

ANDHRA PRADESH SCHOOL EDUCATION (COMMUNITY PARTICIPATION) ACT, 1998

13 of 1998

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STATEMENT OF OBJECTS AND REASONS The constitutional goal of Universal School Education remained elusive over the decades, due largely to the fact that the prevailing education system is not realistic enough to achieve that goal. No serious effort has so far been made to revamp the system and give the child an opportunity for its potentialities to manifest to the fullest extent through universalisation of school education and by improving its quality. Reforms in school education are thus long overdue. There has been no dynamism in the patterns of administration of schools controlled by local bodies to keep pace with the complexities arising out of enormously growing number of schools. The fundamental objective of enforcing compulsory primary education requires a large scale restructuring of the existing school system. From the side of the Government - it calls for provision of new infrastructure, including opening of new schools, mobilisation of resources to meet these tasks, abolition of child labour, instituting incentives and disincentives properly linking them up with the safety nets like subsidised rice scheme, enforcing the panel provisions for non-compliance of the Government directions on school reforms, introduction of more purposeful education including vocational education. All these aspects are necessary but their introduction/implementation requires time, resources and administrative machinery to achieve these goals. Such a task cannot be achieved in isolation by the Governmental machinery, without the active participation of the people at large and Stakeholders in particular. It is therefore necessary that the parents for whom the interests of their wards are paramount should be given an opportunity to participate and contribute to the improvement of school education. It is the firm belief of the Government that the stupendous task of reforming the school education can be achieved only by decentralisation of school administration and with the full involvement and participation of the parents, teachers and people's representatives. Several Educational Institutions are functioning in the village viz., Pre-primary (ECCE centres) Primary Schools, Upper Primary Schools, High Schools, Non-formal Education centres, Adults and continuing education centres and other alternative schools like the Open

School etc., Functioning of these institutions should mutually strengthen each other as their task closely inter linked. However, presently such integration is not visible particularly at the village level. It is necessary to bring in convergence and synergy in the functioning of all educational institutions at all levels, starting from the village level, towards achieving the Goal of "Education for all". For these reasons, it is decided to constitute School Committees, Panchayat Education Committees, Mandal Education Committees, Municipal Education Committees and District Education Committees and largely composed of parents, teacher and elected representatives of local bodies to ensure effective functioning of the schools. The task before these committees is to support the teachers and the school system for ensuring high quality education. These committees would be devolved appropriate financial powers and functions for discharging this task successfully. It is also proposed to establish District Education Boards and a State Advisory Board of School Education to function as monitoring bodies at district and State levels. The Bill seeks to give effect to the above decisions. (vide Bill 43 of 1997.) Received the assent of the Governor on the 20th April, 1998 published on the 22nd April, 1998 in the Andhra Pradesh Gazette Part IV-B (Ext).

PART 1

Preliminary

1. Short title, extent and commencement :-

(1) This Act may be called the Andhra Pradesh School Education (Community Participation) Act, 1998.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may by notification appoint.

(4) It applies to all educational institutions in the State imparting education from Primary stage upto tenth class and includes Non-formal Education Centre or Adult Education Centre or Continuing Education Center functioning under the control of Government, Local Bodies or institutions aided by Government under private management.

2. Definitions :-

In this Act, unless the context otherwise requires :

- (1) "District Education Board" means a District Education Board constituted under Section 15;
- (2) "District Education Committee" means a District Education Committee constituted under Section 13;
- (3) "Mandal Education Committee" means a Mandal Education Committee constituted under Section 9;
- (4) "Municipal Education Committee" means a Municipal Education Committee constituted under Section 11;
- (5) "Notification" means a notification published in Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;
- (6) "Panchayat Education Committee" means a Panchayat Education Committee constituted under Section 7;
- (7) "Parent" means father, mother or guardian of the student studying in the school;
- (8) "Parent Teacher Association" means an Association constituted under Section 4 and also includes the learners association in case of the Adult Literacy Centres or Continuing Education Centres;
- (9) "School" means and includes Primary school or Upper Primary School or High School or Non-formal Education Centre or Adult Education Centre or Continuing Education Centre;
- (10) "School Committee" means a school Committee constituted under Section 5;
- (11) "School Education" means Primary, Upper Primary, Non-formal, Adult and Secondary Education;
- (12) All words and expressions used in this Act and not defined but defined in the Andhra Pradesh Education Act 1982 (Act 1 of 1982) shall have the meanings respectively assigned to them in that Act.

