

# **Andhra Pradesh School Education Regulatory and Monitoring Commission Act, 2019**

ANDHRA PRADESH

India

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### **Act 21 of 2019**

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Andhra Pradesh School Education Regulatory and Monitoring Commission Act, 2019(Act No.21 of 2019)Last Updated 9th March, 2020The following Act of the Andhra Pradesh Legislature received the assent of the Governor on the 14th August, 2019 and the said assent is hereby first published on the 16th August, 2019 in the Andhra Pradesh Gazette for general information :An Act to Provide for the Establishment of the Andhra Pradesh School Education Regulatory and Monitoring Commission to Maintain Standards of Education, Regulation of Fee, Competences of Teachers, Effective Inspection/Monitoring of Schools, and Implementation of Provisions of Right to Education Act, 2009, Public Spiritedness, Equity, Excellence, Financial Stability and Probity alongwith Good Governance in Une with the National Polity on Education and Right to Education Act, 2009 and for matters connected therewith or incidental thereto.Whereas, the Government of Andhra Pradesh is committed to educating and nurturing all students by providing better access, promoting enrolment and retention with emphasis on equity, quality and school infrastructure;And whereas, Andhra Pradesh is making strides towards overall growth and sustainable development, Education provides the surest instrument for attaining these goals;And whereas, as per unified data on School Education (U-DISE) 2018-19, Andhra Pradesh has 62,063 Schools covering 13 districts that include Primary Schools, Upper Primary Schools and High Schools. The total students enrolment from Primary to High School is 70,41,568. The total Teachers strength is 2,87,423. There are 778 Teacher Education Institutions managed and regulated by School Education Department, including Government and Private;And whereas, in the context of fast changes in the Education System, there is a need for change in the academic requirements, teaching methods, supervision, curricula, courses of study, system of examination, teacher training, school organization and teacher competences. This situation naturally calls for revised and continually rising standards in these key areas of School Educational Administration. The existing rules are not comprehensive enough to deal with aforesaid significant developments and have also proved ineffective in actual implementation. It has, therefore, become necessary to confer by law adequate powers on the

concerned authorities to deal with the changed situation; And whereas, the Government of India enacted Right of Children to Free and Compulsory Education Act, 2009; Now, therefore, in this regard, the Andhra Pradesh Government endeavors to establish a regulatory mechanism to maintain standards of school education, regulation of fee, competences of teachers, information disclosure, effective inspection/monitoring of schools, implementation of the provisions of Right to Education Act, punitive measures on defaulting schools etc. A Regulatory Commission established for this purpose will develop effective and responsive regulation ensuring maintenance of standards of education, regulation of fee in private institutions, implementation of provisions of Right to Education Act, 2009 (Central Act No.35 of 2009), public spiritedness, equity, excellence, financial stability and probity alongwith good governance in line with the National Policy on Education and Right to Education Act, 2009. Be it enacted by the Legislature of the State of Andhra Pradesh in the Seventieth Year of the Republic of India, as follows :-Chapter-I Preliminary

## **1. Short title, extent, commencement and application.**

(1) This Act may be called the Andhra Pradesh School Education Regulatory and Monitoring Commission Act, 2019. (2) It extends to the whole of the State of Andhra Pradesh. (3) It shall come into force on such date as the Government may, by notification in the Andhra Pradesh Gazette, appoint. (4) It shall apply to all the Pre-Primary, Primary, Upper Primary, Secondary Education and Teacher Education Institutes in the State of Andhra Pradesh.

