



REPUBLIC OF KENYA

Totally Integrated Quality
Education and Training
TIQET

Report of the
Commission of Inquiry
into the
Education System of Kenya

Chairman
DAVY K. KOECH

Presented to
His Excellency, Hon. Daniel T. arap Moi, C.G.H., M.P.,
President and Commander-in-Chief of the Armed Forces
of the Republic of Kenya

AUGUST 1999



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TIQET

Totally and Integrated Quality Education and Training

for

unity, equity, and development in Kenya

Report of the

Commission of Inquiry

into the

Education System of Kenya

Learning and Moving Together

into the

21st Century and the Third Millennium (AD/CE)

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**COMMISSION OF INQUIRY
INTO THE
EDUCATION SYSTEM OF KENYA**

P.O. Box 54840, NAIROBI, Kenya
Tel: 722541/4; Fax: 720030

31st August, 1999

H.E. Hon. Daniel T. arap Moi, CGH, MP,
President and Commander-in-Chief of the
Armed Forces of the Republic of Kenya,
State House,
P.O. Box 40530,
NAIROBI.

Your Excellency,

LETTER OF TRANSMITTAL

We, the undersigned, appointed on 14th May 1998 by Your Excellency, through Gazette Notices 2291 and Number 2292, as the Commission of Inquiry into the Education System of Kenya, do hereby respectfully submit our Report. In doing so, we would like to express our sincere appreciation to Your Excellency for the great trust you bestowed on us by appointing us to this important Commission. For us, it was truly a great honour and privilege to undertake this noble task and in consultation with Kenyans, respond to the very detailed Terms of Reference accompanying our appointment.

In undertaking this assignment, Your Excellency, the Commission travelled and managed to cover all the districts of the Republic, where interactive discussions with Kenyans from all walks of life, and with various groups representing a wide spectrum of interests, were held. Views received included presentations from the public, the private sector, NGOs, religious organizations, professionals including teachers, learners and parents. Besides the face-to-face discussions, the Commission also received over 2,000 written memoranda and over

3,500 completed questionnaires based on the Terms of Reference. In addition, the Commission took time to review the implementation status of recommendations on various aspects of education made by the previous Commission (1964), education committees and working parties.

On the basis of this extensive review, the Commission then held discussions with senior policy makers in the Government on the issue of implementation of education and training programmes with a view to pinpointing the problems that so often have led to poor implementation or lack of it.

Your Excellency, from the very beginning and at every venue, Kenyans took advantage of the opportunity made available to them to offer their honest views and, indeed, the Commission was grateful and highly encouraged by the tremendous interest that Kenyans have shown in education. We have attempted, to the best of our abilities, to convey their concerns in this Report. In this process, we have made proposals for the education system that we believe will serve and guide the Kenyan nation in the 21st Century, by enhancing national unity, mutual social responsibility, accelerating industrial and technological development, consolidating life-long learning and enhancing adaptation in response to changing circumstances. In making these proposals, Your Excellency, we have taken into consideration the financial constraints facing the Government. We have also outlined an implementation strategy over a period of time that, with sustained political commitment, would ensure the achievement of Kenya's national educational goals.

Your Excellency, the Commission has evolved the concept of “**TOTALLY INTEGRATED QUALITY EDUCATION AND TRAINING (TIQET)**” as a dynamic password for the new Education System. It is a concept of education as a *ticket* to a better life, and a promising future for all Kenyans. It is a conscious and deliberate move away from the past definitions which were based on the number of years in each cycle of education and which did not, therefore, convey the value or substance of the education system. We suggest, as a first step, that efforts be made to explain, disseminate and popularize the concept among Kenyans. We consider it vital that Kenyans come to associate immediately with **TIQET** and, indeed, to claim its ownership, because it is through their contributions that they became part and parcel of its formulation. They will then support it and voluntarily mobilize for its success and, in the process, they will forge a strong partnership with the Government in all matters pertaining to education and training.

It is our conviction, Your Excellency, that with the combined commitment of the Government, all Kenyan institutions, organizations and individuals in public and private sectors, and the support of Kenya's development partners, the implementation of **TIQET** will adequately prepare Kenyans for the challenges of the 21st Century and the Third Millennium.

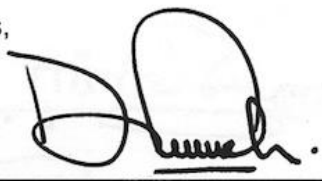
Your Excellency, it is with great pleasure that we submit this Report and thank you once again for the honour and privilege of serving our country in this Commission.

We remain,

Your Excellency's most obedient servants,

Davy K. KOECH

Chairman



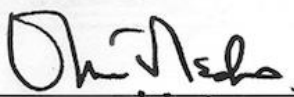
Florida A. KARANI

Vice-Chairman



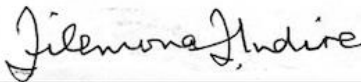
Hastings W.O. OKOTH-OGENDO

Commissioner



Filemona F. INDIRE

Commissioner



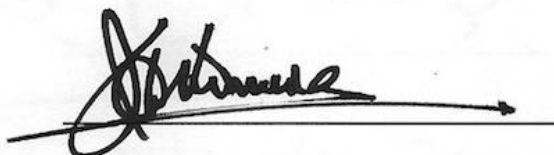
Jack G. OKECH

Commissioner



Joseph D. KIMURA

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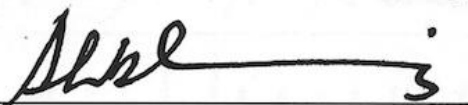
Abdulghafur H.S. EL-BUSAIDY

Commissioner



Abdisalam S. MOHAMED

Commissioner



David M. MBITI

Commissioner



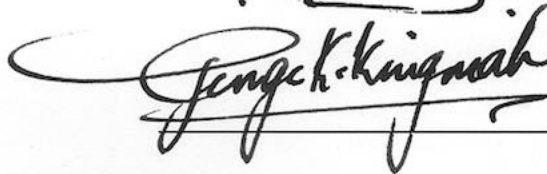
Ambrose A. ADONGO

Commissioner



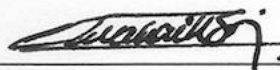
George K. KING'ORIAH

Commissioner



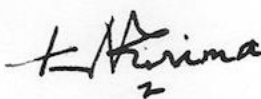
Mwakai K. SIO

Commissioner



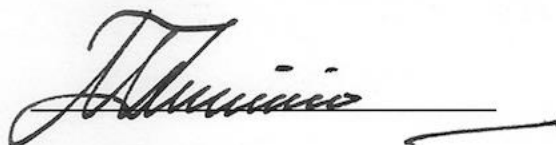
Nicodemus KIRIMA

Commissioner



Jasper M. MUMO

Commissioner



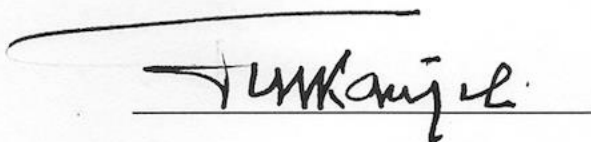
Joel J. NGATIARI

Commissioner



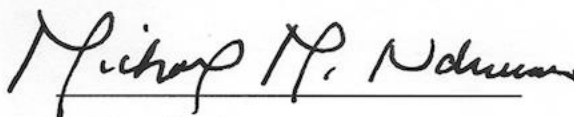
Jackson KANG'ALI

Commissioner



Michael M. NDURUMO

Commissioner



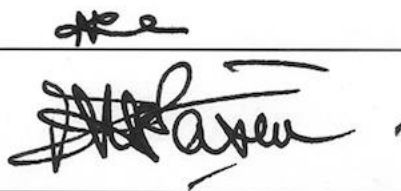
Nathaniel K. CHEPKENER

Commissioner



Noah C. CHUNE

Commissioner

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Peter M. KAVISI

Commissioner

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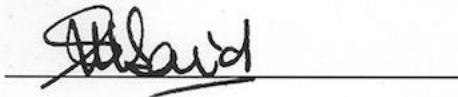
Joan A. OKUDO

Commissioner

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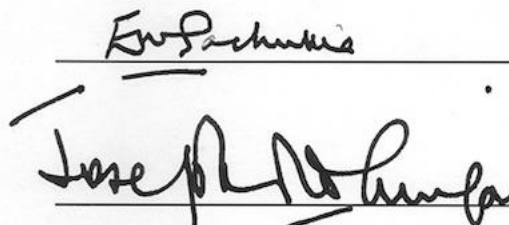
Swafiya M. SAID

Commissioner

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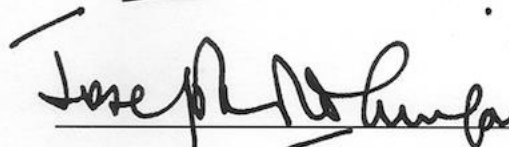
Eddah W. GACHUKIA

Commissioner

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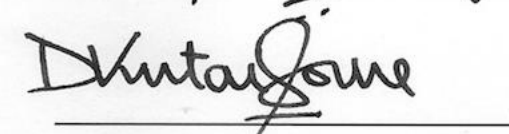
Joseph M. MUNGAI

Joint Secretary

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David K. SOME

Joint Secretary

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Johnson M. HUNGU

Joint Secretary

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Acknowledgements

The Commission would like to take this opportunity to thank the Office of the President for providing the necessary funds and logistical support in the form of staff and vehicles, which enabled it to successfully undertake and complete its task. In particular, the Provincial Administration was helpful during the district visits. Their warmth and hospitality made our work all the more worthwhile. The Commission appreciated the part that the Ministry and Human Resource Development played as it was there to lend a helping hand throughout the duration of the Commission's work. The success of the Commission's work was to a large extent made possible by those Kenyans who availed themselves for interviews with the Commission and those who submitted their memoranda.

The Commission is grateful to the following institutions for providing staff, vehicles and/or computers:

- Commission for Higher Education which provided office space between May and August, 1998.
- Kenya Medical Research Institute which has provided office space and infrastructural support facilities from since August, 1998 until the completion of the Commission's work.
- University of Nairobi
- Moi University
- Kenya Posts and Telecommunications Corporation
- Higher Education Loans Board
- Egerton University.

The Commission is also greatly indebted to members of the Secretariat and various consultants and experts as appended in Appendix One.

The exercise of the Commission was made manageable with the support of the entire Government system especially the Office of the President and the Ministry and Human Resource Development. We are indeed grateful to all those government officials who went out of their official call of duty to enable this Commission to execute its stated Terms of Reference.

We are also grateful to the members of the public for their concern, understanding and support in various ways, especially their active participation in several places we visited in the country and their submission of memoranda.

This Report, therefore, belongs to the people of Kenya and the credit goes to them.