PART 2

Establishment of Committees for Peoples participation, Their Composition, Powers and Functions

3. Peoples participation at School Level :-

In order to ensure people's participation at the School level, there shall be constituted for every School a Parent-Teacher Association and a School Committee.

4. Constitution, powers and functions of Parent-teacher Association :-

(1) Every Parent-Teacher Association shall consist of all teachers of the school and parents of all children enrolled in the school as members. Only one of the parents of the children in a family enrolled in the school shall have the right to vote.

(2) The Association shall meet as often as necessary but not less than two times a year. The Headmaster or Instructor or as the case may be Prerak of the School or Institution shall be the Convenor. A parent member elected for the purpose shall preside over the meeting of Parent-Teacher Association.

(3) It shall be the duty of the Association to review, from time to time, in the manner prescribed, the functioning of the school in regard to the following matters, namely :

(a) ensuring universal access and enrollment;

(b) motivating regular attendance of children to the school, their detention and effectively arresting dropouts;

(c) creating interest in education by improving infrastructural facilities in the schools and the quality of teaching and ensuring the attainment of the primary objective of universal enrollment and zero dropout rate;

(d) mobilisation towards collection of the membership fee and Corpus fund for the school; and

(e) sanctioning of the budget and approving the accounts of the school education fund placed before it by the School Committee.

5. Constitution, powers and functions of the School Committee :-

(1) The School Committee shall consist of five members of whom there shall be four parents of the children enrolled in the school and elected by the parents of the children enrolled in the school; and the Headmaster or where there is no Headmaster, the Senior most teacher of the school shall be the Member Convenor, of the four parent members, there shall be atleast two women and one person belonging to scheduled caste of scheduled tribes or backward classes or minorities. The Chairman of the Committee shall be elected by the members from among the parent members :

Provided that 50% of the Chairmen of the School Committees of Primary, Upper Primary and High Schools put together in a mandal identified in the manner prescribed shall be Women.

Provided further that in High Schools, a 10th Class Student who secured 1st rank in the School in the 9th class shall also be a member without right to vote.

(2) All decisions shall be taken by a majority of the members of the Committee present and voting.

(3) The functions of the School Committee shall include the following,

(a) manage the School Education fund for School Development;

(b) assist the teachers in ensuring the attendance of the children;

(d) hire the services of local persons as teachers or instructors or preraks, as the case may be, where there is a felt need, on voluntary basis or on payment of fixed honorarium meeting the cost from the school education fund; Provided that no regular post is filled on a permanent basis in this manner.

(e) hold meetings of parents who fail to send their children to the school;

(f) review and monitor the school health programmes;

(g) ensure excellence in the overall performance of the school and the children;

(h) shall conduct parent day celebrations periodically to involve all parents in the management of the school and to motivate them to send their children regularly to schools;

(i) to raise, maintain and manage school nurseries for the purpose of afforestation and ensure clean, healthy environment around the school;

(j) help, augment infrastructure facilities needed by the school;

(k) ensure effective use of educational equipment in the school;

(l) collect membership fee and Corpus Fund for the development of the Institution from all the Parent-Teacher Association members and donors;

(m) distribute incentives such as text books, Mid-day meals etc.,

and wherever felt required to provide uniforms and scholarships;
and

(n) co-ordinate with the Panchayat Education Committee for assistance as and when required.

(4) The term of office of the members of the School Committee shall be two years. A parent member shall, however, cease to be a member when he has no child enrolled in the school or when recalled by the Parent-Teacher association in the manner prescribed.

Provided that the Government, may extend the term of office of the members of the Committee for a period not exceeding one year at a time.