## **2. Definitions.**

- In the Act, unless the context otherwise requires, - (1) "aided school" means a School, Teacher Education Institution established and run by the private individuals/societies, with the aid/financial support from Government; (2) "appropriate authority" means authority designated by Government for a particular purpose as per the existing rules; (3) "board" means Board of Secondary Education A.P. Central Board of Secondary Education, Council of Indian School Certification, any other Indian or International Board of examinations or any other board which Government may specify; (4) "commission" means the Andhra Pradesh School Education Regulatory and Monitoring Commission established under Section 3 of this Act; (5) "educational institution" means any institution of education in Pre-Primary, Primary, Upper Primary, Secondary Level and Teacher Education; (6) "fees" means the total amount collected by the school from the student(s)/their parent(s)/their guardian(s)/any person paying on behalf of the student. This to reflect the total burden on the parents and is the total of tuition fee and all other charges paid to or collected by the school; (7) "Government" means the Government of Andhra Pradesh; (8) "member" means a member of the Commission including the Vice-Chairperson; (9) "prescribed" means prescribed by rules made under this Act; (10) "private school" means a School, Teacher Education Institution established and run by the private individuals/societies governed/affiliated to State/Central/ other boards; (11) "regulations" means regulations made by the Commission under Section 21 of this Act; (12) "Regulatory Body" means any State or Central Regulatory Body set up for the purpose; (13) "School Education" means study of a curriculum or course for the pursuit of knowledge from pre-primary, Classes I to X and Teacher Education; (14) "student" means person enrolled in the Educational Institution, including teacher education for pursuing a course of study from

Pre-Primary, Classes I to X, Teacher Education;(15)"teacher", means Headmaster, School Assistant, Secondary Grade Teacher, Physical Education Teacher, pre-primary teacher, teacher education faculty, etc., or any other person required to impart education or to guide research or render guidance in any other form to the students for pursuing a course of study in such educational institutions, including teacher education institutions.

### **3. Establishment of Commission.**

(1)With effect from such date as the State Government may, by notification in the Official Gazette, appoint, there shall be established a Commission by the name of the Andhra Pradesh School Education Regulatory and Monitoring Commission.(2)The Commission shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said name;(3)The headquarters of the Commission shall be at such a place as may be notified by the State Government.

### **4. Composition of the Commission.**

(1)The Commission shall consist of,-(a)A Chairperson who is a Retired Judge of the high Court;(b)A Vice-Chairperson who is an eminent academician of National repute as prescribed under the rules;(c)One Member who is an eminent Chartered Accountant or a person with over 20 years of experience in the field of Public Finance;(d)Five Members who are eminent Academicians of National repute in school education & teacher education;(e)Two Administrative Members who have extensive experience in administrative matters preferably a person belonging to the Indian Administrative Service, or equivalent cadres, either working or retired;(f)One senior officer from School Education Department in the cadre of Director/ Addl. Director working or retired;(g)One representative from one of the good School Education Institution in the State.Such members must be of unimpeachable integrity and of undoubted eminence in their fields.(2)There shall be a Secretary who shall be the Chief Executive Officer of the Commission who shall be appointed by the State Government in consultation with the Commission on such terms and conditions, as may be prescribed from time to time.(3)The Chairperson and members of the Commission shall be appointed by the State Government, for a period of five years or until he or she attains the age of 70 years, whichever is earlier:Provided that after the expiry of the term of the office, the Chairperson or the member, as the case may be, shall be ineligible for further employment or any assignment in any of the School or Higher Educational Institutions within Andhra Pradesh or their associate offices or companies within or outside Andhra Pradesh.

### **5. Selection of the members of the Commission.**

(1)The Chairperson shall be appointed by the Government in consultation with the Chief Justice of High Court, Andhra Pradesh.(2)Members of the Commission shall be appointed by a Search-cum-Selection Committee consisting of,-(i)the Chief Secretary of the Government of Andhra Pradesh-Chairperson ex-officio; and(ii)four experts of repute who have special knowledge of, and professional experience in, school education & teacher education and related research, belonging to Institutes of National Importance, not holding any office of profit under the Government of Andhra

Pradesh, to be nominated as members by the State Government.(3)The terms of reference of the Search-cum-Selection Committee and the manner of selection of panel of names shall be such as may be prescribed.

## **6. Vacancy filled by the Government.**

- In the event of the occurrence of a vacancy in the office of the Chairperson by reason of his resignation, death or otherwise, the State Government shall appoint the Chairperson immediately in accordance with the provision of this Act and till such time the Vice-Chairperson shall officiate as the Chairperson of the Commission.

