For Private Circulation only | July 2020





### New Education Policy 2020

On July 29, 2020, the Union Cabinet approved the New Education Policy, 2020 ("**Policy**"). This Policy will replace the 34-year-old National Policy on Education, 1986 (as modified in 1992).

The Policy is based on the recommendations of the Committee for Draft National Education Policy constituted in June 2017 chaired by Dr. K. Kasturirangan (**"Committee**").

In this Issue

School Education

**Higher Education** 

**Additional Focus Areas** 

Basis the recommendations of the Committee, the Policy aims to revise and revamp all aspects of the education structure, to create a new system that is aligned with the aspirational goals of 21st century education, while remaining consistent with India's traditions and value systems. The Policy strives to make the education system more holistic, flexible, multidisciplinary, inclusive and equitable wherein participation and learning outcomes are equalised across all genders and social categories.

Through this Policy, India aims to reconfigure the entire education system and align it with sustainable development goal 4 of the 2030 Agenda for Sustainable Development adopted by all the United Nations Member States which seeks to *"ensure inclusive and equitable quality education and promote lifelong learning opportunities for all"* by 2030.

To achieve these goals, the Government of India along with the State Governments, aims to increase public spending on education to 6% of the GDP.

In order to bring the focus back on education and learning, one of the first steps suggested under the Policy is to re-designate the Ministry of Human Resource Development as the "*Ministry of Education*" (hereinafter referred to as the "**Ministry**"). It further provides an overview of the new regulatory and governance structure which will oversee educational institutions across the country and sets out the various steps that are required to be undertaken by the regulators in order to achieve the objectives and goals enshrined under the Policy.

### Key Highlights of the Policy:

In general, the Policy can be divided into 3 parts. Part I deals with school education, Part II deals with higher education while Part III deals with matters pertinent to both school education and higher education.

### **School Education**

#### 1. Revamping the Regulatory Framework

• The Policy provides for setting up of an independent State School Standards Authority ("**SSSA**"), which will establish a minimal set of standards based on basic parameters

0



(namely, safety, security, basic infrastructure, number of teachers across subjects and grades, financial probity, and sound processes of governance), which shall be followed by all schools.

- The SSSA will prescribe the regulatory information to be provided by schools through transparent public self-disclosures which can be used extensively for public oversight and accountability.
- The SSSA will be supported by the State Council for Education Research and Training ("SCERT") which will lead all academic matters and will develop a School Quality Assessment and Accreditation Framework through consultations with all stakeholders for regulation of schools based on a system of accreditation.
- The Policy calls for a detailed review of the existing framework regulating the accreditation and governance norms with the objective of ensuring that all students, particularly students from underprivileged and disadvantaged sections have universal, free and compulsory access to high quality and equitable schooling from early childhood care and education (age 3 onwards) through higher secondary education (i.e., until Grade 12). This proposed change would have a critical impact on private schools as the requirement to provide free and compulsory education to a prescribed number of students of weaker / disadvantaged group will now be applicable for all grades.

#### 2. Regulation and accreditation of private schools

- All schools will be required to maintain audit and disclosure standards similar to those prescribed for not-for profit entities.
- Public and private schools (except aided schools) will be assessed and accredited on the same criteria, benchmarks, and processes.
- Reaffirming the public-good nature of education, the Policy acknowledges and encourages the efforts of private schools to provide quality education. However, at the same time, it provides that the interests of the parents and communities must be protected from practices such as arbitrary increase in tuition fees through appropriate regulation. Surpluses generated by the schools, if any, will be reinvested in the educational sector.
- All relevant information of schools will have to be available in the public domain which will include, *inter alia*, information made available as a part of the accreditation process, fee structure, facilities, learning outcomes, details of teachers and their qualifications, and other matters which are relevant to the decision making process of the parents while choosing a school for their child.

#### 3. Flexibility in pedagogy and curricula

- There will be a common set of basic and uniform learning standards for both public and private schools.
- The curricular and pedagogical structure of all schools will be reconfigured to be guided by a 5+3+3+4 design to encompass the children in the age group of 3-6 years who are presently not covered in the 10+2 structure. The new system will have 12 years of schooling with 3 years of pre schooling, *i.e.* Foundational (3 years of preschool + Grades 1-2), Preparatory (Grades 3-5), Middle (Grades 6-8), and High school (Grades 9-12). At the High school stage, students would have the option of exiting after Grade 10 and reentering in the next phase, *i.e.* Grade 11 & 12, to pursue vocational or any other courses available.
- A flexible curriculum will be developed with no hard separation of curricular, cocurricular or extra- curricular areas; nor of arts and sciences, and 'vocational' and 'academic' streams, to enable student choice with the possibility of switching subject areas. All academic institutions will be required to integrate vocational education (either through physical or online mode), including internships, from Grade 6 onwards.
- Education, wherever possible, will be imparted in the local language/mother tongue at least till Grade 5 but preferably till Grade 8, with a flexible (bilingual) language approach,

### In this Issue

**School Education** 

**Higher Education** 





In this Issue

School Education

**Higher Education** 

Additional Focus Areas

wherever necessary. A choice of foreign languages will be offered and made available to interested students to choose as elective(s) during secondary school. However, the guidelines for implementation of this policy will have to be analysed further to understand how it will be implemented across the different categories of schools and curriculum systems currently existing across the country.