Abbreviations, Acronyms and Definitions

AIDS	Acquired Immune Deficiency Syndrome
ASAL	Arid and Semi-Arid lands
BAE	Board of Adult Education
BOG	Board of Governors
BOM	Board of Management
CADE	College of Adult and Distance Education
CBE	Commission for Basic Education
CBS	Central Bureau of Statistics
CEES	College of Education and External Studies
CEF	Commission for Education Financing
CHE	Commission for Higher Education
CIS	Chief Inspector of Schools
Commission	When used without qualification, means the Commission of Inquiry into the Education System of Kenya, created through Gazette Notices Number 2291 and Number 2292 of 14th May 1998, the author of this Report
CPA	Certified Public Accountant
CPE	Certificate of Primary Education
CPS	Certified Public Secretary
CRE	Christian Religious Education
CREAT	Centre of In-servicing Religious Education Teachers
DAE	Department of Adult Education
DANIDA	Danish International Development Agency
DC	District Commissioner
DEB	District Education Board
DEMB	District Education Management Board
DEO	District Education Officer
DICECE	District Centre for Childhood Education
DIS	District Inspector of Schools
ECCDE	Early Childhood Care, Development and Education
EPOSY	Education Programme for Out-of-School Youth
FLE	Family Life Education
GCE	General Certificate of Education
GCSE	General Certificate of Secondary Education
GDP	Gross Domestic Product
GHC	Geography History and Civics
Government	Government of the Republic of Kenya
HELB	Higher Education Loans Board
HIV	Human Immune Deficiency Virus
HRE	Hindu Religious Education
IEC	Information, Education and Communication
IRE	Islamic Religious Education
JICA	Japan International Co-operation Agency
JKF	Jomo Kenyatta Foundation
JKUAT	Jomo Kenyatta University of Agriculture and Technology
KALA	Kenya Adult Learners Association
KAPE	Kenya African Preliminary Examination
KASNEB	Kenya Accountants and Secretaries Examination Board

KCSE	Kenya Certificate of Secondary Education
KEMRI	Kenya Medical Research Institute
KES	Kenya Shillings
KIE	Kenya Institute of Education
KIPO	Kenya Industrial Property Organization
KISE	Kenya Institute of Special Education
KJSE	Kenya Junior Secondary Examination
KLB	Kenya Literature Bureau
KMTC	Kenya Medical Training College
KNEC	Kenya National Examinations Council
KPE	Kenya Preliminary Examination
KU	Kenyatta University
Ministry	Unless the context otherwise defines, means the ministry for the time being responsible for education
MP	Member of Parliament
MU	Moi University
NCCCK	National Council of Churches of Kenya
NCE	National Council for Education
NEAB	National Education Advisory Board
NES	National Education Service
NGO	Non-Governmental Organisation
NIC	Newly Industrialized Country
OP	Office of the President
PA	Parents Association
PACT	Peer Approach Counselling by Teens
PC	Provincial Commissioner
PE	Physical Education
PEACE	Peer, Escape, Availability, Curiosity, Experience (in relation to drug abuse)
PEB	Public Examinations Board
PEO	Provincial Education Officer
PLP	Post Literacy Project
PPI	Pastoral Programme of Instruction
PRISM	Primary Schools Management
PTA	Parents Teachers Association
PTR	Pupil Teacher Ration
RE	Religious Education
REAP	Religious Education Programme
SEE	Social Education and Ethics
SEPU	School Equipment Production Unit
SPRED	Strengthening Primary Education
STD	Sexually Transmitted Disease(s)
TOR	Terms of Reference
TSC	Teachers Service Commission
TVET	Technical and Vocational Education and Training
UNESCO	United Nations Education, Scientific and Cultural Organization
UNICEF	United Nations Children Emergency Fund
UoN	University of Nairobi
USIU	United States International University

Preliminaries

▪ The Commission's Mandate

To prepare the Kenyan society to face the challenges of the 21st Century and the 3rd Millennium through education and training.

▪ The Terms of Reference

The COMMISSION shall inquire into the education system of Kenya. Its Terms of Reference shall be:

1. To review Kenya's educational system and recommend ways and means of enabling it to facilitate the following:

1-1 National unity;

1-2 Mutual social responsibility;

1-3 Accelerated industrial and technological development;

1-4 Consolidation and enhancement of life-long learning and adaptation in response to changing circumstances;

2. To recommend a possible programme of action, bearing in mind the financial constraints the Government is faced with, in reference to-

2-1 the legal framework of education;

2-2 the structure of the 8-4-4 system of education;

2-3 the contribution of continuing education;

2-4 the role of the private sector in providing educational opportunities;

2-5 the need for co-ordination between all forms of education and training;

2-6 the management and administration of education;

2-7 the appropriate rates and types of expansion in education and training;

2-8 the content of education at different levels, with special attention to early childhood, special education and primary education;

2-9 ways and means of improving accessibility, equity, relevance and quality, with special attention to gender sensitivity, the disabled and the disadvantaged groups;

- 2-10 *ways and means of enhancing the operation and management, including the cost-benefit and cost-effectiveness of formal and non-formal education; ways and means of improving capacity to formulate, implement and control educational programmes; and the appropriate degree of decentralisation in administration and financial control;*
- 2-11 *to suggest ways and means of developing comprehensive social education, values and ethics, AIDS-related educational programmes at the macro- and micro-levels;*
- 2-12 *to suggest ways and means of creating and promoting alternative educational programmes;*
- 2-13 *the challenges of university education;*
- 2-14 *ways and means of promoting liberalisation of the educational sector, with special reference to the utilisation of the specialised resources of universities and similar institutions as vehicles for accelerated national development,*

3. And in performance of its task, the COMMISSION shall-

- 3-1 *review and make use of official reports, sessional papers and studies of commissions, committees, working parties and task forces that have previously examined Kenya's educational system and made recommendations therein;*
- 3-2 *receive views from a broad spectrum of the public;*
- 3-3 *commission papers and reports from experts in various areas;*
- 3-4 *accept as a constraint that Government recurrent expenditure on education should not grow more rapidly than the Government recurrent budget;*
- 3-5 *accept the necessity of providing and/or facilitating quality education to increasing numbers of students, using the available resources.*

Interpretation of the Terms of Reference

This inquiry into the education system of Kenya coincided with the completion of the 1997-2010 Master Plan on Education and Training. The Master Plan highlights many of the problems facing the education system and makes suggestions for the way forward. These statements of problems and programmes of action have generally been useful in interpreting and processing of the Terms of Reference (TORs) of the Commission.

The Terms of Reference have also been interpreted in relation to approximately 1000 recommendations, which have been put together from previous education commission, committees and working parties as well as from the laws that relate to education.

There are three sets of TORs. There are those that constitute the need for the country to focus on its set national goals and objectives. The Commission interpreted these as mission statements around which all other terms of reference must gravitate. The other set of TORs deal with specific areas of education, while the other deals with strategies and methodology to enable the Commission to execute its work.

▪ **Mission Statements**

The first set of the TORs consists of 4 items. These TORs require the Commission to recommend ways and means of enabling the education system to make it increasingly easier to achieve the following goals and philosophies.

TOR 1-1 *National unity*

This TOR has been interpreted to mean the continuous effort by Kenyans to combine their efforts in the strengthening of the state of nationhood for their country.

TOR 1-2 *Mutual social responsibility*

This TOR has been interpreted to mean the contribution of education in facilitating the free ability and willingness of the people to discharge their moral obligations for the benefit of all members of the society.

TOR 1-3 *Accelerated industrial and technological development*

This TOR has been interpreted to mean the contribution of education and training in making improvements, both qualitatively and quantitatively, in the application of technical advances in industry, with special reference to manufacturing.

TOR 1-4 *Consolidation and enhancement of life-long learning and adaptation in response to changing circumstances*

This TOR has been interpreted to mean the need for the education system to strengthen and increase the quality of learning for life. The TOR also requires the education system to enable the people to continually modify their life styles in dealing with changes in their environment.

▪ **Specific Terms of Reference**

The second set of TORs consists of 14 items. These TORs require the Commission to recommend a programme of action in relation to the 14 items. In doing so the Commission is expected to bear in mind the financial constraints the Government is faced with.

This latter requirement has been dealt with together with the last two items of the third set of TORs, namely 3-4 and 3-5 that have been brought forward to this section. Item (3-4) requires the Commission to accept, as a constraint, that Government recurrent expenditure on education should not grow more rapidly than the Government recurrent expenditure. In spite of this constraint however, item 3-5 requires the Commission to accept the necessity of providing and/or facilitating quality education to increasing numbers of students using the available resources. This means that the rapidly rising population must be provided with educational opportunities. The word “facilitating” is a good indicator that the Government is not the only provider of education. The Government has however a major role in facilitating the effort of other providers of education.

TOR 2-1 *The legal framework of education*

This TOR is concerned with the laws governing education and training. Appropriate legal provision will be essential in dealing with problems of implementation such as lack of co-ordination. The central law is the Education Act, which requires to be interpreted in relation to all the laws dealing with education and training. Liberalization of the economy will inevitably require liberalization of the various aspects of the education system. Appropriate legal changes will therefore be necessary to ensure access and equity, sustainability of efficiency of learning-teaching processes and management, and quantitative as well as qualitative returns to the society.

TOR 2-2 *The structure of the 8+4+4 system of education*

This TOR has been interpreted firstly in relation to the Mackay Report (1981) which recommended the abolition of the ‘A’ level segment, thereby changing the structure of education. The then Ministry of Education, Science and Technology published the implementation document in 1984. The 1984 standard 7 class proceeded to standard 8 in January 1985 without doing the CPE. They did the new KCPE at the end of 1985. The first form 1 intake under the 8+4+4 system was in 1986. This class sat the KCSE in 1989 and was admitted to universities in 1990/1991 together with the last ‘A’ level class. Other examinations which were abolished together with A Level were the KJSE (1985) and KCE (0 level) (1987).

Kamunge Report (1988)

This TOR relates to the Kamunge Report (1988) which described the 8+4+4 system, the Sessional Paper No. 6 of 1988 and a Ministry booklet dated 1984. Of particular importance are the functional relationships between primary and secondary education on the one hand and secondary and higher education on the other.

Ominde Report (1964)

The TOR has also been compared with Ominde Report in relation to intermediate colleges and examinations.

Gachathi Report (1976)

The TOR is also interpreted in relation to the Gachathi Report (1976) recommendation of 9-year-basic education and the related structure.

TOR 2-3 *The contribution of continuing education*

This TOR has been interpreted within the philosophy of life-long learning for all Kenyans, with special reference to the needs of the large and growing numbers of out-of-school youth; the needs of women because of their multiple roles; the need to enhance the participation of Kenyans as a whole in educational and national development including industrial development and the need to educate Kenyans intensively on AIDS and other health problems.

TOR 2-4 *The role of the private sector in providing educational opportunities*

The TOR was interpreted in relation to the high cost schools in the Ominde Report (1964) and private high cost schools in the Gachathi Report (1976).

The TOR has also been interpreted in relation to the growing liberalization of the economy and education, which has been prompted by economic realities. In the case of public school education, the involvement of the private sector is firstly through the PTAs. This requires amendment of the Education Act to recognize them legally. In the case of higher education the TOR has been interpreted in relation to the Universities Act through which private universities are established and accredited in Kenya.

In the case of public universities, their research and development activities as well as their community services are of relevance to this TOR as recommended by the Gachathi Report (1976), Kamunge Report (1988) and Mungai Report (1995). The process of liberalization is being extended to diploma colleges through Acts of Parliament.

TOR 2-5 *The need for co-ordination between all forms of education and training*

This TOR has been given meaning in relation to the recognition, by previous education commission, committees, working party and the current (1997-2010) Master Plan on Education and Training, of the problem of lack of co-ordination. The Gachathi Report (1976) devoted a whole chapter to the subject. The Master Plan points out that the Education Act does not provide for co-ordination. The TOR is also interpreted in relation to the positive experience of CHE in co-ordinating higher education.

TOR 2-6 *The management and administration of education*

This TOR has been interpreted in relation to the normal processes of planning, development and financing of education.

