 2) Upon scrutiny, the appropriate authority may, through a written communication, seek additional information or documents from the applicant. The applicant shall furnish such required information or documents within fifteen days of the receipt of the communication from the appropriate authority.
- 1) In the event of refusal of the application or inaction by the appropriate authority, during the specified period in terms of Rules 6 and 7, the aggrieved eligible educational entity may prefer an appeal to the prescribed authority in the Form prescribed by the Government, along with the following documents :
 - a) a copy of the application for recognition submitted to the appropriate authority, along with the acknowledgment receipt issued to the applicant by the appropriate authority and a copy of the refusal letter, if any;
 - b) an application fee of INR. [insert amount];
 - c) a statement containing the grounds for appeal and full facts of the case; and
 - d) other supporting documents, if any.
 - 2) Upon filing of the appeal, the prescribed authority shall within thirty days, call for the relevant records from the appropriate authority which refused recognition or did not act upon the appellant's application for recognition.
 - 3) The prescribed authority may, upon scrutiny of the appeal and the records obtained in sub-rule (2), seek additional information or documents pertaining to the said appeal and set a date for hearing of the appeal.
 - 4) Upon conclusion of the hearing(s), the prescribed authority may, by a written order:



- a) direct the appropriate authority to grant recognition to the appellant; or
- b) direct the appropriate authority to scrutinise the appellant's application for recognition; or
- c) dismiss the appeal, stating reasons.

9. Date of Recognition

The recognition given to a school shall be effective from the date decided upon by the appropriate authority and ordinarily recognition shall be given from the date of commencement of the next academic year.

10. Review of Recognition

- 1) The recognition granted shall be reviewed every [ten] years.
- 2) If the managing committee fails to comply with any of the conditions and facilities specified in these Rules, the appropriate authority shall give a notice of such default, providing the managing committee a reasonable opportunity of being heard and rectifying such defects/ deficiencies.
- 3) In the event the managing committee fails to rectify the defects/deficiencies within the given time period, the appropriate authority shall initiate the process to withdraw recognition.

11. Lapse of recognition

- 1) The recognition of the recognised school shall lapse if the recognised school:
 - a) ceases to exist; or
 - b) where the recognition has not been used for two academic years.
- 2) The appropriate authority shall, within seven days of lapse of recognition of the recognised school, issue a notice to the school communicating such lapse.
- 3) If the recognised school fails to satisfy the appropriate authority of reasons for such lapse, within [insert the

number of days] days from the date of service of such notice, the recognition shall stand lapsed.

12. Withdrawal or suspension of recognition

- 1) Where the appropriate authority receives a complaint that the managing committee of the recognised school has obtained recognition by fraud, or by misrepresentation, or by suppression of any particulars, or after obtaining recognition has failed to continue to comply with any of the conditions specified in the Code or these Rules, or continues to contravene provisions of the Code or these Rules, it shall commence proceedings for suspension or withdrawal of recognition.
- 2) Upon satisfaction that any of the events mentioned in sub- rule (1) above have occurred, the appropriate authority shall issue a show-cause notice to the managing committee guilty of any of the violations mentioned in sub- rule (1), directing it to file its response.
- 3) The managing committee shall file its response within fifteen days of the receipt of the show-cause notice.
- 4) The appropriate authority may, upon scrutiny of the response, seek additional documents or information. The managing committee shall submit such additional documents within seven days of receipt of such communication.
- 5) Upon receipt of the additional documentation/ information, if any, the appropriate authority shall set a date for hearing.
- 6) Upon conclusion of the hearing(s) and consideration of the response to the show-cause notice, the appropriate authority may, by a written order:
 - a) where it is satisfied that the deficiencies or defects are capable of immediate or early removal, suspend the recognition for such period as it may deem fit and direct the managing committee of the recognised school to remedy the deficiencies or defects to its satisfaction; or



- b) withdraw the recognition, along with reasons for withdrawal of such recognition.
- 7) Where the recognition of a recognised school has been withdrawn or suspended, no appropriate authority shall grant recognition to such recognised school, whether run by the name by which it was known at the time of such withdrawal or suspension, or by any other name, unless the recognised school has removed the deficiencies or defects for which the recognition has been withdrawn or suspended.
- 8) The withdrawal/suspension of recognition of a recognised school shall be effective from the first day of the new academic year.
- 3) The prescribed authority may, upon scrutiny of the appeal and the records obtained in sub-rule (2), seek additional information or documents and set a date for hearing of the appeal.
- 4) Upon conclusion of the hearing(s), the prescribed authority may, by a written order:
 - a) direct the appropriate authority to reverse the order of withdrawal or of suspension; or
 - b) direct the appellant, to rectify the defects/ deficiencies ordered to be rectified by the appropriate authority, in terms of sub-rule (6) of Rule 12; or
 - c) dismiss the appeal, stating reasons.

13. Appeal against withdrawal/suspension of recognition

- 1) In the event of the withdrawal or suspension of recognition, the aggrieved managing committee may prefer an appeal to the prescribed authority in the Form prescribed by the Government, accompanied by:
 - a) a certified copy of the order of suspension or withdrawal issued against it;
 - b) an application fee of INR. *[insert amount]*;
 - c) a statement containing the grounds of appeal and full facts of the case; and
 - d) other supporting documents, if any.
- 2) Upon filing of the appeal, the prescribed authority shall, within thirty days, call for the relevant records from the appropriate authority.

14. Restoration of recognition

Recognition once withdrawn or suspended shall not be restored until the prescribed authority is satisfied that the reasons that led to the withdrawal or lapse of such recognition have been removed and the recognised school is compliant with the provisions of these Rules.

15. Electronic clearance through a digital portal

For the purposes of the Code and these Rules, submission of applications, payment of application fees, approvals and permissions, etc. shall be obtained through a digital portal for carrying out all or any of the purposes of the Code and these Rules, as notified by the State.

Chapter III: Operations and Managements

16. Procedure of affiliation

- 1) Every school seeking affiliation to any Board shall have to seek recognition first. After receiving recognition, it shall apply for the issuance of an NOC from the appropriate authority, if required by the Affiliating Board, with an application fee of INR. [insert amount].
- 2) The NOC granted to a recognised school, in terms of sub-rule(1), shall be effective from the date decided upon by the appropriate authority and shall ordinarily be effective from the commencement of next academic year. The NOC shall lapse if not utilized within two academic years.
- 3) Upon grant of affiliation, the recognised school, including those which have not obtained an NOC under this Rule, shall intimate the appropriate authority, in writing, along with a copy of a document evidencing such affiliation.
- 4) In case a recognised school is seeking a change of affiliation, it shall intimate the appropriate authority of the same. Further, upon grant of new affiliation, such recognised school shall intimate the appropriate authority in writing, along with a copy of a document evidencing such fresh affiliation.
- 5) In case a recognised school is seeking affiliation to a State established Board, such school shall seek affiliation from the District Education Officer or the appropriate authority, as the case may be, which shall grant affiliation in terms of the concerned affiliation policy of the State.
- 6) The recognised school shall also publish the document evidencing affiliation on its website.