• National Curricular Framework for School Education for all school stages, from early childhood education to Grade 12, will be developed by National Council of Educational Research and Training ("**NCERT**") in accordance with the principles set out in the Policy.

### 4. Assessment and Evaluation

- All students will take school examinations in Grades 3, 5, and 8 which will be conducted by the appropriate authority. In addition, the board exams for Grades 10 and 12 will be continued, but will be redesigned with the aim of ensuring that that they test the holistic development of the students. However, it will have to be seen whether any assessment norms for other grades will be prescribed under the relevant curriculum and assessment framework or will the schools be free to frame the assessment process for such grades.
- A new National Assessment Centre, Performance Assessment, Review, and Analysis of Knowledge for Holistic Development (PARAKH) will be set up as a standard-setting body for assessment.

### 5. Recruitment of Teachers

- Development of a robust, transparent merit-based salary, recruitment and promotion structure, to incentivise and recognise exceptional and committed teachers.
- Development of a set of National Professional Standards for Teachers by 2022 which will lay out the professional standards for teachers and will be coordinated by the National Council for Teacher Education and NCERT.

#### 6. Twinning programmes between public and private schools

- A twinning/pairing programme will be adopted across the country where a public school will be paired with a private school.
- As part of the programme, paired schools may meet/interact with each other, learn from each other, and where possible, also share resources.

### **Higher Education**

### 1. Revamping the Regulatory Framework

- A single nodal regulator, the Higher Education Commission of India, ("**HECI**") will be set up as an overarching umbrella body for higher education. The HECI will have 4 independent verticals: National Higher Education Regulatory Council for regulation (excluding medical and legal education); Higher Education Grants Council for funding; National Accreditation Council for accreditation; and General Education Council ("**GEC**") for framing of expected learning outcomes.
- These verticals will function through faceless intervention through technology and will have powers to penalise higher educational institutions ("**HEIs**") not conforming to norms and standards.
- The professional councils, such as the Indian Council for Agricultural Research, Veterinary Council of India, National Council for Teacher Education, Council of Architecture and National Council for Vocational Education and Training, will act as Professional Standard Setting Bodies ("**PSSBs**").
- These PSSBs will be invited to be members of the GEC and will be responsible for prescribing the academic standards for their respective academic disciplines.

### 2. Regulation and accreditation of private HEIs

• Public and private HEIs will be governed by the same set of norms for regulation, accreditation, and academic standards.





- The definition of university will allow a spectrum of institutions that range from research-intensive universities to teaching-intensive universities and autonomous degree-granting colleges.
- The Policy proposes to replace the present complex nomenclature of HEIs in the country as 'deemed to be university', 'affiliating university', 'affiliating technical university', 'unitary university' to simply 'university'.
- A stage-wise mechanism is proposed to be established for granting graded autonomy to colleges in order to phase out affiliation of colleges over the next decade. Further, it is envisaged that, over a period of time, a college would either be an autonomous degree granting institution or a constituent college of a university in the latter case, it would be fully a part of the university. Therefore, every college would develop into either an autonomous degree-granting college, or a constituent college of a university.
- The Policy proposes that universities and colleges would be ranked and be freed from regulatory restrictions based on an accreditation-based grading framework.
- Private HEIs will be encouraged to offer freeships and scholarships to a significant number of students.
- All HEIs will be required to maintain audit and disclosure standards similar to those prescribed for not-for profit entities.
- The fee structure of HEIs will be defined within a broad regulatory framework which will ensure the autonomy of HEIs to fix the fees while checking any usurious commercial practices. The regulator will introduce transparent mechanisms for fixing of fees with an upper limit, for different types of institutions depending on their accreditation which will be developed in a manner that does not adversely affect individual institutions. This mechanism will also ensure reasonable recovery of cost while ensuring that the HEIs discharge their social obligations.
- All fees and charges set by private HEIs will be disclosed in a transparent and complete manner with no arbitrary increase in fees/charges during the period of enrolment of any student.
- Surpluses generated by HEIs, if any, will be reinvested in the educational sector.
- All professional and vocational education will eventually become an integral part of the higher education system with stand-alone technical universities, health science universities, legal and agricultural universities etc. becoming multidisciplinary institutions.
- Multidisciplinary Education and Research Universities will be set up as institutions in the liberal arts and in multidisciplinary education and research. These would be centres of holistic learning and will be important in the advancement of knowledge in the country.