TOR 2-7 *The appropriate rates and types of expansion in education and training*

This TOR has been interpreted in relation to the two main expansions of education which have been undertaken since independence. The first expansion involved secondary schools following the Ominde Report (1964). The report also recommended the establishment of junior colleges. **This was not implemented.**

The second expansion involved universities following the Mackay Report (1981). The report made it very clear that the single most important implication of abolishing A level and expanding university education was the necessity of expanding middle level colleges. **This recommendation was not implemented.**

The Ayany Report (1984) and Kiano Report (1984) recommended other expansions of university education.

TOR 2-8 *The content of education at different levels, with special attention to early childhood, special education and primary education*

This TOR has been interpreted to mean the content of the 8+4+4 system of education. The TOR is also related to the growing emphasis on early childhood and primary cycles of education. The TOR has also been interpreted in relation to the growing criticism of subject overloading at primary and secondary levels. It has also been interpreted in relation to the lack of facilities for practical work in the majority of schools leading to a definite decline in science education as reported repeatedly by the KNEC, including the 1997 KCSE examination. The recommendations of the 1990 National Seminar on Science Education are also relevant.

TOR 2-9 *Ways and means of improving accessibility, equity, relevance and quality, with special attention to gender sensitivity, the disabled and the disadvantaged groups*

This TOR has been interpreted firstly in relation to the deteriorating rates of school dropouts, especially those of girls. It has also been interpreted in relation to the need to utilize continuing education to reach the communities near their homes. The needs of disadvantaged groups are also considered.

The Ominde Report (1964) had described the problem of the primary school leaver and the need for universal primary education.

TOR 2-10 *Ways and means of enhancing the operation and management, including the cost-benefit and cost-effectiveness of formal and non-formal education; ways and means of improving capacity to*

formulate, implement and control educational programmes, and the appropriate degree of decentralization in administration and financial control.

This TOR has been interpreted in relation to the need to improve management of education and training, including efficient utilization of the available resources.

TOR 2-11 *To suggest ways and means of developing comprehensive social ethics, values and ethics, AIDS-related educational programmes at the macro- and micro-levels.*

The TOR is interpreted in relation to the necessity of the curriculum reform to accommodate AIDS education. It is also interpreted according to the observation that, in spite of no teachers having been trained on the subject, Social Education and Ethics is growing in popularity among students. The subject integrates well with AIDS and drug abuse education.

This TOR has also been interpreted in relation to the recommendation by the Gachathi Report (1976) for the teaching of social values and ethics. The recommendation was implemented with the implementation of the 8+4+4 education system in 1985 by the introduction of the subject of Social Education and Ethics in secondary schools.

The subject of Social Education and Ethics was endorsed by the Kamunge Report (1988) which recommended that the subject should be taught at all levels of education.

TOR 2-12 *Ways and means of creating and promoting alternative educational programmes.*

This TOR has been interpreted in relation to the role of continuing education in enhancing the contribution of Kenyans to national development. One of the ways of making continuing education effective economically is to give it through co-operative organizations and women's groups.

TOR 2-13 *Challenges of university education*

This TOR has been interpreted in relation to the problems being experienced by the public universities as a result of rapid expansion of enrolments. As President Moi pointed out at the Graduation Ceremony of Jomo Kenyatta University of Agriculture and Technology held on 2nd April, 1998, the growth of universities has outstripped the available resources.

TOR 2-14 *Ways and means of promoting liberalization of the educational sector with special reference to the utilization of the specialized resources of universities and similar institutions as vehicles for accelerated national development.*

This TOR has been interpreted in relation to the high demand for formal, non-formal and continuing education and the need to empower the institutions concerned to offer the services with increasing autonomy. The strong tradition of research, which is found in Kenya, is of particular usefulness in providing the necessary knowledge on a sustainable basis. This is what led the Government to establish the National Council for Science and Technology, in 1977, through an Act of Parliament. It has also been interpreted in relation to the need for public universities and other research institutions in Kenya to undertake research and

development activities as well as intensify their services to the community. The TOR is thus interpreted in relation to the need for these institutions to market themselves and sustain quality education.

▪ **Requirements and constraints**

The third set of TORs has five items. Items 3-1, 3-2 and 3-3 are dealt with under methodology. Items 3-4 and 3-5 are dealt with above under the second set of TORs.

TOR 3-1 *review and make use of official reports, sessional papers and studies of commissions, committees, working parties and task forces that have previously examined Kenya's educational system and made recommendations therein;*

This TOR has been interpreted to mean an analysis of previous recommendations and current policies with a view of showing how education has developed over time.

TOR 3-2 *receive views from a broad spectrum of the public;*

This TOR has been interpreted to mean making appropriate arrangements to meet members of the public from all walks of life to enable them make contributions freely and directly.

TOR 3-3 *commission papers and reports from experts in various areas;*

This TOR has been interpreted to mean identifying the expertise of the members of the Commission, determining gaps which need specialized attention and appointing qualified specialists to provide the necessary information.

TOR 3-4 *accept as a constraint that Government recurrent expenditure on education should not grow more rapidly than the Government recurrent budget;*

This TOR has been dealt with under 1.2.1 – 1.2.5

TOR 3-5 *accept the necessity of providing and/or facilitating quality education to increasing numbers of students, using the available resources.*

This TOR has been dealt with under 1.2.1 – 1.2.5

Programme of Work

▪ Launching of the Commission

The Commission was launched by His Excellency the President, Hon. Daniel T. arap Moi, on Wednesday 17 June 1998 at State House, Nairobi. The President reminded the Commission that he had pledged to Kenyans that a review of the education system would be undertaken in order to deal with whatever problems there might be. He pointed out that the 8+4+4 system of education had served Kenyans for over a decade. During that time, however, poverty had increased and made it difficult for many parents to educate their children as they would have wished. This is the reason why the Terms of Reference required the Commission to accept the necessity of providing and/or facilitating quality education to increasing numbers of students, using the available resources. It is also the reason why the Commission had to accept as a constraint that the Government recurrent expenditure on education should not grow more rapidly than the Government recurrent budget.

The President concluded that this was the real challenge that the Commission was required to tackle.

▪ Swearing-in of the Commission members

Following the launching of the Commission by the President, members of the Commission and Joint Secretaries proceeded to the High Court where they were sworn in. Those members who were not present on that day were sworn in separately on 21 July, 7 August, 27 August and 1 October, 1999. The Secretariat staff signed the Official Secrets Act as and when they were hired.

▪ Inauguration of the Commission

Following the swearing in of the Members and Joint Secretaries on 17 June 1998, the Minister for Education and Human Resource Development, Hon. Stephen Kalonzo Musyoka, inaugurated the Commission in the Ministry's Jogoo House Conference Room. The Minister pointed out that the severe shortages in manpower which existed in Kenya at the time independence had to be dealt with through expansion of education.

However, over the years, the pressure of passing examinations and getting certificates for white collar jobs outstripped practically all other educational considerations. There were more job seekers than the market could absorb. Unemployment became a real problem. The Minister urged the Commission to consider this and other problems, especially the question of quality and relevance of education, as main challenges of the 21st Century.

▪ Starting of the Commission's work

The opening of the first meeting of the Commission was carried out by Mr Wilfred K.K. Kimalat, the Permanent Secretary in the Ministry of Education and Human Resource Development. Describing education as an engine of economic growth, Mr. Kimalat reiterated that a good educational system is the flower of economic development and also a seed. It is a seed for the 21st Century which he described as likely to be volatile, highly

unstable and competitive. It was therefore necessary to reflect on the past century in order to forecast into the 21st Century. The Permanent Secretary reiterated the need to reinforce the system of values which the missionaries had emphasized at the beginning of the past century.

▪ **Organizational structure**

The Commission performed its functions under the administrative structure of the Office of the President.

▪ **The Commission's Methodology**

- i) Immediately after being inaugurated by His Excellency the President, the Commission compiled about 1000 recommendations from previous reviews of education with the aim of assessing their implementation status. Thereafter, the Commission went about collecting the views of Kenyans using, as its primary sources, public interviews in all the districts and those of Permanent Secretaries. The Commission also used documents such as memoranda, questionnaire and books as secondary sources of information.
- ii) The essential characteristics of the methodology used by the Commission have been **participation, analysis, inquiry, and integration.**
- iii) The **participatory** process has involved origination of the content material by Commission members working collectively. It has also involved the participation of members of the public and representatives of organizations. The Commission also commissioned the Kenya Institute of Education to carry out a review of the curriculum with the support of the World Bank.
- iv) The Commission proceeded to collect information from members of the public and specialized groups. The latter category included educationalists, representatives from religious organizations and NGOs, and politicians. By dividing itself into four panels, the Commission visited all the districts in the country where it received a wide range of views.
- v) This information was initially organized in the working document under the headings 'Current Situation and Emerging Issues' and enabled the Commission to make 'Observations and Conclusions'
- vi) Kenyans have expressed their views verbally and in writing regarding the kind of education they wish to have in the 21st Century and beyond. The Commission of Inquiry has also taken into consideration the recommendations from previous education committees. Furthermore, the Commission has taken into consideration the implementation status of the recommendations, especially those which have been accepted by the Government. The current situation and emerging issues and suggestions for the way forward have all been brought into sharp focus by members of the public. The Commission of Inquiry has also used inputs from specialists and other countries to illuminate the above inputs. Vital legal material was accessed through the

Internet. The outcome of these processes forms the content of Chapters 2 to 19, which constitute the bulk of this Report.

- vii) The members of the Commission exercised their liberty in dwelling on their own particular areas of interest, specialization and strength. This was of particular significance for special education, which was very adequately represented by a hearing impaired commissioner.
- viii) The Commissioners were also able to utilize materials from experts as well as undertake comparative analysis of several countries. It was as a result of this process that the Commission was able to indicate the strengths and weaknesses of the education system. The broad agreement on most issues made it easy for the Commission to isolate any unique contributions so that they could be given attention. The Commission was thus able to give its fullest attention to the commonalities and diversities in the materials submitted by Kenyans.
- ix) The **analytical** process has involved evaluating the implementation status and performance of about 1,000 previous recommendations in relation to the national education objectives and those of each level of education and training, as stated in Sessional Paper No. 6 of 1988. In this process, issues have been traced back and forth over time so that their implementation and performance could be determined in relation to the objectives.
- x) Secondly, this process has involved processing information and data submitted by members of the public at interviews and as memoranda (about 1200) by representatives of the public and organizations. The Commission visited every district in the country, in order to enlist grassroots participation in the exercises. As a result of this, Kenyans from all walks of life presented their views in a free and fair atmosphere. The details of the methodology, work plan, itinerary and interview schedule followed in the district level are found in a separate volume. This applies also to the district profiles, lists of those who submitted memoranda, lists of participants and institutions visited at the district visits, as well as the strategy followed in processing the data.
- xi) Thirdly, the process has involved analysing information provided by members of the public through more than 3,500 completed and returned questionnaires.
- xii) Fourthly, the Commission and its Steering Committee held a number of business meetings.
- xiii) The **inquiry** processes have involved interviewing certain personalities whose official roles are concerned with the problems and prospects of the education system in Kenya. It is in this connection, that the Commission raised specific issues with Permanent Secretaries and other heads of Government departments.
- xiv) The methodology used indicates the Commission of depended heavily on the contributions of Kenyans. The Commission has done this in recognition of the fact that Kenyans own the education system. Inclusion of previous recommendations has provided a historical perspective of the extent to which

inter-related recommendations are comprehensively or individually implemented. Through the public interviews and memoranda, Kenyans have expressed their experiences and observations, and made informed contributions with deep conviction.

