

HARYANA SCHOOL EDUCATION (AMENDMENT) RULES 2021 Fee Rule, 158

FFRC workshop on 5th January' 2022

PREAMBLE

- Para 8.1 of NEP 2020 reads: *...regulation must aim to empower schools and teachers with trust, enabling them to strive for excellence and perform at their very best, while ensuring the integrity of the system through the enforcement of complete transparency and full public disclosure...*
- Haryana has taken lead in promulgating a progressive, balanced and transparent mechanism for fee regulation and redressal of parental grievances
- Process adopted includes reviewing issues that have come up in the state from time to time since 28.01.2014 when erstwhile 158(A) and 158(B) were promulgated; study of legislations prevailing in various states; examining various pronouncements by apex court and High Courts and a consultative process with various stakeholders

UNDERLYING PRINCIPLES

- To remove all ambiguities and generality
- To provide a transparent, logical and legitimate formula for fee regulation
- To provide predictability to parents enabling them to plan the entire expenditure on their ward's education for 12-14 years
- To provide an efficient and time-bound grievance redressal mechanism for parents at local level
- To plug frivolous fee related complaints and curb misguided activism
- Self-Regulatory framework leading to 'Ease of doing business'

NEW DEFINITIONS ADDED

DEFINITION	COMPARISON WITH EXISTING RULES
<i>2(fa): 'educational purposes' means any educational activity undertaken by a recognized school and/or its affiliates, inter alia including creation of courses/curricula, patents, research and development activities, teacher training programmes, staff development programmes, upgradation of technology, vocational training, co-curricular/sports activities, developing of sports and physical infrastructure including establishment of new branch or a new school, the payment of cost of capital not exceeding fifteen percent of the revenue</i>	<ul style="list-style-type: none">• New addition• This definition clearly lays down and defines the areas in which an unaided private school can deploy its surplus.• This definition would provide the basis for FFRC to dispose off complaints, if any received for violation of new rule 158(12)

NEW DEFINITIONS ADDED

DEFINITION	COMPARISON WITH EXISTING RULES
2(fb) 'Fee' means fee and fund that a recognized school shall collect as prescribed under sub-rule (1-4) of rule 158.	<ul style="list-style-type: none">• New addition• Sub-rule (1) of amended rule 158 clearly defines and limits the types of fee and their nomenclature that a recognized school can levy/charge• This definition shall standardize the otherwise quite a heterogenous set of multiple fee nomenclatures currently in practice
2(1a) 'profiteering' means an activity of charging capitation fee or charging fee by a recognized school from any student or parents or guardians in excess of the fee as determined in accordance to sub-rule (1) of rule 158	<ul style="list-style-type: none">• New addition• This definition would provide the basis for FFRC to dispose off complaints, if any received for violation of new rule 158(11)

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(1) - determination of fee by a recognized school	Provides basis for recognized schools to determine their fee structure on their own commensurate to their offerings and in compliance the foregoing sub rules of rule 158	New addition Defines basis for recognized schools to determine their fee
158(2) - fee collection by a recognized school	Debars recognized schools from mandating fee collection only in cash anymore. Recognized schools have to provide for payment through cheque/DD/RTGS/NEFT/any other digital mode as well	New addition Ensures transparency in financial matters
158 (3) – fee payment cycle	Debars recognized schools from mandating collection of fee only on six monthly or annual basis. Recognized schools have to provide for monthly/bi-monthly or quarterly payment option	New addition Provides for payment flexibility for parents

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(4)(i) – Mandatory fee components a recognized school can charge	<ul style="list-style-type: none"> One-time chargeable prospectus and registration fee has been defined Admission fee to be payable at the time of new admission to the school or the time of admission in class 1st, 6th, 9th & 11th Examination Fee can be collected only against external board examinations YoY recurring fee components have been unified under a single head 'Composite Fee'. YoY increase in the same is subject to Rule 158(9). Schools charging fee in multiple heads up to academic year 2021-22 shall have to combine all the mandatory fee components charged erstwhile under different heads into a single head called 'Composite Fee' from academic year 2022-23 onwards. 	<ul style="list-style-type: none"> New addition Different schools were maintaining different and often multiple fee nomenclatures, which created confusion and prevented comparison This new Rule shall simplify and standardize fee nomenclatures across all schools in the state