6. School Education Fund :-

(1) There shall be a School Education Fund for every school consisting of the following:

(i) funds released by the Government or Local Bodies for management or improvement of infrastructure of the school which will not include salary grant released by Government;

(ii) funds for school contingencies released by Local Bodies or Government;

(iii) all amounts transferred from the Panchayat Education Fund from taxes levied and collected under sub-section (2) of Section 37 of the A.P Education Act, 1982 (Act 1 of 1982);

(iv) membership fee from parents;

(v) corpus fund collected from members and donors including Grant-in-aid from Government for further development of the school; and

(vi) fee collected, if any, from parents.

(2) The fund shall be operated in such manner as may be prescribed by the School Committee.

7. Constitution, powers and functions of the Panchayat Education Committee :-

(1) In every Gram Panchayat there shall be constituted a Panchayat Education Committee which shall consist of the following

members namely :

- (i) the Sarpanch of the Gram Panchayat who shall be the Chairman of the Committee;
- (ii) the Headmaster of the High School or Upper Primary School or where there is no High School or Upper Primary School, the Headmaster of the Primary School who shall be the Member Convenor;
- (iii) two parent representatives from each school committee in the Gram Panchayat of whom one shall be the Chairperson of the School Committee and the other shall be a woman to be nominated by the concerned Parent-Teacher Association;
- (iv) non-Governmental Organisations working in the field of Education, donors, philanthropists residing in the Panchayat area - not exceeding one-third of the membership of the Parent representatives of the Committee co-opted by the Panchayat Education Committee :

Provided that donors who donate an amount not less than Rs.50,000/- (Rupees fifty thousand only) shall be Life members.

(2) The Panchayat Education Committee shall take all steps required for the effective functioning of the schools in the Gram Panchayat and to achieve total literacy for all adults upto thirty five years of age in their area.

(3) The Committee shall have the following powers and functions, namely:-

- (i) to undertake appropriate and suitable measures to encourage parents to send their children to school and institute incentives and discentives that will dissuade people from engaging children in child labour;
- (ii) to determine the school calendar and school timings subject to guidelines of the education department and the District Education Board;
- (iii) to help augment infrastructure facilities and supplement the resource base for the school; and
- (iv) to take all other steps as are necessary for the effective functioning of the schools in the Gram Panchayat and for the furtherance of the objective of this Act.

(4) All decisions shall be taken by a majority of members of the Committee present and voting.

(5) The term of office of the Committee constituted under this section shall be two years unless ceased to be member of Parent Teacher Association or is recalled by the Parent-Teacher Association in the manner prescribed.

Provided that the Government, may extend the term of office of the Committee for a period not exceeding one year at a time.

8. Panchayat Education Fund :-

(1) The Panchayat Education Committee shall maintain a separate fund called "Panchayat Education Fund" by crediting;

(a) all taxes levied and collected under sub-section (2) of Section 37 of the Andhra Pradesh Education Act, 1982 (Act 1 of 1982);

(b) any donations received for the development of education; and

(c) grant-in-aid, not being salary grant, received from State and Central Government, if any.

(2) The fund shall be operated by the Panchayat Education Committee in such manner as may be prescribed to distribute the fund so formed to the School Committees based on their need and requirements to be credited in the respective School Education Funds.

9. Constitution, powers and functions of Mandal Education Committee :-

(1) There shall be constituted for each Mandal, a Mandal Education Committee consisting of the following members namely:

(i) the President of the Mandal Parishad, who shall be the Chairman;

(ii) the Mandal Parishad Development Officer who shall be the Vice-Chairman;

(iii) one Headmaster of the Schools under the control of the Mandal Parishad to be co-opted by Mandal Education Committee in the manner prescribed;

(iv) one philanthropist or educationist or representative of voluntary organisation to be co-opted by the Mandal Education

Committee;

(v) eight presidents of school committees under the control of Mandal Parishads of whom four shall be women and one each shall be from Scheduled Castes/Scheduled Tribes and Minorities;

(vi) one representative from the Recognised Teacher Unions to be co-opted in the manner prescribed;

(vii) One Sarpanch to be co-opted by the Mandal Education Committee in the manner prescribed;

(viii) one Mandal Parishad Territorial Constituency member to be co-opted by Mandal Education Committee in the manner prescribed; and

(ix) the Mandal Education Officer who shall be the Member-Convenor.

