

Reimbursements under RTE Section 12(2)

Too Little, Too Late



ASPECTS STUDIED UNDER THE PROJECT



KEY FINDINGS



1. Reservations under RTE Act 2009 is akin to government acquiring private land (Eminent Domain)

Prompt compensation is a must for such takings; at the very least, schools should be paid interest on dues in case of delays



2. Untimely and inadequate reimbursements ring loudly in the system

Schools in Delhi often receive reimbursements 2-3 years after filing claims

Amount for books, uniforms, and other mandated supplies is arbitrarily fixed, grossly insufficient, and at times, not reimbursed



3. Private schools face procedural bottlenecks in claiming reimbursements

Timelines for filing reimbursement claims are not fixed in Delhi; schools rely on informal networks for updates

Rectifying errors takes a long time and requires schools to visit the Directorate and resubmit all data

Procedure for filing reimbursements varies across districts in Delhi

Schools report paying 1% of their reimbursement amount to government officials as facilitation fees for timely reimbursements



4. Reimbursement delays and inadequacy have a ripple effect

Delays affect school cash flows, staff salaries, quality of education, and motivations to run a school

Cost of educating EWS/DG students is often passed on through a fee hike to fee-paying parents. Not surprisingly, all fee regulatory Acts in India for private unaided schools came after the RTE Act



5. Current formula for calculating per-child costs for reimbursement is not reliable

Formula uses total enrolment as a factor— a number often over-reported, therefore, reducing the total per-child expenditure calculated



6. Different High Courts; Different approaches

The High Court of Madras observed that since private schools are reimbursed for 25% children, schools should not charge "excess fees" from other students

The High Court of Madhya Pradesh directed the government to process reimbursement claims within 3 months of receiving applications; no other High Court in the country has taken this necessary stand so far