



Monograph: January 2019

## CBSE Bye-Laws 2018

### A good attempt towards “Ease of Delivering Education” and a missed opportunity

The new CBSE bye-laws 2018 is a well-intentioned and a reasonable attempt towards the ease of delivering education even when it is a missed opportunity. The last time the bye-laws were amended was in 2012, shortly after the introduction of the RTE Act, 2009.

The emphasis in the new CBSE bye-laws is on a simplified process, less burdensome infrastructure requirement, giving importance to sports and balanced education, clarity on ambiguous areas through special provisions and making academics and training as the major focus areas. Specifically, the new bye-laws have provided changes in the following areas: a) Affiliation process and timelines; b) Infrastructure requirement, c) Matters relating to innovative schools, foreign schools, change of name, transfer or closure of school and schools in two shifts; d) Academic excellence and teacher training and e) emphasis on sports.

CBSE’s focus on reducing the red-tape and making an active effort to achieve “ease-of-management” of the schools is a welcome step. However, the new bye-laws fall short of the need of “quality education” and missed the opportunity to address the root of the problem - “high entry barrier in setting-up and running schools in India”.

It appears that CBSE’s goal for the new Bye-laws was in line with Ease-of-doing-business. The new bye-laws largely focus on ease of setting-up, running (and even shutting down!) of schools from the point of view of the management of schools, for which a good job is done.

A great opportunity of lowering the barrier of setting-up and running schools by allowing micro-schools was missed by CBSE. Further, the old approach of infrastructure and land norms and requirement should have given way to the quality of education.

All the changes made in the new Bye-laws are appreciated though they are incremental, as against being transformational. The changes ushered in through the new bye-laws are likely to bring relief to management or schools, specifically privately managed schools. The new bye-laws score a B+ grade in incremental changes and an F grade in transformational changes.

#### About Eduvisors:

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# Changes in Definitions

Parameters	Bye Laws 2012	Bye Laws 2018
<b>Definitions</b>		
• Affiliation	<ul style="list-style-type: none"> <li>▪ Formal affiliation of a school               <ul style="list-style-type: none"> <li>➤ <i>Upto Class VIII</i></li> <li>➤ <i>Boards Examination</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>▪ Formal affiliation of a school for <i>Boards Examination</i> <ul style="list-style-type: none"> <li>➤ <i>Includes all categories and types</i></li> </ul> </li> </ul>
• Composite Affiliation	<ul style="list-style-type: none"> <li>▪ Affiliation from Class I to X or I to XII</li> </ul>	<ul style="list-style-type: none"> <li>▪ Affiliation for running of all classes for which the affiliation has been granted</li> </ul>
• Upgradation	<ul style="list-style-type: none"> <li>▪ Sec. School (I – X) to Senior Sec. School (I – XII)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Upgradation of a school under all categories</li> </ul>
• Extension	<ul style="list-style-type: none"> <li>▪ Extension of Provisional/Regular Affiliation granted to a school</li> </ul>	<ul style="list-style-type: none"> <li>▪ Extension of the period of affiliation granted to school</li> </ul>
• Examination	<ul style="list-style-type: none"> <li>▪ Examinations conducted by CBSE</li> </ul>	<ul style="list-style-type: none"> <li>▪ Examinations conducted by CBSE including Board's annual examination or any public examination</li> </ul>
• School	-	<ul style="list-style-type: none"> <li>▪ As defined in Section 2 of the Right to Education Act</li> </ul>
• Recognition	-	<ul style="list-style-type: none"> <li>▪ Formal recognition of a school in accordance with the RTE/State/UT Education Acts</li> </ul>
• Capitation Fee	-	<ul style="list-style-type: none"> <li>▪ Defined in Section 2 of the RTE Act</li> </ul>

## Highlights

- The bye laws have made a reasonably sound effort to align with the Right to Education Act
- The terms provisional or regular affiliation cease to exist. Henceforth, Composite Affiliation is into existence
- The definition of Upgradation, School, Recognition and Extension is provided with a cogent meaning

# Categories of Schools

CBSE has clearly defined the categories of schools that can apply for Affiliation

Parameters	2012	2018	Remarks
<b>Categories of Schools</b>			
Government Schools	Yes	Yes	<ul style="list-style-type: none"> <li>Elaborate and descriptive</li> <li>The bye laws of 2018 has crisp subdivisions to avoid discrepancies</li> <li>Schools located in foreign countries is the category which was not defined in 2012</li> <li>Section 8 of the Company's act is explicitly mentioned</li> </ul>
Government Aided Schools	Yes	Yes	
Run by Autonomous Organisations (KV,S, NVS etc)	Yes	Yes	
Run by other Government Dept. (Railways, Defence etc)	Yes	Yes	
School Managed by Societies formed by Centre or State PSU, Statutory and Autonomous Bodies	Yes	Yes	
Private School			
<i>Societies Registration Act, 1860</i>	Yes	Yes	
<i>Registered Trust</i>	Yes	Yes	
<i>Section 8 of Companies Act, 2013</i>	No	Yes	
School located in foreign countries	No	Yes	
Any other category as specified by board over time	No	Yes	