- xv) The **integrative** process has involved the continuous incorporation, into a logical framework based on the Terms of Reference, of the content material originated and processed by the Commission members. This means that report production has been a continuous process, which started right from the beginning.

▪ The Commission's Work Plan

The Commission's Work Plan was worked out so as to fulfil the requirements of the Terms of Reference. It included collecting about 1000 recommendations from previous education reviews. These were then reviewed at a workshop.

After some logistical delays, the Commission started visiting the districts in September 1998 to meet with members of the public. All the districts of Kenya were visited beginning with those of North Eastern Province, followed by Coast Province, Nyanza Province, Western Province, Rift Valley Province, Central Province, Eastern Province and Nairobi Province.

The Commission's work was interrupted by the bomb blast of 7 August 1998 which destroyed the offices it occupied, courtesy of CHE, in Development House. Through the generous hospitality of Dr. Davy Koech, Chairman of CHE and of this Commission of Inquiry, and Director of KEMRI, the Commission was immediately relocated to KEMRI.

Due to the initial delays in visiting the districts, the Commission was given an extension to 31 August 1999 to enable it complete its work.

Quotes Cited by Kenyans

**“Let Kenya be a bright star among the constellation of nations
and not a life-long beggar”**

(Johnstone Byomndo, Head-Teacher, Lelgoin Primary School, Trans Mara District)

“The seeds of today are the plants of tomorrow”

(Eliud L. Parsankul, District Commissioner, Uasin Gishu District)

“... Say O my Lord! Increase me in knowledge”

(Al-Quran 30:114; Isiolo Quran and Islamic Centres)

“The fear of the Lord is the beginning of wisdom”

(Proverbs 1:7)

Executive Summary

1. The Commission of Inquiry into the Education System of Kenya was appointed by H.E. the President under Gazette Notices Numbers 2291 and 2292 dated 14th May 1998. The terms of reference accompanying the appointment were comprehensive in their coverage of issues relating to the goals, objectives, the structure and content, management and co-ordination, and financing of education at all levels. The Commission was, in particular, mandated to recommend ways and means of enabling the education system to facilitate national unity, mutual social responsibility, accelerated industrial and technological development, life-long learning, and adaptation in response to changing circumstances.
2. The Commission revisited the historical development of education in Kenya and concluded that since time immemorial, education has been intimately associated with social and economic development. Pre-colonial education was, therefore, provided within the context of social and economic organization. It was inclusive and relevant along the age group and gender lines. Colonial education on the other hand was exclusive and organized along racial lines with the few Africans receiving an education conceived to be inferior. The dawn of independence brought with it great enthusiasm for education which led to phenomenal growth in education at all levels, following the recommendations of the first Commission on Education in 1964. During the intervening period, several changes have occurred in response to emerging social and economic needs of the nation.
3. In undertaking its challenging assignment, the Commission adopted a comprehensive multi-strategic approach in order to facilitate the participation of as many Kenyans as possible in the Inquiry. This approach included:
 - 3.1 Review of Education Act and all other laws relating to education, and also compilation of more than 1,000 recommendations made previously and review their implementation status.
 - 3.2 Compilation of a questionnaire based on the Commission's Terms of Reference which was distributed widely through the press, district education offices and through the post to all relevant institutions, organizations and individuals. An impressive 3,500 questionnaires duly completed were received and then analysed.
 - 3.3 Visits to all districts in the country where interactive discussions were held with Kenyans of all walks of life including leaders, Government officials, representatives of organizations and institutions both public and private, professional groups, parents and students among other parties interested or involved in education.
 - 3.4 Submissions from Parliamentary political parties.
 - 3.5 Focussed discussions with Permanent Secretaries and senior officials from all Government ministries, and more detailed discussions with the officials from the Ministry of Education and Human Resource Development.

- 3.6 Over 2,000 written memoranda submitted by members of the public.
- 3.7 Review of sessional papers and other reports since the first Education Commission (1964).
- 4. The Commission was satisfied that Kenyans were provided with ample opportunities to present their views and was indeed encouraged by the enthusiasm displayed by the public in the work of the Commission. Drawing from the submissions made, the Commission was impressed by the clarity of vision and articulation of issues, together with great concern of Kenyans over the education system. Among the conclusions arrived at by the Commission were, that:
 - 7.1 The national goals of education as they have evolved over the years are still valid, but their achievement has been hindered or limited by factors that could have been avoided, such as the implementation of the quota system for admission into various categories of secondary schools, which worked counter to the goal of national unity.
 - 7.2 There is need to strengthen the moral fabric of the nation through greater emphasis on Religious Education, and Social Education and Ethics, who's teaching should adopt a practical approach.
 - 7.3 The anticipated growth of middle level colleges upon abolition of A-Levels did not happen. Instead, technical education took a downward trend and has been unable to provide the level and quality of technicians and artisans needed for the country's industrial take-off.
 - 7.4 The poor co-ordination of education services in various ministries, and too much centralization of decision-making in formal education services at the headquarters of the Ministry of Education has hampered the growth and development of this sector.
 - 7.5 The objectives of the 8+4+4 system of education were laudable but the implementation process was haphazard and lacking in several crucial ways, especially the initial lack of consultation with crucial stakeholders, and the poor monitoring to ensure the readiness of educational personnel and institutions for its successful implementation. This led to poor rendering of the practical orientation of the curriculum, and to requirements that were unaffordable to most parents. This, in turn, led to lower enrolments, high rates of drop-out and poor achievement because of increased rote-learning rather than practical application. The content of the curriculum was over-loaded and impossible to cover within the specified academic years.
 - 7.6 Early childhood education, education of learners with special needs, and education in pockets of poverty and ASAL areas have largely been neglected in the implementation of the policy on education.

- 7.7 The rate of student increase in various public universities without complementary increase in facilities and staffing has contributed to the lowering of the quality of education at these institutions.
 - 7.8 Poor linkages between educational institutions and industry have contributed to the lack of quality and relevance which in turn led to the slow rate of employment creation.
 - 7.9 Some members of the public thought that all the problems associated with the 8+4+4 system of education would be solved by merely going back to the 7+4+2+3 system. The Commission, however, believes that the solutions required to revamp the education system go beyond the mere structure.
 - 7.10 The existing Education Act is out of date as it neglects crucial areas of education including Early Childhood Care, Development and Education, education for those with special education needs, and the role of Parents Associations.
5. The Commission identified various challenges facing the nation which any new education system must address. These include:
- 7.1 The challenge of providing quality education for all eligible learners within the existing and any other available resources;
 - 7.2 The need to mobilize adequate resources additional to what the Government can allocate to education, including liberalization of education, to mobilize effective partnerships with the private sector and other providers;
 - 7.3 The devastating threat posed to the nation by the HIV/AIDS epidemic and the need for the education system to target the youth for desirable behaviour change towards the eradication of the epidemic;
 - 7.4 The challenge of industrialization that the country wishes to achieve by the year 2020 and the need for the education system to prepare the human resources that will determine the effective utilization of all other resources towards the achievement of this goal;
 - 7.5 The importance of universities as assets for generating high level human resources essential for the envisaged industrial development, and hence the need for rejuvenating higher education, emphasizing the importance of research and its utilization for development;
 - 7.6 The challenge of expanding alternative and continuing education programmes and orienting all Kenyans towards life-long education;
 - 7.7 The need for a comprehensive and all-inclusive law on education and effective mechanisms for the management and co-ordination of education.

6. Having reviewed all the submissions made and the challenges facing Kenya at the dawn of the 21st Century, the Commission proposes a new system of education with the conceptual title of “**TOTALLY INTEGRATED QUALITY EDUCATION AND TRAINING (TIQET)**” to replace the past numerical titles. **TIQET** as a concept embraces the values and the substance that should characterize an education system. It is **TOTAL** because it is inclusive, accommodative and life-long. It is **INTEGRATED** in the way it approaches the learning process as part and parcel of life. It stands for inter-sectoral linkages and logical progression between one level of education and another. It focuses on the **QUALITY** of delivery and outcome of the education and training processes. It is a superior concept and easy to popularize among Kenyans, compared to mere numerical titles. It has the same sound as “**TICKET**” and bears the same symbolic meaning, as it is associated with a means to an end. In this context, education becomes a *ticket* to a better life, and a better future for the individual, the community and the nation; a *ticket* to the achievement of Kenya’s social and economic goals.
7. More importantly, the proposed **TIQET** system includes significant changes in the structure and organization of education. Among the hallmarks of **TIQET** are:
 - 7.1 The expansion of access to basic education from 8 to 12 years, which means that every Kenyan child will eventually have the opportunity to attain the minimum of secondary level education without undergoing restrictive or selective examinations.
 - 7.2 Potential for eliminating existing disparities in education such as those based on geographical factors, social and gender issues, by providing a universal and compulsory Basic Education over a planned period of time with special measures for addressing the needs of previously disadvantaged groups, especially those with special learning needs. This will lead to the achievement of equity in education.
 - 7.3 Expansion of opportunities at the post-secondary level so that learners can have flexibility in the pursuit of further studies.
 - 7.4 Introduction of modular or unit learning approach and credit accumulation in post-secondary education which allows for credit transfer from one institution or level to another, and for facilitating points of exit and re-entry as appropriate.
 - 7.5 Introduction of limitless opportunities for access to education through expanded alternative and continuing education.
 - 7.6 Introduction of a manageable curriculum content at all levels of education that does not overburden the learners and educators.
 - 7.7 A comprehensive new legal framework that addresses previously omitted aspects of education such as Early Childhood Care, Development and Education; Special Education; and Technical Education; and which creates new agencies charged with the delivery and co-ordination of education

services. This is presented by way of draft bills for a new Education Act, new laws and amendments to other laws related to education. It is hoped that this will accelerate the process of implementation.

8. The Commission has made recommendations under different chapter headings. These recommendations have been synthesized, harmonized and presented collectively in the implementation process as legal and policy frameworks, and plan of action.
9. The **TIQET** system is thus unique in the way it is accompanied by a Plan of Action with target dates for gradual implementation which allows for adequate time for the mobilization of resources and partnerships necessary for its success.
10. The Commission is convinced that, with the goodwill of all stakeholders, **TIQET** is the education system Kenya needs and deserves in the 21st Century and the Third Millennium.
11. It is this system of **Totally Integrated Quality Education and Training, TIQET**, the Commission recommends to the nation.

Chapter One

INTRODUCTION

1.1 Background

- 1.1.1 As the world approaches the 21st Century which is characterized by massive technological expansion and development, Kenya as a nation is faced with the heavy responsibility of putting into position appropriate systems and mechanisms, to deal with the challenges of the next millennium. Such systems include the cultivation and maintenance of a strong sense of national unity, rekindling of the original and traditional culture of mutual social responsibility, enhancement of life-long learning, and adaptation in response to the changing circumstances, as well as creating the necessary environment for accelerated technological development and consolidation. In order to achieve these goals the education system of this country must be modelled both qualitatively and quantitatively, in the manner that makes it a suitable vehicle through which these challenges can be dealt with.
- 1.1.2 It is true that Kenyans are more educated and know more about education now than they did at the time of independence. It is therefore, imperative that Kenyans now draw strength from their national past experience and history, and design an education system that will propel the nation into the next century and beyond. At this point, it is desirable to capture, albeit briefly, some of the key historical milestones in the development of the current education system in this century.
- 1.1.3 The process of education has been part and parcel of Kenya's social, economic and political development since time immemorial. The country's ancestors had inclusive education systems, which were relevant, as they ensured that the society was able to manage its environment and other natural resources in a beneficial and sustainable manner, live in harmony, practise mutual social responsibility and sustain a high degree of moral and ethical values. Moral and ethical values were known and accepted as a way of life by all. Democratic practices of government, justice, and development of the performing arts and co-curricular activities were also part of the rich curriculum that was imparted to the whole society on informal basis. In these communities, justice and individual security were enshrined in the social code in the training, which constituted a vital system for the particular community.
- 1.1.4 The mode of delivery involved practical application of new knowledge in a real life situation. No members were excluded and those with special talents were enabled to develop them within the community setting. Appropriate traditional technology was practical in these communities and each individual went through a life-long learning experience.
- 1.1.5 The colonial government imposed its education policies and practices on local communities thereby destroying in its wake the African traditional systems. The restrictive and discriminatory nature of the colonial education system was

reflected in the racially segregated schools for Europeans, Asians and Africans. Upward mobility was restricted for the Africans through the rigorous examination system. Commendable efforts were made by Christian missionaries to provide for African education but these were by far inadequate especially with regard to the education of girls. The colonial government neglected girls' education as most of African Government schools that were set up such as Kagumo, Machakos and Kakamega catered for boys only.