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(4)(ii) – Optional fee components a recognized school can charge	<ul style="list-style-type: none">• A recognized school may prescribe and charge ‘optional fee components for offering optional facilities such as transport, boarding, mess etc• Optional fee components not subject to regulation provided under Rule 158(9)	<ul style="list-style-type: none">• New addition• This new Rule shall make public mandatory and optional programmes offered by a school
158(4)(iii) – Refundable Security Deposit	<ul style="list-style-type: none">• Refundable to students upon leaving the school and clearing all dues• Such deposit cannot exceed 50% of composite annual fee	<ul style="list-style-type: none">• New addition• Protects parental interests

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(5) Mandating transparency through amended Form VI	<ul style="list-style-type: none"> • An amended, simplified yet much detailed Form VI has been prescribed to ensure transparency and accountability of recognized schools • Schools mandated to submit Form VI on-line with the department for ensuing academic year on or before 1st February of that year • Schools mandated to keep the Form VI in public domain at all times • Information of personal nature pertaining to teachers not to be made public – to be shared only with the department • Non submission of Form VI or non display of Form VI in public domain shall debar recognized school from increasing the fee 	<ul style="list-style-type: none"> • ‘Form VI’ has been simplified and further detailed • Current Rules do not mandate making ‘Form VI’ Public • Comprehensive ‘Form VI’ further empowers parent community with important school information
158(6) Curbing commercialization	<ul style="list-style-type: none"> • Recognised school cannot mandate parent to purchase collaterals such as text-books, work-books, uniforms etc from only a particular shop 	<ul style="list-style-type: none"> • New addition • Curbs malpractice of commercialisation

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(7) Curbing frequent change in uniforms	<ul style="list-style-type: none">Recognized school cannot change uniform before five years	<ul style="list-style-type: none">New additionCurbs commercialization under garb of making frequent 'improvements'
158(8) Empowers parents to make an informed decision for admission	<ul style="list-style-type: none">All recognized schools mandated to provide for a detailed prospectus to student at the time of admission	<ul style="list-style-type: none">New additionWith multiple schools to choose from, a detailed prospectus empowers parents to do comparison and make informed choice

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(9) YoY Fee Increase – now parents are empowered to predict the financial outlay for complete school journey of their ward/s	<ul style="list-style-type: none">• YoY fee increase linked to per-capita increase in teacher salary• Such increase capped at CPI + 5%.• Every year in the month of January the department shall compute and publish the average CPI based on data publicly displayed by Ministry of Statistics and Programme Implementation, GoI (MOSPI)• CPI + 5% historically translates into 7.5% - 10.5% YoY increase• At the time of admission in entry grade, parents to be given fee structure for all grades. This would clearly pre-inform parent of a slab change that may occur while moving to a higher school level such as from primary to middle etc. This fee structure becomes the basis for fee determination/YoY increase for upper grades covering the entire schooling journey• For years of which pay commission revision, the cap of CPI+10% shall apply	<ul style="list-style-type: none">• Currently no basis prescribed for YoY fee increase• Teachers are empowered as fee increase linked with increase in teacher salaries• Cap of CPI+5% shall curb malpractices of faking increase in teacher salaries• Teachers further empowered in pay commission years• Amended Form VI provides computation for Fee Increase

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(10) Determinatio n of Fee for New Students	<ul style="list-style-type: none">• Recognized schools can prescribe a different fee structure for students seeking fresh admission in a school• Once admitted, YoY fee increase shall be subject to rule 158(9)	<ul style="list-style-type: none">• New addition• Allows school to upgrade its facilities and recover costs from newly admitting students who take admission based on upgraded infrastructure.• Fee of existing students remains protected
158(11) debars mid- year and non- permissible fee increase	<ul style="list-style-type: none">• Curbs malpractice of randomly increasing fee within an academic year, debars collection of capitation fee or increasing fee in violation of rule 159(9)	<ul style="list-style-type: none">• Protects parental interests and offers them predictability of finances