17. Scheme of Management

- 1) A recognised school shall prepare a scheme of management, which shall provide, *inter alia*, the following:
 - a) for the constitution of the managing committee in terms of Section 8;

- b) for persons mentioned in sub-section 2(a) and (c) of Section 8 to officiate as the Chairman and the Vice-Chairman of the managing committee and for the head of the school to officiate as the Secretary of the managing committee.
- c) for the term of office of the members of the managing committee and the manner of its reconstitution or filling of any vacancy occurring therein;
- d) for the manner in which the managing committee shall conduct its meetings;
- e) for the duties (including, *inter alia*, ensuring that the recognised school has adequate facilities, fixation of the fee structure of the recognised school and the salary structure of the staff of the said school, etc.), powers and responsibilities of the managing committee, which shall include control over appointments, disciplinary action, and control on staff, and shall also provide that no financial irregularity is committed or any irregular procedure is followed;
- f) the duties, powers and responsibilities of the head of the school, which shall provide that he/she shall:
 - i) function as the head of the school and carry out all administrative duties required for the institution;
 - ii) ensure regular appraisal of the operations of the recognised school by the managing committee;
 - iii) be the drawing and disbursing officer for the staff of the school;
 - iv) handle official correspondence relating to the recognised school;
 - v) supervise, guide and control the work of the teaching and non-teaching staff of the recognised school;
 - vi) be in charge of admissions in the recognised



- school, preparation of recognised school's time table, allocation of duties and teaching load to the teachers, and shall provide necessary facilities to the teachers in the discharge of their duties and the conduct of school examinations in accordance with the instructions issued by the Affiliating Board from time to time, and he/she shall discharge these duties in consultation with his/her colleagues;
- vii) plan the year's academic work in advance in consultation with his/her colleagues and hold staff meetings, at least [*insert the number of times a month, the staff meeting is to be held*] a month, review the work done during the month and assess the progress of the students;
- viii) promote the initiative of the teachers for self-improvement and encourage them to undertake experiments which are educationally sound;
- ix) supervise class room teaching and secure co-operation and co-ordination amongst teachers of the same subject area, as well as inter-subject co-ordination;
- x) arrange for special remedial teaching of the children (belonging to the weaker sections of the community as also of other children) who need such remedial teaching;
- g) appointment of the manager, the terms and conditions of his/her appointment, his/her educational and social status, removal of the manager, filling up of vacancy in the office of the manager and his/her duties and responsibilities, subject to the following:
- i) no staff of a recognised school shall be appointed as the manager;
- ii) bills (including bills relating to the salaries and allowances of the teachers and non-teaching staff) shall be signed by the manager or the head of the school, as the case may be;
- iii) the manager shall be responsible for the proper maintenance of accounts of the school, school records, service books of teachers, and such other registers, returns and statistics, as may be prescribed from time to time;
- iv) manager shall conduct physical verification of the recognised school's property and stocks atleast [*insert the number of times a year, the physical verification has to be conducted*] a year and ensure the maintenance of stock registers neatly and accurately;
- v) the academic administration and academic work of the recognised school shall be attended to by the head of the school. The manager shall not interfere with the day-to-day academic administration and academic work of the recognised school; and
- vi) manager shall not be at the same time, the manager of any other recognised school and a person shall not be at the same time, the chairman of the managing committee and the manager.
- h) no members of the managing committee shall be entitled to participate in any meeting at which his/her personal conduct is under discussion; and
- i) the managing committee shall be subject to the control and supervision of the eligible educational entity by which such recognised school is run.

18. Composition of the Parent-Teacher Association

- 1) The Parent-Teacher Association shall be constituted by the head of the school at the beginning of each academic year. The term of such Parent-Teacher Association shall expire with the completion of the

academic year. The parents of all the students of the recognised school shall be enrolled as members of the Parent-Teacher Association. The head of the school shall be the Chairperson and all the teachers shall be *ex officio* members.

- 2) Upon formation of the Parent-Teacher Association, an executive committee of the Parent-Teacher Association shall be constituted by nomination from amongst the members of the Parent-Teacher Association, which shall consist of equal number of parents and teachers and chaired by the head of the school.
- 3) The term of office of the members of the executive committee shall be for a period of one year from the date of their nomination and in case of a vacancy arising earlier, for any reason, such vacancy shall be filled for the remainder period of the term.

19. Powers and functions of Parent-Teacher Association

- 1) The executive committee shall convene a meeting of the Parent-Teacher Association atleast once in a year.
- 2) Upon formation of the executive committee, it shall convene a meeting of the Parent-Teacher Association for nomination of a member to the managing committee. One person from the Parent-Teacher Association, who shall be a parent, shall be nominated to the managing committee.
- 3) The functions of the Parent-Teacher Association shall be :
 - a) to make parent-teacher consolation possible individually, as well as in a group.
 - b) to arrange for parents to visit the school on appointment days and discuss the progress of the children.
 - c) to mobilize community resources for the welfare of children.
 - d) to provide opportunities to the teachers and the parents to meet on an equal footing and discuss the problems of their children in order to ensure their welfare.

- e) to increase co-operation and better understanding between parents and teachers.
 - f) to arrange for social get together and program of recreation for parents and teachers.
 - g) to organize activities for the welfare of the children.
- 4) The members of the Parent-Teacher Association shall be governed by a Code of Conduct to be formulated by managing committee of the recognised school.

20. Procedure for disclosures to be made by recognised schools for census or State conducted surveys

During the conduct of census or any surveys, if the State requires certain information from any recognised school, it shall direct the appropriate authority to send a written request, providing the recognised schools a period of atleast thirty days to the provide the information. The request shall ordinarily be in the form of a questionnaire with the recognised school attaching any additional supporting documents.

21. Medium of instruction and languages

- 1) The recognised school shall be at liberty to adopt any medium of instruction.
- 2) In the teaching of languages, the recognised school shall follow the requirements of the Affiliation Board.

Provided that the State may, through a notification from time to time, prescribe the teaching of an indigenous language.

22. Course of study

The courses of study for all levels shall, as the case may be, be such as may be specified or recommended by the recognised school or Affiliating Board.

23. Matter to be provided in the syllabi

The recognised school or Board, as the case may be, shall, while specifying the syllabi, decide the contents to be laid down and may adopt any textbooks based upon such contents.



24. Physical education

- 1) In every recognised school, suitable provisions shall be made for social services, physical, cultural, environmental and recreational activities.
- 2) The head of every recognised school may organize a general system of school games, so as to provide opportunities to all students for participation and shall provide the students with the equipment needed for such games.
- 3) A recognised school shall ensure that it appoints on a full-time basis, a suitably qualified physical education teacher, in terms of the minimum qualifications prescribed by the Affiliating Board.

25. School hours

The recognised schools may specify the time at which they shall commence and conclude the daily school hours. Different timings may be specified for different seasons of the year or for schools running in one shift or in multiple shifts (irrespective of its affiliation to any Board):

Provided that, the total student instructional school hours in a year for the primary, middle school, secondary and senior secondary levels of education shall not, ordinarily, be less than [insert the number of hours] hours.