## **7. Resignation and Removal of members.**

(1)Any member, by notice, in writing, addressed to the Government may resign from office.(2)No member shall be removed from office without giving such member an opportunity to defend himself.(3)The State Government may, by order, remove from office, any member, in public interest

## **8. Appointment of officers and other employees of the Commission.**

(1)To efficiently discharge its functions under this Act, the Commission shall engage such number of officers and other employees as it may consider necessary, subject to such regulations as may be made in this regard.(2)The terms and conditions of service of the officers and employees of the Commission shall be such as may be prescribed.Chapter-III Powers and Functions

## **9. Powers and functions of the Commission.**

- The Commission shall take all such steps as necessary for ensuring coordinated and integrated development of School Education and maintain high standards and for the purposes of performing its functions under this Act. The Commission may,-(i)shall ensure that standards of infrastructure, admission, teaching, teacher education, student assessments, examinations, research and qualification of teachers are being maintained by the School Educational Institutions in accordance with the guidelines issued by the Central or the State Government from time to time;(ii)the Commission shall have the power to monitor and regulate Fee across all Private Schools in the State duly developing parameters of fee structure and grading of schools, irrespective of their Board of Affiliation (or Curriculum) including but not limited to CBSE, ICSE, IB, IGCSE and/or any other in Private Schools, and private teacher education institutions in School Education. However, this shall not apply to any of the school education institutions managed by the Government of India Agency or Department;(iii)the Commission shall lay framework of guidelines regarding the service conditions of teachers in Private (Aided and Un-Aided) School Educational Institutions and Private (Aided and Un-Aided) Teacher Educational Institutions;(iv)the Commission shall monitor the implementation of the provision of 12.1.C of the Right to Education Act, 2009, where by 25% of reservation of seats in Class-I in Private Un-Aided Schools for dis-advantaged groups and weaker sections by developing suitable guidelines;(v)the Commission shall also have the responsibility for setting up the

framework under which an independent Accreditation Agency/s shall carry out the task of accrediting school educational institutions, including Teacher Education Institutions;(vi)whenever required, the Commission may hold public constitutions with various stakeholders, including Private Education Institutions Management Associations, from time to time;(vii)the Commission shall ensure redressal of grievances of students and parents in a time bound manner;(viii)the Commission shall advise, when called upon to do so by the State Government, as the case may be, on policies relating to school education, teacher education and research in any field of knowledge therein; cause to be undertaken policy research in school education and teacher education to identify future direction and processes in school education;(ix)the Commission shall ensure that all School Education Institutions, including Teacher Education Institutions, comply with guidelines of information disclosure to supervise, monitor and evaluate their performance;(x)wherever required, the findings of the Regulatory Commission shall be communicated to appropriate authority for necessary action as per the provisions of law/Rules;(xi)if any School Education Institution/s, including Teacher Education Institutions fails, within a reasonable time, to comply with any directions made by the Commission, the Commission after taking into consideration the reasons/cause, if any, shall initiate action in accordance with the provisions of this Act;(xii)in case of successive violations of any provision of this Act, Rules and Regulations made thereunder, the Commission shall direct the appropriate authority to withdraw the affiliation or recognition of such institutions.

## **10. Penalties.**

(1)The Commission may, for the contravention of any provision of this Act or other relevant Acts/Rules or Regulations recommend the appropriate authority for imposing penalties made thereunder, or by directions impose appropriate penalty.(2)In case of grave violations, the Commission shall direct the appropriate authority to withdraw the affiliation or recognition of such institutions.(3)The penalty imposed under sub-section (1) shall be recoverable from the endowment fund or any other Fund or as an arrear of land revenue from the School Education Institution/s, including Teacher Education Institutions concerned. 1