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(12) Deployment of income/surplus generated by a recognized school	<ul style="list-style-type: none">• Can only be deployed for 'educational purposes' as defined in 2(fa) of the Rules	<ul style="list-style-type: none">• New addition• Curbs diversion of funds
158(13) Exemption to low fee schools from Fee Regulation	<ul style="list-style-type: none">• 158(9) and 158(10) not applicable on:<ul style="list-style-type: none">• Primary schools charging fee up to Rs 12,000 PA• Middle/Secondary/Senior Secondary schools charging fee up to Rs 15,000 PA	<ul style="list-style-type: none">• Prevents over-regulation of micro set ups who do not have wherewithal

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(A)(1) Fee and Fund Regulatory Committee	<ul style="list-style-type: none">• FFRC at Division Level under the chairmanship of respective Divisional Commissioner's	<ul style="list-style-type: none">• Same as existing
158(A)(2) Filing of complaints against a recognized school	<ul style="list-style-type: none">• Empowers student or parent or guardian to make complaints against a recognized school• Nature of grievances against which complaints can be made have been defined – violation of provisions of sub rules (1) to (11) of rule 158• Complaints cannot be made against sub-rule (4)(ii) - <i>optional fee components</i> and sub-rule (13) - <i>micro schools charging fee below the provided threshold</i>	<ul style="list-style-type: none">• Provides for grievance redressal mechanism at local level• Only a student/ parent/ guardian can make complaint• shall curb misguided activism by self proclaimed associations/ activists• Shall curb malpractice of filing frivolous complaints

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(A)(3)(4) and (5) Complaint redressal process and penal action	<ul style="list-style-type: none">Provides transparent mechanism to be adopted for complaint redressalProvides for timely disposal of complaints – within three monthsProvides for obtaining certificates issued by statutory auditors of the schools - <i>Statutory auditors are liable under law for making false declarations.</i>Provides for penal action that FFRC can direct:<ul style="list-style-type: none">imposing step-up penalties against erring schools as definedrecommending withdrawal of 'recognition' for repeated violation for three times to the Directorordering school for refund of excess fee, if so collected or re-instatement of admission, if so cancelled by the school in violation of the Rules	<ul style="list-style-type: none">Complaint disposal mechanism has been defined and timed – this will ensure fast disposal of complaintsStatutory auditors of the school have been made liable – this will avoid mandating third party auditsFinancial penalties have been introduced for erring schools

NEW RULES

NEW RULE	EXPLANATION	COMPARISON
158(B) Appeal process against orders passed by FFRC and Director	<ul style="list-style-type: none">• Appeal against an order to be made within 30 days• Penalties, if any imposed by the adjudicating authorities should be paid before filing an appeal	<ul style="list-style-type: none">• Same as before• Payment of newly introduced penalties made mandatory before filing an appeal
New Form VI	<ul style="list-style-type: none">• Qualitative disclosures such as affiliations/accreditations, student : teacher ratio etc added• More quantitative disclosures such as space : student ratio; class strengths etc added• Table provided to transparently display computation of YoY fee increase	<ul style="list-style-type: none">• Simplified and yet more detailed with more qualitative information• Mandated to be kept in public domain at all times (<i>subject to point no 10 – personal information of teachers</i>)

FAQ's

SL NO	QUESTION	ANSWER
1	Can a parent make a complaint that the school has not provided basis for determination of school fee and if so, what is the redressal	If the school has furnished and made public duly filled Form VI, the same becomes basis of fee determination for the school. If the school has not furnished and made public Form VI, the school can be debarred for increasing fee for that year.
2	Can a school collect fee in cash if a parent insists to do so	No, all collections of fee mandatorily be collected from student through cheque/DD/RTGS/NEFT/any other digital mode of payment.
3	Can a complaint be entertained from a parent that the school is not accepting fee payment on monthly or bi-monthly basis	Unless otherwise directed in situation of force majeure such as the pandemic, schools are entitled to determine their fee payment cycle between monthly or bi-monthly or quarterly. As long as the school publishes and pre-informs it's fee payment cycle between any of the three, the school cannot be compelled to alter its fee payment cycle.