Provided further that, in addition to [insert the number of student instructional hours] student instructional school hours, a teacher may not be required to devote more than [insert the number of hours] hours in a year, for remedial or other teaching.

26. Academic year

The starting and closing of the academic year shall be in terms of the academic schedule notified by the Affiliating Board.

27. Vacation and holidays

- 1) Save as otherwise provided in Rule 25,

- a) the total number of working days, including examination days, shall be not be less than the following number of days in a year:

Category of School	Minimum number of days
Pre-primary school	[·]
Primary school	[·]
Middle school	[·]
Secondary school	[·]
Senior secondary school	[·]

- b) all holidays / vacations as circulated/ notified by the State, in the Academic Calendar issued from time to time, shall be the authorised holidays for recognised schools.

- 2) Leave may be granted to students preparing for the examinations of the Board for such period as may be specified by that Board

Provided that, preparatory leave shall be given only when the head of the school is satisfied that the courses of study have been completed at such recognised school.

28. Code of Conduct for students

The code of conduct for the students of a recognised school shall be as per Appendix I.

29. Policies for ensuring safety of students, teaching and non-teaching staff

- 1) Every recognised school must formulate and ensure the annual updation of the following:
 - a) Child Protection Policy applicable to all personnel and persons related to the recognised school and who come in direct or indirect contact with the students;



- b) Policy in relation to Prevention of Children from Sexual Offences containing, *inter alia*, provisions for constitution of a committee to ensure compliance with the Prevention of Children from Sexual Offences Act, 2012;
- c) School Disaster Management Plan containing, *inter alia*, provisions regarding compulsory bi-annual disaster management drills conducted by internal as well as external experts; and
- d) Policy on Prevention of Sexual Harassment containing, *inter alia*, provisions to ensure prevention of sexual violence against and sexual abuse of the students, as well as the members of the teaching and non-teaching staff.

Provided that such policies of the recognised school shall comply with the conditions laid down under any State policies pertaining to safety of students, teaching and non-teaching staff and disaster management.

- 2) The policies enlisted in sub-rule (1) above, must be published on the school's notice board, and website.

30. Maintenance of Records

- 1) Every recognised school shall maintain the following records:
 - a) level wise admission and withdrawal of students;
 - b) daily attendance of its students;
 - c) a cash book, showing all its receipts and expenditure;
 - d) an acquaintance roll of teachers;
 - e) a hostel roll, wherever applicable;
 - f) a catalogue of library books and book issue;
 - g) results of home examination and other examinations;
 - h) any other record prescribed by the appropriate authority from time to time.

- 2) Every recognised school shall maintain these records in electronic form. or in physical form, until it acquires the necessary facilities for maintenance in electronic form.

Provided that every recognised school shall ensure that it acquires facilities for maintenance of records in electronic form within [-] years from commencement of this Code.

31. Maintenance of hostel and security

In case a recognised school provides boarding facilities, it shall establish the necessary number of hostels for students and provide facilities, including, *inter alia*, the following:

- a) accommodation;
- b) furniture;
- c) housekeeping staff;
- d) warden;
- e) mess facilities;
- f) academic support system for after school hours;
- g) medical facilities such as qualified medical practitioner, well-equipped infirmary, association with atleast one reputed hospital in the vicinity, etc.;
- h) functional power back-up;
- i) safety facilities such as security guards, electronic surveillance, etc.; and
- j) any other care of the hostels as may be deemed necessary from time to time.



Chapter IV: Admission, Fees and Fund

32. Recognised schools to comply with State's policies on admissions

The recognised school shall ensure that its admission policy does not violate any provisions of the Code or these Rules herein.

33. Furnishing of Aadhaar card at the time of admission

A recognised school may require parents seeking admission to such recognised school, to furnish the Aadhaar card of their child or of either parent, and for all international students, the passport number of such students.

34. Promotion of students

No student in a recognised school shall be promoted to a class higher than the one above the existing class.

Provided that in certain extraordinary cases, upon obtaining a specific permission from the managing committee of the school, a student may be promoted to a class higher than the one above the existing class.

35. Additional disclosures to be made by the recognised school

A recognised school shall, sixty days prior to the commencement of admissions in each academic year, but not later than sixty days before the commencement of the academic year, shall make disclosures in terms of Form I to the appropriate authority, on the school's notice board, website, if any, and in the form of a brochure to be provided along with the admission form.

36. Additional factors for determination of fee

- 1) The following factors shall be considered while determining the fee, in addition to the factors mentioned in sub-section (1) of Section 12, namely:-
 - a) the facilities given by schools under ICT i.e. hardware and software facilities;
 - b) the student teacher ratio;

- c) other facilities made available to students such as swimming pool, sports facilities and performing arts, etc.;
- d) supply of books, notebooks, etc., and other educational material provided to students; and
- e) any other factor approved by the managing committee.

37. Limitation on entitlement of cost of capital to the eligible educational entity

No recognized school shall be permitted to transfer or provide for, on an annual cumulative basis, any sum which exceeds a cap of twenty per cent per annum of the gross revenue or capital employed, whichever is higher, as the cost of capital to the eligible educational entity. Such amount shall be utilized by the eligible educational entities for educational purposes including establishment of a new branch/school under the same management and/or for such purposes as permitted under the charter documents of the eligible educational entity.

38. Computation of the average per capita increase in monthly salary of teaching staff

For the purposes of sub-section (1) of Section 13, the average per capita increase in the monthly salary of the teaching staff shall be the percentage difference between the average salary computed by dividing the sum total of salaries including allowances, contributions etc. of the teaching staff by the total number of such teaching staff accounted for the month of December of the current academic year with the same as computed for the month of December in the previous academic year.

39. Computation of the latest available yearly consumer price index

For the purpose of the first proviso of sub-section (1) of Section 13, the latest available yearly percentage increase in consumer price index shall be the sum average of percentage



increase of the national composite consumer price index published by the Ministry of Statistics and Programme Implementation for twelve months, i.e. January to December of the current academic year with the corresponding twelve months, i.e. January to December of the previous academic year, in the manner illustrated in Appendix II.

40. Extraordinary increase in fee

- 1) The State Independent Schools Authority shall, through a notification, issue a guidance on the revision of fee in the following instances:-
 - a) revision or introduction of a tax regime;
 - b) revision in minimum wages;
 - c) any other instances as it may deem fit.
- 2) Such a notification shall ordinarily be issued within one month of occurrence of an event mentioned in sub-rule (1) above.

41. Functions and Procedure of the Zonal Fee Committee

- 1) The proposal for the increase in fee by the managing committee shall be submitted at least six months before the commencement of the academic session, in the Form prescribed by the Government, along with an application fee of [insert amount]. The Zonal Fee Committee shall issue a receipt within two days of the submission of the proposal, acknowledging such submission.
- 2) The Zonal Fee Committee shall not later than thirty days from the date of receipt of a proposal, convene a meeting to consider the proposal.
- 3) The meeting of the Zonal Fee Committee shall be conducted only if at least fifty percent of the members of the total strength are present, including its Chairperson. No business shall be transacted in the meeting unless there is a quorum. In the absence of the quorum, the meeting shall stand adjourned to the same day in the next week.