- 1.1.6 The two world wars affected both economic and educational development in Kenya. Following the First World War (1914-1918), Africans began to demand formal education, among other things. The churches had already seen the need to provide such education for the African children as part of their missionary work.
- 1.1.7 In the light of these developments, it was significant that, in the 1920s, a request was made by the Kenya colonial authorities to establish, on a supposedly scientific basis, the capacity of the African for educational and other forms of advancement. It was supposed that the answer to the future of Africa needed to be founded on establishing scientifically as to whether or not the African was educable. But then the study undertaken was based more on racial assumptions than on any scientific merit.
- 1.1.8 Between 1924 and 1944, an attempt was made by the colonial government to introduce technical education, but it could not be applied due to the Kenyans' negative attitude towards it. One of the main reasons for this attitude was because this brand of education was only offered in African schools, giving the impression that it was for the lower classes.
- 1.1.9 With the growing demand for education by Africans came the question of financing. This in turn led to the appointment of a committee, by the colonial government, under the chairmanship of L.J. Beecher, to make recommendations on African education (Kenya Colony and Protectorate, 1949). One of the recommendations of the Beecher Report (1949) stated as follows:
- "That at all levels of education, and as a condition of entry to the next level, considerable emphasis be placed on character and on the acquisition of practical skills"*
- 1.1.10 Although Beecher was himself a missionary, this recommendation was received with considerable resentment by Africans and was subsequently abandoned after independence. These two requirements were seen as serious steps aimed at barring Africans from acquiring normal academic western education. They were seen as confirmation of the earlier erroneous pronouncement by the colonial authorities that the African brain was too immature to benefit from western education. This view has been reiterated to this Commission by members of the public as follows:

Vocational training was used by the colonialists as a repressive means to development of the African's capacity to think critically. It is still viewed as being subordinated hence not fully accepted. This makes the system not well

adapted to the needs, aspirations and expectations of the youth since most of them anticipate white-collar jobs.

- 1.1.11 Meanwhile the Africans had responded to the colonial denial of good education by starting their own independent education systems. Then the Second World War (1939-1945) came and served to enhance the spirit of nationalism among Africans and to increase their clamour for good education. Africans brought back technical skills, which have now become a major rural industry. Africans were also able to observe human weakness in Europeans and were therefore, able to gain more courage and confidence.
- 1.1.12 During the Colonial era, on the other hand, African education was deliberately restricted, especially at secondary and tertiary levels. At independence there was lack of skilled indigenous personnel especially in middle and high level categories, which the Government urgently required to manage and stimulate economic growth (Sagini Report 1991).
- 1.1.13 There was also realization among Kenyans that good education carried with it socio-economic benefits. These were reflected in income differences and social status which came to be associated with the level of schooling and the quality of certification (Sagini Report 1961).
- 1.1.14 This then was part of the background on which Kenya acquired independence in 1963. It was, therefore, inevitable that the first task of the independent government was to expand educational opportunities for Africans, especially secondary and tertiary level education (Ominde Report, 1964).
- 1.1.15 The result was massive quantitative expansion of education at all levels. For example, whereas in 1963 there were only 151 secondary schools, by 1998 the number had risen to some 3000. Similar growth has been achieved in other levels of education. However, technical and vocational education has not been expanded comparatively because of the white-collar job mentality of formal education and a certificate oriented wage structure.
- 1.1.16 Although the 8+4+4 system of education, introduced in 1985, was expected to encourage orientation towards acquisition of technical skills, the Commission has observed that this tendency to look down on technical education has unfortunately persisted. In all the districts visited by the Commission, it was observed that only those who could not make it to secondary schools were admitted to technical institutions while in North-Eastern Province Technical Education was regarded as being for the 'Tumal' or lower classes, leading to poor enrolment.
- 1.1.17 If Kenya is to move forward towards industrial and technological development, one of the major challenges is to change this attitude so that technical education becomes accepted as the tool that will enable Kenya to achieve accelerated economic development through industrialization.
- 1.1.18 In addition, education must emphasize character development of each individual to ensure that economic development is accompanied by moral integrity.

- 1.1.19 With regard to girls' access to education, gender equity remains one of the major challenges of Kenya's education system, especially at the secondary and tertiary levels. Half of Kenya's population is composed of women who have to be just as skilled and as informed as men so that they can play an equal role in the development of Kenya in the 21st Century.
- 1.1.20 After independence, Kenyans attempted to ensure that access, relevance and quality became the major areas of focus, the aim being to remove the injustices of the past and to deal with the challenges of independence. However, the successes achieved led to the erroneous belief that formal education automatically leads to white collar jobs. This has in turn led to rising numbers of unemployed products of education.
- 1.1.21 The *Harambee* effort was, in particular, successful in mobilizing community resources for the expansion of primary and secondary education. Unfortunately, this led to uneven growth, with ASAL and other disadvantaged areas lagging behind in education due to poor economic conditions. The education for learners with special learning needs also suffered.
- 1.1.22 Other successes achieved included the training of a large number of teachers at all levels of the education system and an impressive growth in higher education. Regrettably, this latter growth has not been matched by economic growth for absorption of the numerous university graduates and school leavers from other levels of education.

1.2 The Challenge Ahead

- 1.2.1 Providing quality education to increasing numbers of students, as expected, and using the available resources, is both a challenge and an opportunity.
- 1.2.2 It is a challenge because of the inadequacy of the available Government resources in achieving the above goal. It is an opportunity because of the possibility of viewing education as both a service and an industry, which is marketed in order to widen the resource mobilization base.
- 1.2.3 While the number of students in schools continues to increase due to the high population growth rate, the number of school leavers enrolling in youth polytechnics and institutes of technology for various career courses is declining. Such decline in enrolment is particularly notable in such courses as masonry, carpentry and joinery and vehicle mechanics.
- 1.2.4 The increasingly high rates of premature termination of education of young persons have made it necessary to provide adult and continuing education. Other challenges are the replacement needs for those who are claimed by AIDS in young and active working life; the growing need for specialists to fill areas of shortage in national development including industrialization; the retraining needs to enable the workforce adapt to changing technological developments. The available government resources are inadequate in meeting the current demands of

quality education which continuous improvement of every aspect of the education components on a sustained basis.

1.2.5 Providing quality education to increasing numbers of students therefore means firstly expanding the resource base beyond Government sources to fill up costing gaps; utilising the available resources more efficiently; costing the education system in its totality; establishing autonomous funding systems; strategizing the allocation of funds; and providing incentives for quality improvement in all the components of education.

1.2.6 At the global level, the challenges impacting on Kenya are numerous. These include:

- a) Increasing danger of extermination by HIV/AIDS, drug and alcohol abuse which, with population increase, are threatening to destroy health care services;
- b) Diminishing food and water availability as population increases;
- c) Massive expansion of technology and the need to keep abreast of it;
- d) The rapidly increasing globalization of economic systems and its negative impact on domestic systems;
- e) Information explosion through media and the effects of its free flow on youth morality;
- f) Moral degradation and international strife;
- g) Sustenance of national unity and sovereignty in the face of global urbanization;
- h) Global climate change and its effects on agriculture and health

1.2.7 In addition to these global challenges, there are specific challenges which face Kenya as a nation which include the need to:

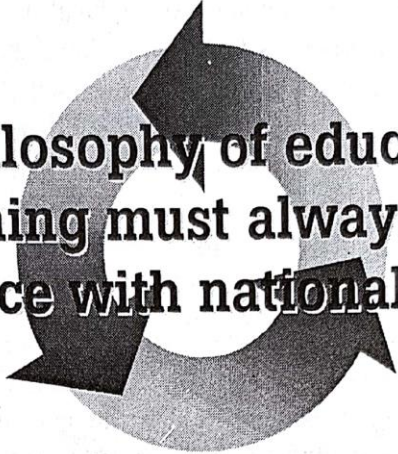
- a) Evolve an education system that provides access, relevance and quality for all eligible learners; one that promotes the all-round development of individual persons and which fosters national unity, moral integrity and mutual social responsibility;
- b) The need to expand scientific and technological education at all levels for the production of adequate human resources to meet the demand of a newly industrialized country;
- c) The need to design and implement an affordable and high quality system of education;

- d) The need to reduce the declining enrolment and improving completion and participation rates in both primary and secondary levels;
 - e) Reducing the gender disparities in our education system especially at secondary and tertiary levels;
 - f) The need to develop an education system that is sensitive and responsive to the needs of those with special education needs;
 - g) The need to improve management and financing of education,
 - h) The need to address the issue of regional disparity with special reference to the marginal and low economic potential areas, especially the ASAL districts.
- 1.2.8 Using the strong socio-cultural traditions of political democracy and mutual social responsibility through co-operative effort, Kenyans have articulated clearly the kind of society they wish to be. They will get there by riding on their strong system of social values and ethics, guided by the clear vision of enhancing the potential of all Kenyans to participate in educational and industrial development.

1.3 National Educational Philosophy

- 1.3.1 The Kamunge Report (1988) recommended that the philosophy of education and training must always be in consonance with national philosophy in order for education and training to contribute positively to national development. The Committee further recommended that the concepts and practices of Harambee and Nyayo be incorporated in national curricula and taught at all levels of education and training system. Education and training should prepare Kenyans to be nationalistic and patriotic towards national independence and values.
- 1.3.2 The philosophy of a country's education system is derived from the national philosophy of that country. A national philosophy is an expression of intent regarding the kind of society, which the people of that nation should strive to be or to develop ultimately. This is captured in Chapters two, three and four on national unity, mutual social responsibility and life-long learning.
- 1.3.3 Prior to independence, Kenya had no national philosophy but a colonial policy that created segregated society based on the major racial groups that found themselves living in Kenya. These societies were to be 'dove-tailed' into one another with the European being on top, the Asians next in the middle, and the African majority at the bottom. The education sub-systems were developed related to this racial concept of society.
- 1.3.4 The Kenyan philosophy of education must be based on the need to fashion the individual growth and development into a sound and effective citizen, with mental capacity to appreciate the cultural heritage of his/her nation as well as being able to make a meaningful contribution towards further development of the nation and its socio-economic stability.

- 1.3.5 As the nation enters the new millennium, it is imperative that a coherent Afrocentric philosophy of education be formulated to guide both the content and methods of the entire Kenyan curriculum design and practice. Time has now come for us to define ourselves in our own Kenyan way. To understand and accept ourselves as Kenyans demand that we revisit our historical and philosophical roots with a new vision.