(2) All decisions shall be taken by a majority of members of the Committee present and voting.

(3) The term of office of the Committee constituted under this section shall be two years. A parent member shall however cease to be a member when he has no enrolled child in the Mandal Parishad School or when recalled by the Parent-Teacher Association concerned in the manner prescribed.

Provided that the Government, may extend the term of office of the Committee for a period not exceeding one year at a time.

(4) The Mandal Education Committee shall monitor the functioning of the schools under the control of the Mandal Parishad, literacy programmes in the Mandal and shall take such corrective steps as may be necessary.

(5) The Committee shall have the following powers and functions, namely:-

(a) to undertake annual evaluation of the performance of the schools, facilitate and provide for academic supervision and inspection of schools under the control of Mandal Parishad, and

(b) to promote sports and cultural activities among the students in Mandal Parishad Schools.

10. Mandal Education Fund :-

(1) The Mandal Education Committee shall maintain a Mandal Educational Fund which shall consist of the grant-in-aid received from the State Government and the Zilla Parishad or from any other source, the funds allocated to education in the Mandal Budget and Public donations.

(2) The Mandal Education Fund shall be utilised by the Mandal Education Committee for the purpose of its functions:

Provided that the salary grants shall be operated in the manner prescribed by the Government.

(3) The Fund shall be operated by the Mandal Education Committee in such manner as may be prescribed.

11. Constitution powers and functions of Municipal Education Committee :-

(1) There shall be constituted a Municipal Education Committee for each Municipality or Municipal Corporation.

(2) Every Municipal Education Committee shall consist of the following members, namely:

(i) the Chairperson of the Municipality or Mayor of the Municipal Corporation, as the case may be, shall be the Chairperson of the Committee;

(ii) the Municipal Commissioner, shall be the Member Convenor;

(iii) one Councillor to be co-opted by the Committee in such manner as may be prescribed;

(iv) eight presidents of school Committees under the Control of Municipality/Municipal Corporation of whom four shall be women and one each shall be from Scheduled Castes/Scheduled Tribes and Minorities :

Provided that out of the eight presidents, four shall be from high school committees and four shall be from primary school committees.

(v) two teachers (the senior most headmaster of the primary schools and the senior most headmaster of high schools) in the Municipality or Municipal Corporation;

(vi) one distinguished educationist or philanthropist or nominee of a non-Governmental organisation to be nominated by the District

Collector; and

(vii) one representative from the recognised teacher unions to be co-opted as may be prescribed.

(3) All decisions of the Municipal Education Committee shall be taken by a majority of the members of the Committee present and voting.

(4) The term of office of the Municipal Education Committee shall be two years. A parent-member shall, however, cease to be a member when he has no enrolled child in the Municipality/Municipal Corporation School or when recalled by the Parent Teacher Association concerned in the manner prescribed.

Provided that the Government, may extend the term of office of the Committee for a period not exceeding one year at a time.

(5) The Municipal Education Committee shall be responsible for the overall development of Primary and Secondary Education in the Municipality or Municipal Corporation as the case may be and for the purpose, it shall provide the necessary infrastructure to the schools under its control and monitor their functioning.

(6) The Committee shall have the following powers and functions, namely:

(i) to undertake annual evaluation of the performance of the schools, facilitate and provide for academic supervision and inspection of schools to be undertaken by appropriate and competent authorities to be specified by the Education Department, organise sports, cultural and their related activities, prepare annual budget for the Municipal Education Committee and assist in the maintenance of proper accounts; and

(ii) to promote sports and cultural activities among the students in Municipality or Municipal Corporation Schools.

12. Municipal Education Fund :-

(1) There shall be constituted a Municipal Education Fund for every Municipality or Municipal Corporation which shall be utilised by the Municipal Education Committee for the performance of its functions.

(2) The Fund shall consist of the funds allocated for education in the Municipality/Municipal Corporation budget, grants-in-aid from the State Government and public donations and tax revenue as

may be available to the Municipal Council or Corporation as the case may be under Sections 37,38 and 39 of the Andhra Pradesh Education Act, 1982 :

Provided that the salary grant shall be operated in the manner as may be prescribed.