- 4) Upon scrutiny of the proposal, the Zonal Fee Committee may issue directions in writing, to the managing committee, seeking additional documents or information. The managing committee shall provide such documents/information within seven days of receipt of such directions from the Zonal Fee Committee.
- 5) The Zonal Fee Committee shall scrutinise the proposal and additional documents or information received, if any.
- 6) The Zonal Fee Committee shall, no later than thirty days from the date of receipt of the application or the receipt of additional information or documents, whichever is later, by a written order, accept or reject the proposal, or prescribe such percentage increase in fees as it may deem fit, not being less than the permitted fee increase under Section 13.
- 7) The Zonal Fee Committee may formulate additional rules to govern its procedure for discharge of its functions.

42. Procedure of the State Independent Schools Authority

- 1) A managing committee aggrieved by the order of the Zonal Fee Committee, may prefer an appeal to the State Independent Schools Authority in the Form prescribed by the Government, accompanied by :
 - a) a copy of the fee proposal submitted to the Zonal Fee Committee, along with the acknowledgment receipt issued to the managing committee by the Zonal Fee Committee;
 - b) a certified copy of the order of refusal;
 - c) an application fee of INR. [insert amount];
 - d) a statement containing the grounds of appeal and full facts of the case; and
 - e) other appropriate supporting documents, if any.
- 2) Upon filing of the appeal, the State Independent Schools Authority shall, within fifteen days, call for the relevant records from the Zonal Fee Committee pertaining to the refusal of the appellant's fee proposal.



- 3) The State Independent Schools Authority upon scrutiny of the appeal and the records obtained in (2) above, may seek additional information or documents and set a date for hearing of the appeal.
- 4) Upon conclusion of the hearing(s), the State Independent Schools Authority may, by a written order, confirm or reverse an order appealed against or prescribe such percentage increase in fees as it may deem fit, not being less than the permitted fee increase under Section 13.
- 5) The State Independent Schools Authority may formulate additional rules to govern its procedure for discharge of its functions.

43. Salaries and allowances of Chairperson and members of the Zonal Fee Committee and State Independent Schools Authority

The salaries and allowances of the Chairperson(s) and members of the Zonal Fee Committee and State Independent Schools Authority shall be fixed by the Government, by an order issued in this behalf from time to time.

44. Refund of fee, deposits and other charges in certain cases

- 1) In case of withdrawal of student from the recognised school, the parent shall provide a notice, in writing, at least 90 days prior to the proposed date of withdrawal.
- 2) Upon receipt of such withdrawal notice under subsection (1), the recognised school shall, within 60 days from the date of withdrawal, refund the composite annual school fee on a pro rata basis for such quarters/terms/semesters in which the child has not attended school for more than seven working days and the refundable security deposit or caution money.

Provided that any pending payments, charges or fee shall be adjusted from the refundable fee and/or security deposit/caution money.

- 3) The refund of the prospectus or registration fees shall be in terms of the admission policy formulated by the recognised school.



Chapter V: Teaching and Non-Teaching Staff

45. Teacher eligibility tests

- 1) The State shall ensure that a teacher eligibility test, in accordance with the guidelines framed by the National Council for Teacher Education, is conducted at least [-] times every year.
- 2) A recognised school shall ensure that prior to their appointment and thereafter every [-] years, its teachers should have qualified the teacher eligibility test conducted by the State.

Provided, in case a teacher in an existing school has not qualified the test, the recognised school shall ensure that such teacher takes the test within two years of the commencement of this Code, or the next test.

46. Minimum qualifications for teaching and non-teaching staff

- 1) Subject to Rule 45 and until separate guidelines specifying the minimum qualifications of teaching and non-teaching staff of each level (pre-primary, primary, middle school, secondary and senior-secondary), are notified by the Government, the minimum qualifications for employment as a teacher, in a recognised school, shall not be lower than those specified by the Affiliating Board:

Provided further, that the managing committee of such school may specify qualifications higher than or in addition to, those specified by the Affiliating Board or the Government, as the case may be, but no such higher or additional qualification shall be specified in relation to a teacher who is already serving an existing school.

- 2) Subject to employment of the minimum number of teachers prescribed by the Affiliating Board and sub-rule (1), a recognised school shall have the liberty to additionally engage teaching or non-teaching staff who are experts with considerable experience in their respective fields, with no teaching qualifications. The recognised school shall initially appoint them as trainee teachers and consequently, shall make appropriate arrangements for providing training facilities and encouraging them to earn a teaching qualification.

Provided that, in due course such experts shall qualify the teacher eligibility test as requisite in terms of Rule 45.

47. Annual appraisal of teaching staff

- 1) Every recognised school shall ensure that it implements a formal teacher performance appraisal system for its teaching staff.
- 2) Every teacher of a recognised school must undergo an annual appraisal, prior to any annual revision in salaries.

48. Code of Conduct for teaching staff

The code of conduct for the teachers of a recognised school shall be as per Appendix III.

49. Code of Conduct for non-teaching staff

The Code of Conduct specified for teachers shall, so far as may be, apply to non-teaching staff of a recognised school.



50. Contract of service

Every contract of service entered into by the recognised school with the teaching or non-teaching staff shall, *inter alia*, provide for the following matters:

- a) the terms and conditions of service, including the scale of pay and other allowances to which he/she shall be entitled to;
- b) the requirement for the teachers to attend a certification course, as part of their skill development programme, which shall also be taken into consideration while determining their scale of pay and other allowances;
- c) the leave of absence, age of retirement, contributory provident fund or any other benefits to which he/she shall be entitled to;
- d) the penalties which may be imposed for the violation of any code of conduct or the breach of any term of the contract entered into by him/her;
- e) the manner in which disciplinary proceedings, if any, shall be conducted and the procedure which shall be followed for dismissal, removal from service, or reduction in rank;
- f) dispute resolution process for any dispute arising out of any breach of contract with regard to:
 - i) pay and other allowances;
 - ii) leave of absence, age of retirement, contributory provident fund and other benefits; and
 - iii) any disciplinary action leading to the dismissal or removal from service or reduction in rank.
- g) any other matter which in the opinion of the managing committee, ought to be, or may be specified in such contract.

Chapter VI: Contravention and Penalties

51. Redressal of complaints in relation to fee and fund

- 1) Any student enrolled in a recognised school or their guardians or the parents association of such school may, file a complaint with the head of the school, regarding the violations enlisted under sub-clause (b) of sub-section (2) of Section 14 in Form II.
- 2) In case the school fails to resolve the complaint within fifteen working days from the date of receipt of the complaint by the school or the complainant is aggrieved by such resolution, such aggrieved complainant, may, file a complaint in writing in Form III with the Zonal Fee Committee.
- 3) The Zonal Fee Committee shall, within seven days of receipt of such complaint, inform the recognised school, in writing, of such a complaint against it and direct it to file a response along with a certificate as provided in Form IV issued by the statutory auditors of the eligible educational entity certifying the determination of fee by the recognised school in compliance with the provisions of this Code.