The philosophy of education and training must always be in consonance with national philosophy

- 1.3.6 Consequently, the Kenyan philosophy of education will embrace the inculcation of a high quality of instruction, which bears the following tenets, values and attributes at all levels of national curriculum offerings:

- a) The articulation of Kenyan identity and its African worldview;
- b) Personal character formation;
- a) Respect for authority, human dignity, and equality of individual persons;
- b) Patriotism for the nation of Kenya and desire for its sustained integration, stability and prosperity;
- c) Enhancement of moral and spiritual values in inter-personal and inter-ethnic relations;
- d) Appropriation of mutual social responsibility and its corporate ethic for the common good;
- e) Internalization of positive and life-long work ethic;
- f) Conservation and maintenance of a clean environment;
- g) Promotion of the physical, emotional, and psychological health of all citizens;

- h) Cultivation of national unity in the minds of youth at an early age.
- i) Appreciation of national, regional and global concerns;
- j) Development of individuals' ability to make rational decisions;
- k) Respect and appreciation of abilities and limitations of persons with special needs
- l) Respect for elderly persons and those in difficult circumstances such as those on the streets and AIDS infected and affected individuals;
- m) Creation of desire for life-long learning.

1.4 Knowledge, Skills, Values and Attitudes

- 1.4.1 The processes by which the vision, mission and priority goals of Kenya's education will be achieved constitute the substance of this report.
- 1.4.2 What Kenyans must understand, however, is that the knowledge, which they are yet to acquire, is far greater than what they already have. This is because on the global scene, knowledge has been growing much faster than the rate at which it has been integrated into the education system. There is a very big gap between what Kenyans know and what they have to know in order to industrialize in the 21st century. This means that the methods to be used in acquiring and disseminating knowledge will have to be faster and more integrative, in order to close this disturbing gap. This will be necessary in order to provide quality education to increasing numbers of students using the available resources efficiently.
- 1.4.3 Apart from the knowledge gap, there is also a skills gap. The tasks, which must be proliferated in accelerating industrialization, will be more complex, more demanding and more sophisticated than before. These tasks will have to be understood in order to close the gap and accelerate industrial development. The complexities of accelerated industrial development will continue to grow and there is no way of slowing them down. The rates at which new scientific developments and specializations occur in an increasingly competitive environment ensure that the 21st Century Kenya will not be simpler. It is unlikely that resources and personnel will be amassed quickly enough and in sufficient quantities to close the gap. This is particularly the case because of the havoc that continues to be caused on the young and productive age groups. This means that methods of providing goods and services must be more efficient and less bureaucratic. Education and training constitute the most important weapon that Kenya has for achieving these essential developments. It is through education that Kenyans will know how to make strategic decisions that distinguish between what is significant from what is trivial. It will help Kenyans to re-orientate their objectives towards efficient use of the available resources in order to sustain path of accelerated industrial development. It will also help Kenyans to turn promissory rhetoric into agendas which have an achievable focus. Kenyans will also turn their attention to the most relevant disciplines and the perspectives that they cultivate and bring to bear.

- 1.4.4 Study disciplines are definite ways of learning and must be developed to high levels of knowledge development. This is one of the functions of research. Fortunately, Kenya has a strong tradition of research activities. Kenyans need to support and strengthen this tradition as a basis of educational, agricultural, industrial and other aspects of national development. However, in a developing country like Kenya, these tunnels of knowledge have to be viewed within the context of increasingly multi-disciplinary and integrated approaches, by continually looking for and strengthening the linkages and overlaps between them. In this way, the disciplinary tunnels of knowledge can be related increasingly to problem solving and national development. This is one of the functions of utilization of research findings. It is, however, in this area of research utilization that, in Kenya, the mechanisms which are required to ensure success are either lacking or ineffective. This report does, however, show how research and postgraduate studies undertaken at the various universities have provided a major knowledge source for modernizing various areas of study.
- 1.4.5 Specialists of various disciplines do contribute to the development of many aspects of the academic subjects. It must, however, be remembered that research produces new knowledge in a fragmented manner. It has to be integrated into the education system through a multi-disciplinary approach. Subject specialists need to be aware of what other specialists have found out. A co-ordinated multi-disciplinary approach will use the new knowledge as building blocks in modernising and integrating education. This will in turn help to show which direction of specialization will yield the desired results. A multidisciplinary approach, which brings subject specialists together, will help the generalists, managers and policy makers to appreciate the distinctive contributions of subject specialists. This will in turn help to mould those specialist contributions and understandings. The co-ordinated collective effort of the Commission has been directed towards making this goal achievable.
- 1.4.6 A most important gap is in the area of values and ethics. This is an important gap because the effectiveness of knowledge and skills is heavily influenced by the values and attitudes of the persons concerned. Subject specialists in professional disciplines have values and ethics to guide the application of knowledge and skills. This in turn implies that a foundation of general values and ethics has to be built during the basic levels of education and training.

1.5 Organization of the Report

- 1.5.1 The following chapters are designed in accordance with the Terms of Reference. They are, however, organized so as to flow in a logical sequence. Using the TORs as a guide, members of the Commission of Inquiry have processed the views of Kenyans so as to state the kind of educational system Kenyans must have in order to industrialize by the year 2020. Although the Terms of Reference (TORs) are individually distinct, linkages between them have been sought for the purpose of facilitating co-ordination. During one year of intense interviews and discussion, the TORs were used to interpret, organize and express the cogency of contributions from members of the public.

- 1.5.2 The chapters which follow are introduced here in summary with stress being placed on the distinctive feature and central findings of each chapter. There is emphasis on the need to enhance co-ordination and efficiency so as to facilitate the process of integration, not only of separate subjects, but also of the actions of scholars, practitioners, managers and policy makers. Emphasis is also placed on the need to continually reinforce co-ordination as part of a deliberate effort to build an increasingly integrated system of quality education.

Part One: Education and Training for National Development

- 1.5.3 The major highlights in **Part One** are national unity, mutual social responsibility, life-long learning and accelerated technological industrial development as some of the national goals which the education system is expected to enhance.
- 1.5.4 They are dealt with in the topics of **Chapters Two, Three, Four and Five**. In the case of Chapter Three, emphasis is laid on social structures and practices which are pivotal activities through which the development of a community is manifested. The break-down of these social systems has led to problems, especially for the youth. These problems include marriage break-down, delinquency and AIDS. Education is expected to guide the society on how to deal with such problems.

Part Two: Challenges of Education and Training for the 21st Century

- 1.5.5 The major highlights in **Part Two** include the need for a strong religious tradition, a firm ethical orientation, the meaning of quality, alternative and continuing education, the importance of relevance, the need for accessibility, equality and equity and the role of higher education.
- 1.5.6 The rates of infection and death from AIDS are on the increase among the youth. **Chapter Six** deals with ways and means of developing comprehensive social education, values and ethics, and AIDS-related educational programmes at the macro-and-micro-levels. It also deals with the teaching of Religious Education, Social Education and Ethics, Guidance and Counselling and with the Pastoral Programme of Instruction.
- 1.5.7 The national goals can only be realized if all the communities are socio-economically stable. **Chapter Seven** deals with ways and means of improving accessibility, equity, relevance and quality, with special attention to gender sensitivity, those with special needs and other disadvantaged groups.
- 1.5.8 People with special needs include those who are gifted and talented as well as those who have various types of disabilities. The special educational needs of these people are dealt with in **Chapter Eight**.
- 1.5.9 Tertiary education which is provided mainly in middle level colleges is vital in providing skilled personnel for national development. This includes the

enhancement of industrial and technological development. This level of education and training is dealt with in **Chapter Nine**.

- 1.5.10 The emerging concept of higher education in Kenya brings universities and middle level colleges under the co-ordinating and regulatory functions of the Commission for Higher Education. **Chapter Ten** deals with the challenges, which are found in university education.
- 1.5.11 The national philosophy of life-long learning is closely related to the topic of **Chapter Eleven**, which deals with the contribution of alternative and continuing education.

Part Three: Planning, Management and Financing of Education and Training

- 1.5.12 The major highlights in **Part Three** are the management of liberalization in education, the need for innovation, flexibility, and long-term planning, enhancing management and administration, an organic process of co-ordination, the country's resource base, an assessment of costs, and a new funding strategy.
- 1.5.13 Liberalization of education is necessary because of the ongoing liberalization of the economy. **Chapter Twelve** deals with ways and means of promoting liberalization of the educational sector, with special reference to the utilization of the specialized resources of universities and similar institutions as vehicles for accelerated national development. In view of the high and increasing rates of school drop-out, methods of creating and promoting alternative educational programmes have also been highlighted. Parents and Teachers Associations and the private sector have a very important role to play in the liberalization of education.
- 1.5.14 Effective planning, management and co-ordination are essential components of efficient development of education and training. This is the topic of **Chapter Thirteen**. It calls for Total Quality Management and effective Management Information Systems, which are some of the basic requirements for education management. It also calls for effective monitoring and evaluation, using performance indicator, for enhancing operation and management. It includes the cost-benefit and cost-effectiveness of formal and non-formal education, ways and means of formulating, implementing and controlling educational programmes, and the appropriate degree of decentralization in administration and financial control. Lack of co-ordination has been identified as a major problem in education and training. There is need for co-ordination between all forms of education and training, including the rates and types of expansion of education programmes.
- 1.5.15 The declining financial resources from the Government makes it mandatory to adopt new approaches to the financing of education. This topic is dealt with in **Chapter Fourteen** to include costing, resourcing and financing of education and training.

Part Four: The Content and Structure of Education and Training

- 1.5.16 The major highlights in **Part Four** include the basic and universal cycle, the responsibility of parents, the national curriculum, the components of further and higher education, the pre-university cycle, the university cycle, a structure to accommodate the content, and points of exit and re-entry.
- 1.5.17 Basic education is recommended as a human right for all. The content for this component is dealt with in **Chapter Fifteen**. Basic Education includes pre-school as an integral part of Primary Education and Secondary Education cycle that should be made accessible to all Kenyans.
- 1.5.18 Post-basic education is here referred to as Higher Education. It is the topic of **Chapter Sixteen**. It includes tertiary education in middle level colleges and institutions as well as university education.
- 1.5.19 The majority of Kenyans have pointed out that the problems of the 8+4+4 system of education are mainly those of poor implementation, overloading and high cost. **Chapter Seventeen** is concerned with these problems. It recommends the creation of a new structure that provides a 12-year basic education for all which is followed by higher education.

Part Five: The Implementation Process

- 1.5.20 The major highlights in **Part Five** include an inventory of policy instruments, a critique of the current policy framework, the legislation in force, a critique of the current legal framework, towards a new legal framework, planning for education and development, towards a strategic plan, the need for programming and a dynamic framework for development.
- 1.5.21 The Education Act and other laws related to education and training has been analysed and proposals for amendment made. **Chapter Eighteen** deals with the legal framework of education.
- 1.5.22 The education system of the 21st Century and Third Millennium will require a new policy framework within which to manage change. This is dealt with in **Chapter Nineteen**.
- 1.5.23 There have been many previous reports without specific agenda for action. This is why it is necessary to draw a strategic agenda that will make this happen. It must also show how the questions of increased access, equity, relevance and quality will be achieved. **Chapter Twenty** puts together the strategies to be used in achieving the desired system of education and training for the 21st Century Kenya. The agenda attempts to show how the qualitative and quantitative aspects of human capital will be realized in order to achieve accelerated industrialization and other aspects of national development. The agenda outlines how the utilization of research will be carried out towards the continuous modernization and liberalization of education.