(3) The Fund shall be operated in such manner as may be prescribed.

13. Constitution, powers and functions of District Education Committee :-

(1) There shall be constituted for each district a District Education Committee consisting of following members namely:-

(i) the Chairman of the Zilla Parishad, who shall be Chairman of the Committee;

(ii) the Chief Executive Officer of the Zilla Parishad who shall be the Member-Convenor;

(iii) ten parents to be elected in the prescribed manner by and from among the parent members of the School Committees in the District of whom not less than five shall be women; and one shall be from Scheduled Castes or Scheduled Tribes and one from Minority Community;

(iv) two Headmasters of Zilla Parishad High Schools co-opted in the Committee in the manner prescribed;

(v) one educationist or social activist or nominee of a voluntary organisation to be nominated by the District Collector;

(vi) one Chairperson Mandal Education Committee to be co-opted in the manner prescribed;

(vii) one Chairperson of Panchayat Education Committee to be co-opted in the manner prescribed;

(viii) the District Educational Officer;

(ix) the Minorities Welfare Officer of the District or in the absence of that officer an officer belonging to the Minorities from any of the Departments/Offices nominated by the District Collector;

(x) Project Officer, integrated Tribal Development Agency; or the District Tribal Welfare Officer;

- (xi) one representative from the recognised Teacher unions to be co-opted in such manner as may be prescribed;
- (xii) two Zilla Parishad Territory Council Members to be nominated as may be prescribed;
- (xiii) Deputy Director of Social Welfare Department; and
- (xiv) District Backward Classes Welfare Officer.

(2) All decisions of the Committee shall be taken by majority of the members of the Committee present and voting.

(3) The term of office of the Committee shall be two years. A parent-member shall, however, cease to be a member when he has no enrolled child in the Zilla Parishad School or when recalled by the concerned Parent-Teacher Association in the manner prescribed.

Provided that the Government, may extend the term of office of the Committee for a period not exceeding one year at a time.

(4) The Committee shall be responsible for the overall development of secondary education in the district and for that purpose, it shall provide the necessary infrastructure to the schools and monitor their functioning.

(5) The Committee shall have to undertake annual evaluation of the performance of the schools, facilitate and provide for academic supervisions and inspection of schools to be undertaken by appropriate and competent authorities to be specified by the Education Department; organise sports, cultural and other related activities, prepare annual budget for the District Education Committee and assist in the maintenance of proper accounts.

14. District Education Fund :-

(1) There shall be a District Education Fund consisting of:-

- (i) all the Grants received from Government;
- (ii) education cess collected; and
- (iii) donations received for the purpose of educational development in the district.

(2) The fund shall be administered by the District Education Committee : Provided that the salary grants shall be operated in

such manner as may be prescribed.

(3) The fund shall be operated in such manner as may be prescribed.

PART 3

District and State level monitoring Board

15. Constitution, powers and functions of District Education Board :-

(1) There shall be established by the Government, by notification, for each district a District Education Board which shall consist of the following members:

- (i) the District Collector, who shall be the Chairman;
- (ii) three Educational experts nominated by the District Collector;
- (iii) Deputy Director, Adult Education;
- (iv) one expert on Vocational Education;
- (v) Principal, District Institute of Education and Training;
- (vi) one representative of non-governmental organisation to be nominated by the District Collector;
- (vii) two outstanding teachers including retired headmasters who are recipients of National Awards to be nominated by the District Collector;
- (viii) one nominee of District Planning Committee;
- (ix) one representative from recognised teachers unions to be co-opted as prescribed;
- (x) Project Officer, Integrated Tribal Development Agency or the District Tribal Welfare Officer
- (xi) Assistant Director, Non-formal Education, who shall be a permanent invitee;
- (xii) one representative from each category of managements running schools including the minority management run schools in the district nominated by the District Collector;
- (xiii) the District Education Officer, who shall be the Member Convenor, and

(xiv) the minority Welfare Officer of the District or in the absence of that Officer, an Officer belonging to the minorities from any of the Departments/Offices nominated by the District Collector.