▪ Regular Affiliation i.e. One time Affiliation is applicable

▪ For rest of the categories, only Composite Affiliation is available

▪ It is for a period of 3 years

▪ Applicable with respect to all classes category

## Key Impact

- Provisional, Permanent affiliation has been scrapped
- Composite Affiliation to hold true for all categories of schools (Middle, Senior and Senior Secondary)
- Direct Affiliation till class XII is also applicable

# Affiliation Process

## CBSE Bye laws 2012

- **Provisional Affiliation**  
3 – 5 years
- **Permanent Affiliation**  
Only after Provisional Affiliation
- **Regular Affiliation**  
Only Granted to Government / Aided, Autonomous Org. And PSU schools

Recognition from State Government

NOC from State Government

Land Area requirements

Infrastructure Requirements

Other Requirements\*



\* It Includes:

- Library
- Staff salary and conditions
- Fee
- Student Admission
- Reserve fund

## CBSE Bye laws 2018

### ● Composite Affiliation

#### ● Pre Affiliation



Recognition from State Government

NOC from State Government

Land Area requirements

Infrastructure Requirements

Website, Online Document Submission and Letter of Intent

#### ● Post Affiliation



Staff and Service Conditions

Student Admission

Commencement Certificate

Financial resources

Other Requirements\*\*

### ● Regular Affiliation

Only Granted to Government / Aided, Autonomous Org. And PSU schools

\* It Includes:

- Books
- Curriculum and Syllabus
- Quality of Education
- Teachers (PET, Special Educator and Counsellor)

### Major Changes

Less cumbersome process and less red-tape

Only online submission of documents - leading to ease of transaction and more transparency

Focus on Curriculum, Quality of Education and Special attention to students



Changes observed

# Major Changes: Land Requirement

There has been changes in the requirement in the land for the establishment of a school

The land area is linked with the number of sections the school can have which was not stated in the 2012 bye-laws

Parameters	Bye Laws 2012	Bye Laws 2018	
Minimum Land requirement (Pan India)	2 acres or 8094 sq. feet	8000 *sq. feet – <b>(48)</b> 6000 sq. feet – <b>(38)</b>	Minimum land area is subjected to restriction on enrolment and number of sections
<i>Exception to this rule</i>			
<ul style="list-style-type: none"> <li>Hilly areas</li> <li>Other cities (Ahmadabad, Bengaluru, Pune and Hyderabad)</li> </ul>	1 acre or 4047 sq. feet	2000 sq. metres - Class X <b>(10)</b> 3000 or 4000 sq. metres - Class XII <b>(24 and 28 respectively)</b>	*For more than 8000 square metres, there can be 12 sections for 2000 square metres of additional land
<ul style="list-style-type: none"> <li>Delhi , NCT and Other Metropolitan cities</li> </ul>	Min. Population - 2.5 million Till Class XII ➤ 4 streams : 4000 sq. metres ➤ 2 streams: 3000 sq. metres Till Class X: 2000 sq. metres	Min. Population - 1.5 million For Delhi and other metropolitan cities: ➤ Class X: 1600 sq. Metres <b>(10)</b> ➤ Class XII: 2400 <b>(24)</b> or 3200 sq. Metres <b>(28)</b> For Non Capital Territory: 4000 sq. Metres <b>(28)</b>	
Leased Term	<b>30 years</b>	<b>15 years</b>	

**Note:-** ( ) indicates number of sections allowed for particular land area

# Other Important Changes (1 of 2)

## Physical Infrastructure

Parameters	Bye laws 2012	Bye laws 2018
Computer Laboratory	<ul style="list-style-type: none"> <li>▪ No Minimum prescribed limit</li> </ul>	<ul style="list-style-type: none"> <li>▪ 9m * 6m (approx. 600 sq. feet)</li> <li>▪ 1 lab for every 800 students</li> <li>▪ Minimum of 20 computers</li> </ul>
Mathematics Laboratory	<ul style="list-style-type: none"> <li>▪ No Minimum size prescribed limit</li> </ul>	Minimum size (48 sq. feet)

## New Additions

Following are the new additions which did not exist in CBSE Bye laws 2012

Parameters	Description
<b>Before Affiliation</b>	
<b>Website</b>	Running website with all important information
<b>Document Submission</b>	Information should be uploaded on the website along with 2 documents <ul style="list-style-type: none"> <li>➤ <i>Certificate of Recognition (From District Education Administration)</i></li> <li>➤ <i>Self Affidavit</i></li> </ul>
<b>Letter of Intent</b>	Issued by the Board after satisfactory report of Inspection and fulfilment of all essential conditions

## Other Important Changes (2 of 2)

Parameters	Description
<b>Post Affiliation</b>	
<b>Electronic Clearing Service</b>	Electronic clearing of the salaries by the school
<b>Quality of Education</b>	School must be quality driven and must strive for excellence in all aspect of activities
<b>School Fee</b>	Fee charged should be clearly stated along with other necessary details
<b>Physical Education Teacher (PET)</b>	PET should be appointed for (1:500) at each stage
<b>Special Educator</b>	Every Sec. and Senior Sec. should appoint a person for performing the duties of special educator
<b>Counselling and Wellness Teacher</b>	For Sec. & Senior Sec. school; Enrolment of less than 300 students (IX - XII) should hire part time
<b>Commencement Certificate</b>	Certificate should be provided to CBSE