Conclusion

- 1.5.24 The Report concludes by describing a new concept of education and training which Kenyans need to in order to sustain the long journey in the 21st Century and the Third Millennium. This requires that Kenyans learn and move together as described in **Chapter Twenty-One**.

Part One

EDUCATION AND TRAINING FOR NATIONAL DEVELOPMENT

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Part One

Major Issues and Highlights

- National unity as a philosophical concept
- Meaning of national philosophy
- Foundations and symbols of national unit
- National consciousness
- Unity in diversity
- The challenge ahead
- Education and social responsibility
- Social and cultural foundations
- Cooperation
- The heritage of history
- Life-long learning
- Education opportunities
- Building on current foundation
- Education and industrialization
- Research and industrialization
- Innovativeness
- The cornerstones of a new system for a new millennium
- Work ethic
- Commission's recommendations and the way forward

Chapter Two

NATIONAL UNITY

2.1 Preamble

- 2.1.1 In this chapter, the Commission provides an analytical justification on how National Unity, as a philosophical concept, can be employed as one of the corner-stones of national development.
- 2.1.2 In this regard, it is the Commission's conviction that Kenya needs to produce, through the education system, a new breed of citizens, imbued with a new vision and characterized by true Kenyan personality; individuals who are driven by a deep sense of patriotism and nationalism that transcends ethnic frontiers and traditional ties. These are the individuals who will uphold the rule of law in the nation. They are the people who will possess integrity of character, with a sense of purpose, skill and vision in the upholding of justice toward the harnessing, utilization and conservation of the country's natural and human resources. Lastly, this new breed of citizens will possess a definite vision on the positive role which Kenya will play as an equal partner in the 21st Century globalized community.
- 2.1.3 Kenya's diversity in culture and ethnic heritage is perhaps best demonstrated by her wealth of 42 indigenous groups, in addition to other multi-racial, multi-lingual and numerous religious groups. The vast variety of climatic contrast has enriched its regional landscape, which range from lush green highlands and the scenic Savannah grasslands, to the dry scrap-land that characterizes much of the country. The National strength, however, lies in the fact that it has managed to remain stable and relatively united, in spite of such diversified cultural heritage and environment.
- 2.1.4 Escape from ethnic tragedies that have often bedevilled the neighbouring regions as well as parts of Europe underscores the importance of concerted efforts by Kenyans to ensure that social cohesion is maintained as the basis of our long cherished National Unity.
- 2.1.5 Patriotism, by which is meant national consciousness or love of one's country, has both historical and symbolic context. The events which have shaped our nationalism, and which constitute a significant part of the national history must remain an indelible source of pride and joy of Kenyan people from generation to generation.
- 2.1.6 Patriotism is the act of voluntary corporate will of the people to accede their loyalty to the political community known as a nation. Such an act of corporate voluntary will is the spring-board of national unity. The indices of National Unity include among others effective use of our national language Kiswahili, knowledge of Kenyan history, freedom of movement, ownership of property in any part of the country, which is concretized by people of different ethnic groups living together in harmony.

- 2.1.7 Since Independence in 1963, Kenyan education has been regarded as the single most important vehicle for the promotion of National Unity. Through education, pupils from different ethnic and socio-cultural backgrounds are made to recognize and appreciate **unity in diversity** of all the peoples of Kenya.



- 2.1.8 The ultimate goal in forging national consciousness through education is to minimize the impact of ethnicity in people's minds, by enabling them to live peacefully and co-operatively thereby utilising their varied talents for the enrichment of national life as a unitary whole. No education will be worthwhile unless the educated persons can respond to the spirit of national unity which transcends narrower ethnic loyalties.
- 2.1.9 Kenyan National Unity must be articulated through our national philosophy of education, which in turn must be derived from the National Philosophy. Kenya National Philosophy is clearly stated in Sessional Paper No. 10 of 1965 which owes its origin basically from the traditional African thought. In consequence, the Kenya Philosophy of Education should embrace, the inculcation of such relevant and basic tenets as National Identity, knowledge, skills, moral values, democracy, mutual social responsibility, National Unity and International understanding. National goals of education have been derived from these philosophical considerations and the Commission wishes to re-state the following national goals of education with a view to portraying the important harmonizing role education is expected to continue playing for the greater good of our nation:-
- a) Fostering national unity within a multi-cultural diversity;
 - b) Promoting national development and wealth generation through regulated effort to harness, conserve and equitably utilize the natural resources for the common good;
 - c) Equipping the youth of this country with knowledge, skills, attitudes and expertise necessary for the exploitation of Individual potential and talent for sustainable quality of life;
 - d) Promoting social justice, moral responsibility and obligation to self and others within the society;

- e) Fostering, developing and communicating the rich and varied cultures of Kenya; and
 - f) Fostering positive attitudes and consciousness towards other nations.
- 2.1.10 As the nation enters the Third Millennium, it is imperative that these goals be expanded to include awareness and appreciation of Information Technology and acceleration of Industrial Development, within the context of the world which is increasingly becoming a Global Village.

2.2 Definition

- 2.2.1 As a philosophical concept, **National Unity** means the voluntary existence of different ethnic communities as one people who constitute one nation bound by a moral social contract, a constitution and an internationally defined geographical location.
- 2.2.2 National unity enables Kenyans to deal with many national and international challenges. It involves striving together, pulling together, and working together to bring all the people of Kenya together, in trying to enhance the quality of their life. These efforts recognize the cultural diversities of the people and employ them appropriately to achieve National unity in diversity.

2.3 Foundations and Symbols of National Unity

- 2.3.1 Justice, democratic principle, and the enjoyment of civil rights by all are some of the foundations of National Unity.
- 2.3.2 Education is increasingly viewed as a vehicle for enhancing democratic principles and civil rights of every individual. In Kenya it is the **Constitution** that ensures the natural rights of every citizen to enjoy life, liberty and protection by law. However, the Commission was informed that the Constitution is not taught in Kenya's education system. In view of the growing demand for recognition of various basic human rights, the Commission considers it necessary for the Constitution of Kenya to be taught to all its citizens.
- 2.3.3 The **National Flag** is a vivid reminder to each Kenyan that, as it flies full mast, we are a free people who belong to one sovereign nation endowed with rich heritage, and where liberation was won through great sacrifice in human life. As it flies, the National Flag symbolically throws a challenge to each Kenyan to be patriotic and loyal to the nation, in preserving the hard-won freedom, and to be willing and ready to defend it at any cost. National Flag and Emblems Act need to popularize the use and symbolic meaning of the National Flag. Similarly, the learners must understand the symbolic meaning of hoisting the national flag at school parade as well as the true meaning of the national loyalty pledge. By implication, and in any case, this means that Kenya "has arrived" or "is active" in nation building either in Kenya or internationally.

- 2.3.4 The **National Anthem** is an equally significant symbol of Kenya's National unity. Every citizen must learn to sing it with real meaning, by appropriating the words and reflecting on what commitments he/she is making in the prayer as stated in the anthem.
- 2.3.5 Youth in Kenya's learning institutions need to understand and appreciate that the occasional ceremonies of raising the flag and the singing of the National Anthem are clear evidence that their freedom is guaranteed and that peace prevails in the land. All these should not be taken for granted. Every citizen must play his/her role to protect and sustain peace, freedom and unity within our borders because both freedom and peace can easily be abused and destroyed through wanton human carelessness.
- 2.3.6 **Parliament** is an institution of democratic practice to which representatives of the people are elected to present views of Kenyans from their constituencies in the law-making and regulation of our national affairs.
- 2.3.7 The **Executive** is another important corner-stone of our nationhood. As the highest office in the land, the Executive is the vital embodiment and focal point upon which our nationhood derives its sense of balance, moral order and direction. It is a central nerve from which the various instruments of power, authority and national image spring. To be effective in managing the delicate affairs of the state, the Executive must be given due loyalty and respect by all citizens of the Nation.
- 2.3.8 The **Judiciary** and courts system contribute the vehicle through which justice and fair play are guaranteed among all the elements of our national mosaic of legal, corporate and personal affairs. In its administration of justice, the judiciary stands as a symbol of National Unity and impartiality between the parties concerned.
- 2.3.9 There are specific holidays like **National Days** when the whole nation takes time to celebrate, reflect on the specific events and their consequential impact on the life of all Kenyans today. Such days are set aside for the purpose of according the people of Kenya the opportunity to pay tribute to all those gallant heroes of this Nation whose sacrificial heroic deeds led to our political liberation. Many of these heroes gave up their lives so that future generations of Kenya can live in freedom. Similarly, our present heroes in sports, athletics, the arts, music, creative writing, drama and all heroes in other fields should be portrayed as gallants of Nationhood, to be respected and emulated by the youth. They also remind us of the need to re-dedicate ourselves to the goals of living together, serving and complementing one another selflessly.
- 2.3.10 The **National Monuments** and **shrines** are also symbols that remind us of the struggle for independence, which is the genesis of our national history.

2.4 Fostering National Consciousness

- 2.4.1 During the colonial days, education was segregated along racial lines in terms of schools, resources, curriculum and examination. The Ominde Report (1964) led to

the abolition of racial segregation in schools, unification of the curriculum and the standardization of the examination system as well as equitable distribution of resources to schools.

- 2.4.2 Subsequent education reports like the Gachathi Report (1976), the Mackay Report (1981), the Kiano Report (1981), and the Kamunge Report (1988) emphasized the need for the promotion of National Unity from the family, community, and the educational institution levels through the teaching of relevant subjects such as the history of Kenya and other co-curricular activities.
- 2.4.3 They reiterated the need to continue promoting those traditional practices which promote national unity although at independence, foreign schools had been allowed to continue offering curricula of their respective countries.
- 2.4.4 The Mackay Report (1981) suggested the fostering of national consciousness and national unity. The Kiano Report (1981) recognized that for universities to foster national unity, the teaching of Kenya's history and system of government has to be emphasized in primary and secondary levels of education.

One of the greatest gifts we can give to our children is to provide them with the necessary skills and knowledge they require to make the world a better place to live in.

...Those provided with literacy, numeracy, and useful skills must also be enabled to participate in constructive discussions, adapt to change, and take advantage of new knowledge. Education for all must above all aim at enhancing peace [and] development...

*Daniel T arap Moi
President, Republic of Kenya
at the World Conference on Education for All,
Jomtien, Thailand, 2nd - 9th March 1990*

2.5 Impediments to National Unity

- 2.5.1 It was the view of the public that currently, the curriculum omits the inclusion of national heroes and the articulation of the significance of the symbols of national unity such as the constitution, the national flag, coat of arms, national anthem and national sites and monuments, including places where the founding fathers of our nation were detained. The Commission noted that national heroes and symbols of national unity form major corner-stones of our heritage and, therefore, recommends that:

Recommendation 2.1

The history curriculum be designed to contain adequate coverage of patriotism such as national heroes, historical sites, events and symbols of national unity, and the teaching of Religious Education from ECCDE to higher levels should inculcate moral values which lay strong foundation for patriotism and national consciousness.

Recommendation 2.2

Major towns be provided with monuments in strategic places, symbolising national heroes or heroines and events of national, cultural and historical importance.

Recommendation 2.3

Those subjects and instructional methods which reflect on National Unity such as Kiswahili, History of Kenya, Geography, Literature, Music and Drama, with the attendant informal activities, be given due emphasis to Kenyan culture, patriotism and national heritage in their curriculum design.