(2) The Board shall essentially be a technical body and shall look after the needs of the primary, secondary and adult education in the District. Its functions shall include training of Teachers reviewing of school calendar and performance of various schools, Mandal resource centres and teachers centres and overseeing the implementation of audio-visual education, vocational education, conduct of examinations and all academic matters within the district.

(3) The directions of the District Education Board on all academic matters shall be binding on the District Education Committee, Mandal Education Committee, Panchayat Education Committee, Municipal Education Committee and School Committee.

(4) The term of Office of the Board constituted under this section shall be two years.

Provided that the Government, may extend the term of office of the Board for a period not exceeding one year at a time.

16. Constitution, powers and functions of State Advisory Board of School Education :-

(1) There shall be established by the Government by notification, a State Advisory Board of School Education which shall consist of the following namely :

(i) Minister for School Education, who shall be the Chairperson;

(ii) Minister for Municipal Administration;

(iii) Minister for Panchayat Raj;

(iv) Minister for Social Welfare;

(v) Minister for Tribal Welfare;

(vi) Minister for Women Welfare;

(vii) Minister for Backward Classes Welfare;

(viii) the Secretary to Government incharge of School Education;

(ix) the Secretaries to Government incharge of Planning, Labour, Social Welfare, Tribal Welfare, Family Welfare, Women

development and Child Welfare, Minority Welfare, Panchayat Raj and Rural Development;

(x) two educational experts to be nominated by the Government;

(xi) three teachers to be nominated by the Government;

(xii) two representatives of non-Government Organisations to be nominated by the Government;

(xiii) one Vice-Chancellor of any University in the State to be nominated by the Government;

(xiv) one nominee of the Ministry of Education, Government of India;

(xv) the Chairman, State Council of Higher Education; (xvi) three Chairpersons of the District Education Committees in the State to be nominated by the Government;

(xvii) one Chairperson of School Committee to be co-opted as prescribed;

(xviii) State Project Director, District Primary Education Programme;

(xix) Commissioner and Director of School Education who will be Member-Convenor.

(2) The Director of Adult Education, Secretary, Board of Intermediate Education and the Director of State Council for Educational Research and Training shall be the permanent invitees to the meetings of the Board.

(3) The State Advisory Board shall;

(a) advise the Government in matters related to the quality of instruction, curriculum, syllabus and other academic matters;

(b) review overall achievements in the minimum levels of learning;

(c) ensure coordination at various levels and among different departments dealing with the matters relevant to School Education; and

(d) ensure maintenance of uniform standards among institutions throughout the State.

(4) The term of office of the Board constituted under this section

shall be three years.

Provided that the Government, may extend the term of office of the Board for a period not exceeding one year at a time.

PART 4

Miscellaneous

17. Overriding effect :-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Andhra Pradesh Education Act, 1982 or any other law for the time being in force in the State.

Explanation :- For the removal of doubts it is hereby declared that in respect of matters not provided for in this Act, the provisions of the Andhra Pradesh Education Act, 1982 shall apply so far as Schools Education is concerned.

18. Powers to give directions :-

(1) For the purpose of giving effect to the provisions for this Act, it shall be competent for the Government to issue such directions as they deem fit to the officers, and authorities subordinate to them and also to any local authority and it shall be the duty of such officers, authorities and local authorities to comply with such directions.

(2) Government may, remove any member of the above mentioned committees at any time, on proven misconduct, non-performance or misuse of funds: Provided that no removal of such member shall be made without affording an opportunity of making a representation against such removal.

19. Power to make rules :-

(1) The Government may, by notification make rules to carry out any of purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules:

(i) as to the authority competent to constitute the Parent-Teacher Association, School Committee, Panchayat Education Committee, Mandal Education Committee, Municipal Education Committee and the District Education Committee, and the manner of their constitution;

(ii) as to the convening of the meeting of the association and the committees referred to in sub-clause (i) and the conduct of Business thereat;

(iii) to improve the quality of service in the schools by prescribing citizens charter and its implementation thereof; and

(iv) to ensure proper utilisation of funds at all levels through transparent procedures and monitoring their implementation through Social Audit.

(3) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in the session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.