Provided that if the complaint pertains to a breach of Section 18, the recognised school shall also submit a certificate issued by the statutory auditors of the eligible educational entity in Form V stating the amount transferred by the recognised school to the eligible education entity in the relevant academic year.

- 4) The recognised school shall file its response within fifteen days of the receipt of communication from the Zonal Fee Committee, along with the necessary supporting information or documents.
- 5) Upon filing of the response by the recognised school, the Zonal Fee Committee shall scrutinise the complaint, and may seek additional information, documents or records pertaining to the said complaint within *[insert the number of days]* days and set a date for hearing of the complaint.

- 6) Upon conclusion of the hearing(s), the Zonal Fee Committee may, by a written order :
 - a) issue directions for rectification of defect/ deficiencies complained of;
 - b) dismiss the complaint, stating reasons.
- 7) Upon dissatisfaction with the decision of the Zonal Fee Committee in terms of sub-rule (6) above, the aggrieved may prefer an appeal to the State Appellate Authority of Self-Financed Independent Schools, within *[insert the number of days]* days of the Zonal Fee Committee's order, in the Form prescribed by the Government, accompanied by :
 - i) a certified copy of the order passed under sub-rule (6);
 - ii) a copy of the complaint submitted to the Zonal Fee Committee;
 - iii) an application fee of INR. *[insert amount]*;
 - iv) a statement containing the grounds of appeal and full facts of the case; and
 - v) other supporting documents, if any.
- 8) Upon filing of the appeal, the State Appellate Authority of Self-Financed Independent Schools shall, within thirty days, call for the relevant records from the Zonal Fee Committee.
- 9) The State Appellate Authority of Self-Financed Independent Schools, upon scrutiny of the appeal and the records obtained in terms of sub-rule (8) above, may seek additional information or documents and set a date for hearing of the appeal.
- 10) Upon conclusion of the hearing(s), the State Appellate Authority of Self-Financed Independent Schools may, by a written order:
 - a) direct the Zonal Fee Committee to reverse the order granted by it; or
 - b) modify the order given by the Zonal Fee Committee; or
 - c) dismiss the appeal, stating reasons.



- 11) In case of non-compliance with directions of the State Appellate Authority of Self-Financed Independent Schools, the Zonal Fee Committee shall impose penalties as stipulated under the Code.

52. Redressal of complaints in any other case

- 1) Any student enrolled in a recognised school or their guardians or the parents association of such school may file a complaint, in writing, with the appropriate authority, regarding the violation of any provisions of the Code or these Rules, or regarding the failure to comply with any directions issued under the Code or the norms or standards or terms and conditions, if any, stipulated by the Government, from time to time.
- 2) The appropriate authority shall, within seven days of receipt of such complaint, in writing, inform the recognised school of such a complaint against it to file a response.
- 3) The recognised school shall file its response within fifteen days of the receipt of communication from the appropriate authority, along with any supporting information or documents.
- 4) Upon filing of the response by the recognised school, the appropriate authority shall scrutinise the complaint, and may seek additional information, documents or records pertaining to the said complaint within *[insert the number of days]* days and set a date for hearing of the complaint.
- 5) Upon conclusion of the hearing(s), the appropriate authority may, by a written order :
 - a) issue directions for rectification of defect/ deficiencies complained of; or
 - b) dismiss the complaint, stating reasons.
- 6) Upon dissatisfaction with the decision of the appropriate authority in terms of sub-rule (5) above, the aggrieved may prefer an appeal to the prescribed authority, within *[insert the number of days]* days of the appropriate authority's order, in the Form prescribed by the Government, accompanied by :
 - a) a copy of the complaint submitted to the appropriate authority;
 - b) a certified copy of the order passed under sub-rule (5);
 - c) an application fee of INR. *[insert amount]*;
 - d) a statement containing the grounds of appeal and full facts of the case; and
 - e) other supporting documents, if any.
- 7) Upon filing of the appeal, the prescribed authority shall, within thirty days, call for the relevant records from the appropriate authority.
- 8) The prescribed authority, upon scrutiny of the appeal and the records obtained in sub-rule (7) above, may seek additional information or documents and set a date for hearing of the appeal.
- 9) Upon conclusion of the hearing(s), the prescribed authority may, by a written order:
 - a) direct the appropriate authority to reverse the order granted by it; or
 - b) modify the order given by the appropriate authority; or
 - c) dismiss the appeal, stating reasons.
- 10) In case of non-compliance with directions of the prescribed authority, the appropriate authority shall impose penalties as laid down under the Code.



Chapter VII: Miscellaneous

53. Change in control of the recognised school

- 1) No transfer of a recognised school from one eligible educational entity to another eligible educational entity, or change in the composition of the eligible educational entity, resulting in an adverse effect on the working of such recognised school, shall be made except with the prior permission in writing from the appropriate authority. No permission shall be refused if the same is in the interests of providing good education and facilities to the students or due to the stressed financial condition of the eligible educational entity.
- 2) The managing committee of a recognised school shall make an application in the Form prescribed by the Government, expressing its intention and reasons for transfer/ change in control. Such application shall be made to the appropriate authority, along with a fee of [such amount as may be specified by the State] rupees and along with supporting documents or information including, *inter alia*, details of the eligible educational entity to which the recognised school is being transferred and if it runs any other recognised school or educational institutions, and details of such recognised school or institutions.
- 3) The appropriate authority shall, within thirty days of receipt of the application made under sub-rule (2) above, provide its response in writing. In case the permission for change in control of the recognised school is not granted, the appropriate authority must provide reasons for such refusal.
- 4) Upon grant of permission, the appropriate authority shall endorse the change, in its records and in the original recognition certificate.
- 5) The eligible educational entity to which the recognised school is being transferred should comply with the

provisions of the Code and these Rules and should possess the requisite financial capability to operate and manage the recognised school.

- 6) The eligible educational entity or the management taking control over the recognised school shall take control of the recognised school:
 - a) ensuring that the conditions of service of the teaching and non-teaching staff shall not be less favourable than their existing conditions of service;
 - b) ensuring continuity of service of the teaching and non-teaching staff; and
 - c) ensuring that the overall operations and management of the school are not against the interests of the students and staff.

54. Delegation of Powers

- 1) The Government may delegate all or any of its powers, duties and functions under the Code to the appropriate authority or any other officer.
- 2) Every person to whom any power is delegated under sub-rule (1) may, exercise that power in the same manner and with such effect, as if such power had been conferred on him directly by the Code and not by way of delegation.

55. Government to notify authorities for the purposes of the Code and these Rules

Unless otherwise specified in the Code or these Rules, the Government shall, by notification in the Official Gazette, appoint the appropriate authority, prescribed authority and any other authority required for carrying out all or any of the purposes of the Code.