#### 3. Flexibility in subjects and duration of course in HEIs

- The Policy provides that undergraduate degrees will shift towards a strong liberal education approach, regardless of subject, and be of either 3 or 4 year duration. It seeks to provide imaginative and flexible curricular structures to enable creative combinations of disciplines for students to study, and to offer to them multiple useful entry and exit points. HEIs may offer multiple exit options within this period, with appropriate certification, e.g. an advanced diploma in a discipline or field (including vocational and professional areas) after completing 2 years of study or a diploma after completing 1 year. HEIs will have the flexibility to offer different designs of Masters programmes. The MPhil programme will be discontinued.
- An Academic Bank of Credit is going to be established for digitally storing academic credits earned from different HEIs so that these can be transferred and counted towards final certification earned by the student.
- Universities will be encouraged to set up, strengthen, and revive Indian language programmes and capabilities across the country and encourage the use of the mother tongue/local language as a medium of instruction in more programmes.

### In this Issue

**School Education** 

**Higher Education** 





### 4. Empowering and motivating teaching staff

- Revamping of service conditions, faculty empowerment, performance management or career progression, and institutional leadership in HEIs so that faculty members are motivated, energised, and incentivised to spend their energies on achieving personal and institutional excellence.
- Faculty will be held accountable in case of failure to comply with the prescribed norms.

### 5. Open and Distance Learning and online courses

- Institutions will have the option to run Open Distance Learning and online programmes, provided they are accredited to do so, in order to enhance their offerings, improve access, increase GER, and provide opportunities for lifelong learning.
- All Open and Distance Learning programmes and their components leading to any diploma or degree will be of standards and quality equivalent to the highest quality programmes run by the HEIs on their campuses.
- Top institutions accredited for Open and Distance Learning programmes will be encouraged and supported to develop high-quality online courses. Such quality online courses will be suitably integrated into curricula of HEIs, and offering such courses in blended mode will be preferred.
- HEIs may develop and disseminate Masters and PhD programmes in multidisciplinary and professional areas like health care, agriculture, and law *via* platforms, such as SWAYAM (a government portal hosting online courses). For rapid adoption, it is suggested that these online courses may be blended with traditional teaching in undergraduate and vocational programmes.

### 6. Foreign Collaborations and entry of Foreign Educational Institutions

- The Policy aims to promote internationalisation of higher education through, *inter alia*, facilitating student and faculty mobility, establishing international partnerships for research and cross-border delivery of higher education programmes, easing the processes through which institutions can enrol students and engage faculty from around the world.
- An International Students Office at each HEI hosting foreign students will be set up to coordinate all matters relating to welcoming and supporting students arriving from abroad.
- Research/teaching collaborations and faculty/student exchanges with high-quality foreign institutions will be facilitated, and relevant mutually beneficial MOUs with foreign countries will be signed.
- Credits acquired in foreign universities will be permitted, where appropriate as per the requirements of each HEI, to be counted for the award of a degree.
- The Policy also proposes that select universities from amongst the top 100 universities in the world will be permitted to open campuses in India in accordance with a special legislative framework which will be framed for facilitating their entry. The Policy provides that such universities will be given special dispensation regarding regulatory, governance, and content norms at par with other autonomous institutions of India.

### **Additional Focus Areas**

### 1. Technology enabled Education in school and higher education

- One of the key objectives of the Policy is to appropriately integrate technology into all levels of education to support teacher preparation and development; improve teaching, learning and evaluation processes; enhance educational access to disadvantaged groups; and streamline educational planning, administration and management.
- A dedicated department will be created in the Ministry for the purpose of building digital infrastructure, digital content and capacity building to look after the online and digital education needs of both school and higher education.

### In this Issue

School Education

**Higher Education** 



**Inder Mohan Singh** Partner inder.mohan@AMSShardul.com

## Please feel free to address any further questions or request for advice to:

Sadia Khan Partner sadia.khan@AMSShardul.com

Policy Alert

An autonomous body, the National Educational Technology Forum, will be created to ٠ provide a platform for the free exchange of ideas on the use of technology to improve learning, assessment, planning, administration, and so on.

### 2. Teacher Education

- A National Curricular Framework for Teacher Education will be developed in consultation with NCERT along with a 4-year integrated stage-specific, subject- specific Bachelor of Education offered at multidisciplinary institutions which would be the main qualification for becoming a teacher.
- Stringent action will be taken against substandard standalone teacher education ٠ institutions that do not meet basic educational criteria.

Disclaimer: This is intended for general information purposes only. It is not a substitute for legal advice and is not the final opinion of the Firm. Readers should consult lawyers at the Firm for any specific legal or factual questions.

### In this Issue

School Education

**Higher Education** 