## **11. Procedure and Powers of the Commission.**

(1)The Commission shall, for the purposes of any inquiry or proceedings under this Act, have the same- power's as are vested in a civil Court under the Code of Civil Procedure, 1908 (Central Act No.5 of 1908) in respect of the following matters, namely :-(i)Summoning and enforcing the attendance of any person and examining him on oath;(ii)discovery and production of any document or' other material object producible as evidence;(iii)receiving evidence on affidavits;(iv)requisitioning of any public record;(v)issuing commission for the examination of witnesses;(vi)reviewing its decisions, directions and orders;(vii)any other matters which may be prescribed.(2)The Commission shall have the powers to pass such interim order/s in any proceeding, hearing or matter as the Commission may consider appropriate.(3)The Commission may authorize any person, as it deems fit, to represent the interest of the students and parents in the proceedings before it.(4)All disputes under this Act shall be decided summarily in accordance with the provisions of Order XXXVII of the Code of Civil Procedure, 1908.(5)Notwithstanding anything

contained in this Act, the School Education Institution, including Teacher Education Institution shall be bound to comply with all the orders passed, rules, regulations, norms, etc., of the Regulating Bodies and provide all such facilities and assistance to such Bodies as are required by them to discharge their duties and carry out their functions. Chapter-IV Finance, Accounts and Audit

## **12. Payment to the Commission.**

- The State Government may, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission in each financial year such sums as may be considered necessary for the performance of functions of the Commission under this Act.

## **13. Fund of the Commission.**

(1) The Commission shall have its own Fund; and all sums which may from time to time be paid to it by the State Government and all the receipts of the Commission shall be credited to the Fund and all payments by the Commission shall be made therefrom. (2) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Commission.

## **14. Budget.**

- The Commission shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated 'Receipts and expenditure, and copies thereof shall be forwarded to the State Government.

## **15. Accounts and Audit of the Commission.**

(1) The Commission shall maintain its accounts in such form and in such manner as may be prescribed. (2) The accounts of the Commission shall be audited annually by the Comptroller and I Auditor General of India. (3) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the State Government, the Government shall cause the same to be laid before the State Legislature and shall also forward a copy of the audit report to the Commission for taking suitable action on the matter arising out of the audit report.

## **16. Annual Report.**

(1) The Commission shall, as soon as, may be, after the end of 1 each financial year, prepare and submit to the State Government, before such date and in such form as may be prescribed, a report giving an account of its activities during the previous year and the State Government, shall cause every such report to be laid before the I Legislature of the State as soon as may be, after its receipt. (2) The Commission shall send a copy of the audited annual accounts of the Commission j to the State Government every year, and the State Government shall cause such accounts to be laid before the Legislature of the State. Chapter-V Miscellaneous

## **17. Chairperson and members, officers and employees of the Commission to be public servants.**

- Chair-person and all the Members of Commission established under this Act, and all officers and other employees of the Commission when acting or purporting to act in pursuance of any provisions of this Act, or Regulations made or orders or directions issued thereunder shall be deemed to be public servants with the meaning of Section 21 of the Indian Penal Code, 1860 (Central Act No.45 of 1860).

## **18. Protection of actions taken in good faith.**

- No suit, prosecution, or other legal proceedings shall lie against the Commission, or Chairperson or any member, officer, employee in respect of anything done or intended to be done in good faith, or any contract of any kind entered into by the Commission in good faith in pursuance of this Act, or the regulations made, or orders or directions issued thereunder.

## **19. Power of State Government to issue directions.**

(1)The State Government shall be empowered to seek a review of any of the decisions of the Commission, for reasons to be recorded in writing.(2)The State Government can revise and modify the order of the Commission through speaking order in public interest.

## **20. Power to remove difficulties.**

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary for the purpose of removing the difficulty:Provided that no such order shall be made after the expiry of three years from the commencement of this Act.(2)Every order made under this section shall be laid, as soon as it is made before the State Legislature.

## **21. Power to make regulations.**

(1)The Commission may, make regulations to carry out the provisions of this Act with prior approval of the Government.(2)Every Regulation made under this section shall be laid, as soon as it is made before the State Legislature.

## **22. Power to make rules.**

(1)The State Government may, by notification publish in the Official Gazette, make rules in consultation with the Commission for carrying out the provisions of this Act.(2)Without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :-(a)procedure to follow by the members in the discharge of their functions;(b)the

inspection of School Education Institutions;(c)the form and manner in which the accounts shall be maintained by the Commission under Section 15 of this Act;(d)such other matters as may be required for proper functioning of the Commission.(3)Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the next 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 Legislature of the State 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.