Appendix

Appendix - I

1. Code of Conduct for Students

The code of conduct for the students of a recognised school shall include, *inter alia*, the following:

- a) The students shall:
 - i) treat the school staff with respect at all times and be courteous to their fellow students.
 - ii) refrain from damaging any form of school property. The school reserves the right to be compensated by the student for any such damage.
 - iii) refrain from littering and shall keep the school premises clean.
 - iv) not indulge in unacceptable behaviour, including but not limited to, irregular attendance, academic dishonesty, neglect of homework, disruptive behaviour, loitering and disrespectful behaviour towards staff or fellow students.
 - v) not use foul or offensive language.
 - vi) not miss classes while in school and will not leave the school campus during school hours without the prior permission of the head of the school.
 - vii) shall not indulge in any of the forbidden practices such as smoking, possession/consumption of drugs/alcohol, gambling, rowdyism and rude behaviour, use of violence in any form, carrying any weapons, etc. or such forbidden practices as per directions issued by the appropriate authority from time to time.
- b) The school may, in dealing with violation of the Code of Conduct by students, adopt any of the following disciplinary measures :
 - i) detention only during the break;
 - ii) expulsion and rustication for grave violations in case of students who have attained the age of [insert number of years] years;
 - iii) fine, in cases of late attendance, absence from class without proper application from the parent or duly appointed legal guardian, truancy, wilful damage to school property or delay in payment of school fees and dues.
 - iv) At all times such action by the school shall aim at bringing positive change in the student.



Appendix II

Illustration for computation of the latest available yearly Consumer Price Index

S No	Month	MOSPI CPI Index	Month	Final MOSPI CPI Index	% Increase
1	Jan-17	130.3	Jan-18	136.9	5.07%
2	Feb-17	130.6	Feb-18	136.4	4.44%
3	Mar-17	130.9	Mar-18	136.5	4.28%
4	Apr-17	131.10	Apr-18	137.10	4.58%
5	May-17	131.4	May-18	137.80	4.87%
6	Jun-17	132	Jun-18	138.50	4.92%
7	Jul-17	134.2	Jul-18	139.80	4.17%
8	Aug-17	135.4	Aug-18	140.40	3.69%
9	Sep-17	135.2	Sep-18	140.20	3.70%
10	Oct-17	136.1	Oct-18	140.70	3.38%
11	Nov-17	137.6	Nov-18	140.80	2.33%
12	Dec-17	137.2	Dec-18	140.10	2.11%
Applicable CPI for the relevant academic year (<i>sum average of 12 months</i>)					3.96%

Appendix - III

Code of Conduct for teaching staff

1) The code of conduct for the teachers of a recognised school shall include, *inter alia*, the following:

- a) No teacher shall:
 - i) knowingly or wilfully neglect his/her duties;
 - ii) propagate through his/her teaching lessons or otherwise, a communal or a sectarian outlook, or incite or allow any student to indulge in a communal or a sectarian activity;
 - iii) discriminate against any student on the grounds of caste, creed, language, place of origin, social and cultural background or any of them;
 - iv) indulge in, or encourage, any form of malpractice connected with examination or any other school activity;
 - v) make any sustained neglect in correcting class work or home work done by students;
 - vi) while being present in the school, absent himself/herself (except with the previous permission of the head of the school) from the class which he/she is required to attend;
 - vii) remain absent from the school without leave or without the prior permission of the head of the school;

Provided that, where such absence without leave or without the previous permission of the head of the school is due to reasons beyond the control of

the teacher, it shall not be deemed to be a breach of the Code of Conduct, if, on return to duty, the teacher has applied for and obtained ex post facto, the necessary sanction for the leave.

- viii) accept any job of a remunerative character from any source other than the school or given private tuition to any student;
- ix) prepare or publish any book or books, commonly known as keys, or assist, whether directly or indirectly, in their publication, without the written permission of the head of the school;
- x) engage himself/herself as a selling agent or canvasser for any publishing firm or trader;
- xi) enter into any monetary transactions with any student or parent; nor shall he/she exploit his/her influence for personal ends;
- xii) bring or attempt to bring, any political or outside pressure on his/her superior authority;
- xiii) cause, or incite any other person to cause, any damage to school property;
- xiv) behave, or encourage or incite any student, teacher or other employee to behave, in a rowdy or disorderly manner in the school premises;
- xv) be guilty of, or encourage, violence, or any conduct which involves moral turpitude;
- xvi) be guilty of misbehaviour or cruelty towards any parent, duly appointed legal guardian, student, teacher or other employee of the school; or



- xvii) organise or attend any meeting during the school hours except where he/she is required, or permitted by the head of the school to do so.
- b) every teacher shall:
 - i) be punctual in attendance and in respect of his/her class-work and also in respect of any other work connected with the duties assigned to him/her by the head of the school;
 - ii) abide by the rules and regulations of the school and show due respect to the constituted authority;
 - iii) shall attend training programmes conducted by the school in terms of his/her contract of service.
- 2) A teacher employed in a recognised school who becomes involved in a criminal proceeding, shall inform the managing committee of such proceedings;
- 3) Nothing contained in sub-rule (1) shall be deemed to take away or abridge the right of a teacher:
 - a) to appear at any examination to improve his/her qualifications;
 - b) to become, or to continue to be, a member of any literary, scientific or professional organisation;
 - c) to make any representation for the redressal of any bona fide grievance, subject to the condition that such representation is not made in any rude or indecorous language; and
 - d) to organise or attend any meeting outside the school hours, subject to the condition that such meeting is held outside the school premises.
- 4) In the interest of the students, and to avoid any disruption in the academic programme of the students owing to any mid-term resignation of the teachers, an adequate notice period shall be provided by such teachers. The breach of any condition specified in sub-rule (1) shall be deemed to be a breach of the Code of Conduct for teaching staff.

Forms

FORM I

(Disclosures under Section 12 (6) and 19 with Rule 35)

- To be published on the school's notice board
- To be published on the school website
- To be shared with parents or appointed guardians of students seeking admission

1. Name of School: _____
2. District: _____
3. Recognition Number: _____
4. Affiliations and Accreditations enjoyed by the school at various study levels: _____

S No	Grade/Grades	Affiliation/Accreditation

5. Admissions policy: Please attach as Annexure 'A'
6. Details of facilities including day-boarding, hostel, sports, co-curricular activities and extra-curricular activities: Please attach as Annexure 'B'
7. Indicative number of average number of children per class /section:

Grade	No of sections	Average students per section
Pre Kindergarten		
Kindergarten		
Grade 1		
Grade 2		
Grade 3		
Grade 4		
Grade 5		
Grade 6		
Grade 7		
Grade 8		
Grade 9		
Grade 10		
Grade 11		
Grade 12		

8. Calendar of major events being organised by the school throughout the academic year for students: Please attach as Annexure 'C'
9. Indicative list of optional facilities and programmes proposed to be offered (Keep updating the list during the year): Please attach as Annexure 'D'
10. List of grade wise text books with complete information including the name of publisher, ISBN number and the price at which the same could also be procured from the school book shop. Please attach as Annexure 'E'
11. List of complete uniform for all seasons along with their cost and names and addresses of vendor/s from whom these could be procured directly or through the store maintained in the school. Please attach as Annexure 'F'
12. Details of minimum facilities being provided (in case of existing school, for two consecutive years should be given)