FAQ's

SL NO	QUESTION	ANSWER
4	How to dispose complaints, if any that while combining the erstwhile fee components into composite fee, school has further inflated its fee	To dispose of such complaints, a certificate from the statutory auditor of the school should be called for. Statutory auditor should attach the copy of Form VI filed by the concerned school for academic year 2021-22 along with its certificate. The certificate should identify and add all the mandatory fee components emanating out of the Form VI for academic year 2021-22. The certificate should further certify per capita increase in teacher salary YoY in the table as provided in new Form VI. Certificate should then apply fee increase formula as provided in rule 158(9) and compute fee for academic year 2022-23.
5	Does Rule 158(10) mean that there could be a situation in future that students sitting in same class may be paying differential fee	Yes. This rule enables schools to upgrade their facilities and recover such costs only from such new students who take admission in the school based on upgraded facilities and agree to pay commensurate fee that the school has pre-declared. Once admitted, their interests are protected through rule 158(9). This provision protects interests of existing students who cannot be forced to pay increased fee for school upgradation.

FAQ's

SL NO	QUESTION	ANSWER
6	Who will determine the average CPI as provided in rule 158(9)	Director School Education, Haryana shall publish the table as provided in amended Form VI in the month of January after MOSPI publishes the December CPI on 12 th of January every year
7	Can schools following different academic calendars follow different cycle for computing CPI	No. All schools in Haryana irrespective of the academic calendar they follow shall comply with the average Jan-Dec CPI published by Director School Education, Haryana in the month of January
8	How to compute per-capita increase in teacher salary	Form VI provides a table that duly provides for computation of per capita increase in teacher salary. Same has to be filled by the respective schools.
9	How to dispose off complaints alleging that per-capita increase in teacher salary has been less than what has been claimed.	To dispose off such complaints a certificate from statutory auditors of the school has to be obtained confirming per-capita increase in teacher salary.

FAQ's

SL NO	QUESTION	ANSWER
10	What kind of complaints can be accepted and examined by FFRC	As provided in 158(A)(2) FFRC can accept and examine complaints made for violation of provisions of sub-rules (1) to (11) of rule 158, subject to sub-rule (4)(ii) and sub-rule (13) of rule 158. This is a comprehensive set of reasons for complaints. No other complaint can be entertained by the FFRC.
11	What mechanism should FFRC follow to determine complaints of financial nature	As provided in rule 158(A)(3) upon receipt of a complaint of financial nature, FFRC should ask for a certificate issued by the statutory auditor of the school. Statutory auditors are liable with severe penalties under law for making false declarations.
12	Can a third-party audit be ordered against such complaints	No, third party audit cannot be ordered for any kind of complaint. FFRC member with accounts background as provided in 158(A)(1)(ii) can assist FFRC in interpreting the certificate issued by statutory auditor.

FAQ's

SL NO	QUESTION	ANSWER
13	How to deal with complaints made by certain 'Abhibhavak Sangh' or an activist/leader	As provided in rule 158(A)(2) only a student or parent or guardian of a student can make a complaint to FFRC. Complaints from any 'Abhibhavak Sangh' or 'activist/leader' can not be entertained.
14	Can DEO or DEEO accept/entertain/ dispose of complaints from parents	No. Complaint redressal is the exclusive domain of FFRC in the respective division of the state.
15	What about complaints other than violation of provisions of sub-rules (1) to (11) of rule 158, subject to sub-rule (4)(ii) and sub-rule (13) of rule 158	Such complaints can only be made to Director School Education, Haryana