### Impact of CBSE Bye laws 2018 in the process of affiliation

- The affiliation process of has become completely online
- The submission of documents will commence from 1<sup>st</sup> Jan to 31<sup>st</sup> Mar of the academic year
- School Fee is mandatory to be revealed on the website
- The process has become less cumbersome and all required parameters are mentioned in details, avoiding any ambiguity

# Special Provisions for Foreign and Innovative Schools

## Foreign School

Parameters	Description
<b>No Objection Certificate</b>	The school should submit the NOC issued after due diligence by High Commission of India in the respective country
<b>Teachers</b>	Qualified teachers <i>as per</i> the qualifications prescribed in the respective country
<b>Salary of the Staff</b>	Salary and allowances should be paid <i>as per</i> the prescribed norms of the respective country
<b>School Management Committee</b>	SMC should be established, if the local laws state the same. If not, the school should provide an affidavit stating the same
<b>Building, Fire and Water Certificates</b>	The school should provide all respective certifications required in the respective country

## Innovative School

Conditions for Affiliation
School will cover specialised schools implementing innovative ideas in the field of education, arts , science etc.
Affiliation will be granted as per the functional requirements
School shall provide recognition certificate <i>as per</i> RTE Act 2009.
The admission issued to the school shall be governed by the NOC issued by State/UT Government



# Special Provisions (1 of 2)

To avoid any ambiguity, there are clear cut instructions in CBSE bye laws 2018 on

- Transfer of Schools from Society/Trust/Company
- Schools in two shifts
- Shifting of school from one campus to another
- Change of Name of the school/society
- Closure of School (CBSE bye-laws outline the process of closure of school with a reference to fee for closure of school However, the amount is not specified due to an act of omission by CBSE - this mistake will hopefully be rectified in a subsequent communication by CBSE)

## Transfer of Schools from Society/Trust/Company

*Note: This is not applicable for autonomous schools*



- Genuine reasons should be furnished before the board
- Approval of State/UT Government
- Minimum Affiliation with the Board: 5 years

## Schools in two shifts



- Approval of State/UT Government
- Inspection by the Board
- Separate teaching and Non-teaching staff (includes Headmaster and Vice Principal)
- Separate Attendance registers
- Minimum gap of 30 min. before the board
- Junior should be in the morning whereas Senior classes in evening shifts

# Special Provisions (2 of 2)

## Shifting of Schools from one campus to another



- Approval from the State/UT Government
- An affidavit notarised not to use the CBSE affiliation number at the old site
- Inspection of the new location

## Change of Name of the School



- Approval of State/UT Government
- Resolution passed by the society
- Validation of documents related to land ownership and other clearance

## Change of Name of the society



- Approval from the Government
- Change certificate from the registration society

## Closure of School



- Minimum Affiliation with the Board: 3 years
- Resolution passed by the society
- Approval from the appropriate government

# Training and Quality Assessment

- CBSE bye laws 2018 has paved the way for assessing not only the infrastructural requirements but also strive on academic excellence of the school.
- For this CBSE has explicitly prescribed in service Teachers training and Quality Assessment to help school attain academic excellence

## Annual Trainings

- 3 days mandatory in house training for every teacher
- 2 days training programs preferably in association with the Centre of Excellence
- 2 days mandatory training for the Principal preferably in association with the Centre of Excellence

*Note: These trainings can also be provided online with the help of IT platforms like DIKSHA or SWAYAM*

## Triennial Trainings

- Minimum 5 days mandatory in-house training
- Frequency: Every 3
- For entire Teaching staff

### Highlights:

- The training should be video recorded and comprehensively documented
- Training Participation Certificates should be preserved and produced during Upgradation and Extension

# Summary: Significant Changes

## Affiliation Process

- Completely Online Process
- Synergistic Association between State authorities and CBSE
- Clear delegation of the inspection roles
- Composite Affiliation is in existence
- Provisional and Permanent Affiliation cease to exist
- Pre and Post Affiliation process to make it an easier and a reliable process

## Land Requirements

- Leased Land tenure – 15 years
- NCR has different land requirements as compared to Delhi
- For metropolitan city population – 15 lakhs

Clear cut procedure is defined in the 2018 edition of CBSE Bye Laws

## Special Provisions

- Innovative Schools – Affiliation Guidelines
- Foreign Schools
- Process for Transfer of School
- Process for Change of Name of the School
- Process for Closure of School
- Schools in two shifts

## Other Focus Areas

- Academic Excellence
- Teachers Training

## Emphasis on Sports

- Sports are mandatory in Schools
- Provision of tie ups with the nearby schools and colleges for utilisation of sports facilities

## Submission Date

- 1<sup>st</sup> Jan - 31<sup>st</sup> Mar



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