SL. No.	Details	Current Year	Next Year
01	Total Area of Land (in Sq meters)		
02	Total Built Up Area (in Sq meters)		
03	Student Capacity: Built Up Area Ratio		
04	Capacity of Hostels (if any)		
05	Built up area that is air-conditioned, if any		
06	Availability of dedicated spaces (in nos):		
	a) Library		
	b) Medical Facility		
	c) Sports infrastructure:		
	c-1		
	c-2		
	c-3		
	c-4		
	c-5		
	c-6		
	c-7		
	c-8		
	c-9		
	c-10		
	c-11		
	c-12		
	d) Co-curricular infrastructure:		
	d-1 <i>Music Room</i>		
	d-2 <i>Dance Room</i>		
	d-3 <i>Art & Craft Room</i>		
	d-4		
	d-5		
	d-6		

SL. No.	Details	Current Year	Next Year
	d-7		
	d-8		
	d-9		
	d-10		
	d-11		
	d-12		
	e) Computer Lab		
	f) Physics Lab		
	g) Chemistry Lab		
	h) Biology Lab		
	i) _____Lab		
	j) _____Lab		
	k) _____Lab		
	l) _____Lab		
	m) _____Lab		
	n) _____Lab		
	o) Multipurpose Hall		
	p) Auditorium		
	q)		
	r)		
	s)		
	t)		
07	Number of library books		
08	Availability of drinking water facilities		
09	Availability of separate toilet facilities		
	<i>For Staff</i>		
	<i>For Boys</i>		
	<i>For Girls</i>		
10	Career Counselling		
11	Behavioural Counselling		
12	Special Learning Needs		
13			
14			
15			
16			

13. Staff Details:

Academic Staff	Current Year					Next Year(Proposed)				
	PRT	PGT	TGT	Other	Total	PRT	PGT	TGT	Other	Total
No of teachers										
Student: Teacher Ratio										

Other: Other Specialist Teachers

* Including contractual services

14. Details of the composite annual school fee for the existing students. (Grade/class wise)

Particulars	Last Academic Year	Current Academic Year	Proposed for Next Academic Year
Grade/class	Composite Annual Fee Amount	Composite Annual Fee Amount	Composite Annual Fee Amount

15. Details of the composite annual school fee for new students. (Grade/class wise)

Particulars	Last Academic Year	Current Academic Year	Proposed for Next Academic Year
Grade/class	Composite Annual Fee Amount	Composite Annual Fee Amount	Composite Annual Fee Amount

16. Determination of Fee for academic year_____in accordance to sub-section (1) of Section 12

(a). Computation of cumulative per capita % increase in salary of academic staff

Average per capita salary of academic staff in December_____ (A)	Average per capita salary of academic staff in December_____ (B)	Cumulative per capita % increase in salary of academic staff in academic year_____ over academic year_____(B/A) (C)

(b). Computation of cumulative cap on permitted fee increase percentage based on consumer price index + five percent (Not applicable in the years when a school implements pay commission revision)

S No	Month - current year	MOSPI CPI ndex	Month - Previous year	MOSPI CPI Index	% Increase
1	January		January		
2	February		February		
3	March		March		
4	April		April		
5	May		May		
6	June		June		
7	July		July		
8	August		August		
9	September		September		
10	October		October		
11	November		November		
12	December		December		
APPLICABLE CPI FOR ACADEMIC YEAR _____ (SUM AVERAGE OF 12 MONTHS) (D)					

Upper limit of fee increase for academic year _____ over academic year _____ [D+7]

(c). Maximum cumulative permitted % fee increase

[Lower of (C) and (E)] (F)	
--------------------------------------	--

(d). Permitted fee chargeable for Academic Year

Average of sum total of all mandatory fee components for academic year _____ of all classes/grades (G)	Average of sum total of all mandatory fee components of all classes/grades permitted for academic year ____ [G x F] (H)

FORM II

Format for application under Section 27 read with Rule 51 (1)

(to be filed only by a parent or guardian or parent association whose name is listed in the school records)

To,

The Principal

[name of the recognized school]

Sir,

I/we wish to lodge a complaint under Section 27 of the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 read with Rule 51 (1) of the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Rules, 2017.

Name of the ward:

Class: _____

Category: _____

Name & Address of the School: _____

Contact number of the School: _____

Email: _____

Details of the Complaint:

Put a tick (✓) mark on whichever is applicable:-

1. Fee being charged in excess of the fee intimated to the appropriate authority under Section 19;
2. Capitation Fee being charged by the recognised school;
3. Revision of fee during the ensuing academic year;
4. Increase in fee more than the permitted fee increase without obtaining the approval of the appropriate authority;
5. Discrepancy or complaint regarding the disclosure under Section 19;
6. Breach of the conditions specified in Section 18.

Name of the Parent/Guardian/Parents Association _____

Address of Parent/Guardian/Parents Association _____

Mobile No. of Parent/Guardian/Parents Association _____ Email: _____

Attachments:

Documentary Evidences in support of the complaint;

Signature

Parent/Guardian/ Authorised Representative of the Parent Association

Date: _____

FORM III

Format for application related to complaints to be filed under Section 27 read with Rule 51 (2)

(to be filed only by a parent or guardian or parent association whose name is listed in the school records)

To,

District Fee Regulation Committee

Uttar Pradesh

Sir,

Having not been able to find a resolution from the school against my/our complaint, I/we wish to lodge a complaint under Section 27 of the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 read with Rule 51 (1) of the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Rules, 2017.

Name of the ward: _____

Class: _____

Category: _____

Name & Address of the School: _____

Contact number of the School: _____

Email: _____

Details of the Complaint:

Put a tick (✓) mark on whichever is applicable:-

1. Fee being charged in excess of the fee intimated to the appropriate authority under Section 19;
2. Capitation Fee being charged by the recognised school;
3. Revision of fee during the ensuing academic year;
4. Increase in fee more than the permitted fee increase without obtaining the approval of the appropriate authority;
5. Discrepancy or complaint regarding the disclosure under Section 19;
6. Breach of the conditions specified in Section 18.

Date on which the above complaint was filed in the school _____

Number of working days elapsed since the complaint was filed _____

Name of the Parent/Guardian/Parents Association _____

Address of Parent/Guardian/Parents Association _____

Mobile No. of Parent/Guardian/Parents Association _____

Email: _____

Attachments:

Copy of acknowledgment of receipt of complaint by the recognized school;
Documentary Evidences in support of the complaint.

Signature
Parent/Guardian/ Authorised Representative of the Parent Association

Date: _____

FORM IV

(Format for statutory auditors certificate under Section 27 read with Rule 51 (3))

Certificate issued by the statutory auditor of the eligible educational entity

I/We hereby certify that we are the statutory auditors of _____ [name of the eligible educational entity]. _____ I/we have examined the books of accounts of the aforesaid eligible educational entity and hereby certify the following information pertinent to section 12 (1) of the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 as relevant for the academic year

Sum total of salaries including allowances, contributions etc. of the teaching staff for the month of December' (previous academic year)	Total number of teaching staff for the month of December' (previous academic year)	Per Capita cost of teaching staff for the previous academic year _____(A)

Sum total of salaries including allowances, contributions etc. of the teaching staff for the month of December' (current academic year)	Total number of teaching staff for the month of December' (current academic year)	Per Capita cost of teaching staff for the current academic year _____(B)

Average percentage per capita increase of monthly salary of teaching staff of previous year (B/A)	
--	--

I have found the above statement is correct and in accordance with the books and records maintained by the school/eligible educational entity.

Name & Signature of the Chartered Accountant Name of the Firm

Registration No.

Date:

Place:

FORM V

(Format for statutory auditors certificate under Section 27 read with Rule 51 (3))

Certificate issued by the statutory auditor of the eligible educational entity

I/We hereby certify that we are the statutory auditors of _____ [*name of the eligible educational entity*]. I/we have examined the books of accounts of the aforesaid eligible educational entity and hereby certify the following information pertinent to Section 18 of the Model Self-Financed Independent Schools (Recognition and Fee Regulation) Code, 2017 as relevant for the academic year _____.

Total Revenue / Capital Employed of the school for the academic year _____ (A)	
Amount Transferred by the school to eligible education entity (B)	
Amount transferred as percentage of total income (B/A)	

I have found the above statement is correct and in accordance with the books and records maintained by the school/eligible educational entity.

Name & Signature of the Chartered Accountant

Name of the Firm

Registration No.

Date:

Place:



About FICCI ARISE



FICCI Alliance for Re-Imagining School Education (FICCI ARISE) is a collegium of members representing various facets of the education ecosystem who have come together to promote the need of quality education for all and the role independent schools can play in achieving this. The primary focus of the alliance is **defining norms for standards and transparency, augmenting quality for 21st century readiness, policy advocacy and facilitating Capacity Building and access**. The alliance advocates for a progressive policy environment that brings together public and independent schools to achieve **Universal Quality Education** in India.

FICCI ARISE endeavours to unify the sectors' voice at States and National level.

We have a national footprint through our National Committee and five Regional Committees. Our members and affiliates are education experts and represent leading schools, industry associations, consulting firms, think tanks, and foundations.

Website: www.ficciarise.org

Acknowledgements

Mr. Prabhat Jain, *Chairman, FICCI ARISE & Director, Pathways World School*

Mr. Naga Prasad Tummala, *Co-Chair, FICCI ARISE & Chairman, People Combine Education Initiatives*

Mr. Manit Jain, *Co-Chair, FICCI ARISE & Director, The Heritage Schools*

Mr. Shishir Jaipuria, *Chairman and Managing Director, Jaipuria Group of Institutions*

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Mr. Shardul S. Shroff is the Executive Chairman at the Firm with over 35 years of extensive experience in General Corporate, Banking & Finance, and Projects & Project Finance. Mr. Shroff is also a leading authority on legal matters related to Media Law and Technology Law, Corporate Governance, Policy and Regulatory Practices.

Mr. Shroff has been involved in many complex and high profile transactions, including strategic alliances and takeovers, mergers and acquisitions, divestments, spin-offs, joint ventures, and capital markets. He has advised clients across industries, including DLF, General Electric, ONGC, Avantha, and PVR. Mr. Shroff has been consistently rated as a leading lawyer by several international fora and publications, including Who's Who Legal, AsiaLaw, Chambers Global, Euromoney, IFLR, etc. and has been the recipient of several awards and global commendations for his work.

Mr. Inder Mohan Singh is a Partner at the Firm with over 25 years of experience. He has extensive experience in General Corporate, M&A and Education practice.

Mr. Singh has advised clients both in K-12 Segment and higher education. His clients include NIIT University, University of Petroleum and Energy Studies, SSN College, Shiv Nadar University, IIM Ranchi, Pathways Schools, Global Schools, Heritage Schools, Thapar University and Management Development Institute.

He has also advised foreign universities like Rutgers State University, New Jersey, Keele University, U.K.



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Ms. Sadia Khan is a Partner at the Firm and has worked extensively in the Education practice at the Firm. She has worked both in the school education and the higher education space. She has considerable experience on school education enactments and fee regulations of various States. She has advised on CBSE, CISCE regulations and bylaws. She has also advised various state private universities, deemed to be universities, technical institutions on UGC, AICTE and Distance Education Regulations.

Contributors

Shardul Amarchand Mangaldas & Co
Inder Mohan Singh, Partner
Sadia Khan, Partner
Diya Das, Senior Associate

About Us

Shardul Amarchand Mangaldas, founded on a century of legal achievement, is one of India's leading full service law firms. Our mission is to enable business by providing solutions as trusted advisors through excellence, responsiveness, innovation, and collaboration.

We are one of India's most well recognised firms, and are known globally for our integrated approach. With more than 520 lawyers including over 100 partners, we provide exceptional services across practice areas which include General Corporate, Merger & Acquisition, Private Equity, Banking & Finance, Insolvency & Bankruptcy, Competition Law, Dispute Resolution, Projects & Project Finance, Capital Markets, Tax, Intellectual Property and Venture Capital.

We are at the forefront of global and Indian M&A and private equity transactions, cutting edge high risk litigation and advice on strategically important matters across a spectrum of practices and industries for our multi-jurisdictional clients.

We have a pan India presence, with offices in seven cities across India - New Delhi, Mumbai, Gurugram, Bengaluru, Chennai, Ahmedabad and Kolkata.

Acknowledged as an **'Outstanding'** provider of legal services in 2018 for Banking & Finance, Capital Markets, Corporate / M&A, Competition & Antitrust, Dispute Resolution & Litigation, Energy & Natural Resources, Insurance, Private Equity and Projects & Infrastructure

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Competition/Antitrust
Dispute Resolution
Projects, Infrastructure & Energy
Capital Markets
White Collar Crime

National Law Firm of the year, 2017, India

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Disclaimer: The contents of this booklet does not constitute professional advice. We explicitly disclaim any responsibility for any action taken solely on the basis of this booklet.

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About FICCI

Established 90 years ago, FICCI is the largest and oldest apex business organization in India. Its history is closely interwoven with India's struggle for independence, its industrialization, and its emergence as one of the most rapidly growing global economies.

A non-government, not-for-profit organization, FICCI is the voice of India's business and industry. From influencing policy to encouraging debate, engaging with policy makers and civil society, FICCI articulates the views and concerns of industry, reaching out to over 2,50,000 companies. FICCI serves its members from large (domestic and global companies) and MSME sectors as well as the public sector, drawing its strength from diverse regional chambers of commerce and industry.

The Chamber with its presence in 14 states and 10 countries provides a platform for networking and consensus-building within and across sectors and is the first port of call for Indian industry, policy makers and the international business community.

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