2.5.2 The Commission was informed that previously primary school candidates were admitted to any secondary school in the Republic. However, when the 85%/15% admission criterion was introduced for provincial and district secondary schools, the chances of students from different groups interacting with one another was greatly reduced.

2.5.3 The Commission further received views from the public to the effect that the current practice has been to post teachers and education field administrators to their home districts or provinces. According to presenters, this practice also militated against National unity as it robbed Kenyans of a chance to interact with one another and that the practice allowed the perpetuation of ethnic chauvinism and prejudices. The Commission noted that in the past, education had been used as a vehicle for promoting national unity and cultural interaction among various ethnic groups. It was, however, observed that with the present localization of education through the quota system, posting and deployment of teachers and other education personnel, this vital role, essential for national cohesion, has been greatly undermined.

Recommendation 2.4

In view of this, the Commission recommends that selection of students into schools, as well as deployment of educational personnel be made with due consideration to national integration.

2.5.4 Many presenters, especially those from ASAL areas, emphasized that there can never be talk of National Unity when whole areas of the country are neglected and are not treated equally with the rest. The Commission was informed that even

during the colonial days such areas were referred to as "Closed" districts and that the same notion seemed to be prevalent in the minds of national policy makers.

- 2.5.5 The Commission observed that persistent lack of infrastructural development and provision of the attendant basic public services in the former closed districts of the country have contributed negatively to National Unity. Such inadequacies include communication networks, health services, security, and agricultural services, among others.

Recommendation 2.5

The Commission, therefore, recommends that practical steps be taken to improve infrastructure especially in ASAL areas so as to facilitate ease of communication, travel and socio-economic interaction with the rest of the country.

- 2.5.6 The Commission further observes the tendency to over-emphasize the negative in the conduct of our national affairs while down playing achievements. For example when our nationals excel in sports and other areas, these activities are covered poorly in the media. There is need to celebrate, publicize and emphasize the positive aspects of our Nation. Sports and Music achievements and such heroic and selfless conduct as displayed during the 1998 tragic bomb blast, must be fully covered by the media so that Kenyans can have a sense of pride and solidarity in such victories.

Recommendation 2.6

In view of this, the Commission recommends that efforts be put in place to improve and enhance the role of the media, in respect of public role models and opinion leaders in promoting positive attributes that seek to promote National consciousness.

Chapter Three

MUTUAL SOCIAL RESPONSIBILITY

3.1 Preamble

- 3.1.1 The basic principles behind the philosophy of Mutual Social Responsibility are clearly stated in the Sessional Paper No.10 of 1965 (on African Socialism and its Application to Planning in Kenya). This forms the philosophy upon which the socio-economic development of Kenya is based.
- 3.1.2 Mutual social responsibility, if properly inculcated into the minds of the youth through an inclusive education curriculum, would play a critical role in the development of such virtues as honesty, confidence, work ethic, concern for others' welfare and overall integrity of character, which are essential foundations for the success of the planned industrialization by the year 2020.
- 3.1.3 Mutual social responsibility can only be imparted through a strong cultural system. With the modernization of society, education and training should be an integral part of the systems through which culture is transmitted from generation to generation. The systems of transmission include firstly, the family where parents teach children correct behaviour, the basic values to guide it, language and desirable human relations, which help them to adapt to and interact effectively with other people and the environment. Secondly, there are social groups such as clans, age mates and elders through which the youth acquire social education and ethics. Strong extended family systems also reinforce whatever is taught by these social groups. However, these traditional systems of cultural transmission have either weakened or broken down with the adoption of formal education system and foreign religions and cultures. This process is being undermined further by the onslaught of Western culture and social practices, principally through the media. The challenge to education is that it is expected to provide modern society with effective systems of cultural transmission.
- 3.1.4 Education is closely linked to culture as in any society, an educated person is expected to be one who has not only sufficient knowledge and skills, but one who knows how to interact with others courteously and harmoniously.

3.2 Definition

- 3.2.1 “**Mutual Social Responsibility**” implies a moral obligation by society and its members to do their very best for one another with the full knowledge and understanding that if the whole society prospers its members will share in that prosperity and that society cannot prosper without the full **co-operation** of its members” (Sessional Paper No. 10 of 1965)
- 3.2.2 The concept of mutual social responsibility is inherent in African traditional life and can be defined as the expression of social behaviour for the realization of the common good, where individual persons are made to be conscientious in the art of

lending a helping hand to their needy relatives, neighbours or friends, with full realization that tomorrow may be their turn to be in need of help.

- 3.2.3 Traditionally, and even today, the **African corporate culture** is expressed through various modes of daily life. These activities include communally structured activities such as cultivation, house construction, and harvesting. It is a bond between individuals and is expressed powerfully in the statement by Prof. John Mbiti, “I am because we are”. What has therefore, emerged as participatory practice among African ethnic communities is a cultural root of cooperation which involves, inter-alia, concern for the elderly, disabled and the needy.
- 3.2.4 The African corporate or group ethic bears its roots from the extended family system. It is through this basic unit of social collectivities that the group ethic of the African mind is expressed. As an ethical trait, corporate ethic guides the people’s values and preferences in terms of what is considered right or wrong, good or bad, virtue or vice.
- 3.2.5 Mutual social responsibility is an aspect of Kenya’s national ethic aimed at achieving national unity. It requires that all leaders and the people in general uphold it in all their activities. It is only in this way that it can serve Kenya positively.

3.3 Social and Cultural Foundations

- 3.3.1 Mutual social responsibility can only operate effectively in a society rooted in a strong cultural identity. A culture determines the way of life of any society. It determines whether or not the society will remain stable, or drift in the changing circumstances of life. Culture provides the anchor around which basic social organizations (marriage, family), technology, values that guide behaviour, language and religious beliefs develop. It provides the beacons along which the traditions of the society are passed from generation to generation. Culture also provides a foundation for social identity, consciousness and self-direction. This is underscored by the Kiswahili saying “*Mkosa mila ni mtumwa*” (“A person without culture is a slave”).
- 3.3.2 Kenya has a rich cultural diversity arising out of its **composition of many different groups**. Although each of these groups has its own **distinct cultural practices**, there are many aspects that are shared. These include the Kenyan hospitality to kin and stranger, a quality that is recognized and remarked upon by many visitors to Kenya; respect for the aged; strong family systems, marriage customs, funeral and initiation rites, and performing arts.
- 3.3.3 It is recognized that the traditional African society had rules of conduct relevant to all stages of life. From childhood, an individual has undergone an intense education and socialization process which has prepared him or her for life in the society. The traditional education process, though informal, has been continuous and has therefore been provided for by the society throughout one’s life. It has been started in early childhood and was marked by initiation rites, which have continued through adulthood into old age. This provided for long-term preparation and

reinforcement of the individual as a useful member of the society, and made it easy for the youth to be fully integrated. The youth have acquired practical instructions and assignments in specific tasks, which have been tailored to their needs and those of society as they graduate from one status to another.

- 3.3.4 During the socialization process, different people have come in to contribute in the preparation of the child for his/her role in the society. Guidance and counselling has been provided for in matters pertaining to familial and interpersonal relationships including sex and sexuality. Similarly, counselling has been used to counter vices such as premarital sex, disrespect to the older members of society, laziness, stealing, lying, irresponsible parenthood and neglect of duty to the wider society. The youth have been socialized and taught the importance of enduring hardships, living in peace and harmony with others, obedience to elders and societal laws, thereby inculcating into them a sense of identity, maturity and integrating them into the mainstream of society.
- 3.3.5 The traditional society has had a communal lifestyle, and as such, the individual has not existed alone but corporately with the other members, on whom he or she has depended for social, economic, psychological and physical support and security. The individual has been part of the whole. Corporate existence in the African traditional life also has meant intense concern for human welfare and well-being, and concern for every person in the community. Maintenance of peace and order within a given community has been an important duty and ideal, and it has been incumbent upon each member of society to maintain and preserve these virtues. Any act which has threatened them has been considered morally wrong and has been condemned and punished accordingly. Going against societal norms has not been deemed conducive to peaceful co-existence within the society.
- 3.3.6 It is important to note that within the traditional set up, there have been certain character traits that have been admired, encouraged and rewarded. These have included:- ability to listen; openness to dialogue; proper use of logic, self-control and control of one's temper. While virtuous living has been rewarded on the one hand, vices such as rape, pre-marital sex, theft, incest, murder and arson have been detested and severely punished. The result of all this socialization has meant that one has grown up with the necessary knowledge of conduct that has allowed him or her to fulfil all his or her obligations not only to one's family but his or her community as well (Sagini Report 1991).
- 3.3.7 However, the onset of colonization and modernization has brought with them other cultural aspects which have undermined many of these positive practices. Many parents in their submissions to the Commission decried the current cultural decline that they said is manifested by lack of respect for elders from the youth, lack of guidance and counselling, promiscuity in youth and in adults- the very people who are supposed to be the role models, and substance abuse (drug and alcohol abuse). Increased violence has also been blamed on the breakdown of the strong extended family systems, and with it the decline of supportive mechanisms that ensure support and encouragement to other members, when faced with problems.

- 3.3.8 The mass media has also infiltrated Kenyan society to the extent that Kenyans as a Nation are losing their songs, dances, their drama, and even traditional games such as “ajua” and wrestling. This has resulted in a society adrift with young people totally ignorant of their roots and true identity and at the mercy of western influences which assail them through modern media and information technology. This does not augur well for Kenyans, for although culture is dynamic, this dynamism should not mean the cannibalization of original culture but rather a change that continues to celebrate and reaffirm all the positive aspects of our culture. And just as education was the vehicle used by past generations to impart cultural values, education must again take its central role of inculcating cultural values that will guide Kenyans into the 21st Century.
- 3.3.9 The Commission observes that through education, Kenyan children can be taught social norms and habits that emphasize respect, courtesy and mutual social responsibility. The Kenyan child should also be well informed on his/her responsibilities as a child, as a parent and as an elder. Through education Kenyan children should be able to appreciate, develop, and popularize their nation’s cultural values, and commercialize their music and drama, so that the images they see on television are a reflection of what Kenyans were, what they are now, and what they aspire to become. The Commission recognizes the central role education and use of mass media can play in transmission of cultural activities such as music, drama and other traditional practices.

Recommendation 3.1

In view of the above, the Commission recommends that education and the mass media be used to disseminate, popularize and strengthen Kenyan cultural activities such as music and drama at national levels and other appropriate traditional practices such as mutual social responsibility, to ensure survival of society in the next century and millennium.

- 3.3.10 Education should also find ways of reviewing some socio-cultural practices to ensure that they do not continue to impede individual as well as communal development. In so doing, education must not only reflect the refined values in society, but must also use research findings to chart a visionary socio-cultural path for the future. This has to be done with the understanding that knowledge and skills can only be fully beneficial to a society that has a strong moral and cultural foundation.

Recommendation 3.2

The Commission recommends that research be undertaken on areas that are threatening the social fabric of society and the research findings be utilized for strengthening curriculum in Social Education and Ethics.

- 3.3.11 With regard to review and adaptation of some cultural practices, the Commission observed that in some communities, the circumcision ceremonies for girls had been modified to include initiating and counselling them into womanhood without undergoing the actual circumcision; in other communities, the health officials are

now working closely with parents to ensure that such services as tetanus vaccinations and follow up medical care are availed to the initiates. As for early marriages, a more drastic approach has been used where a few girls have been rescued by government officials. However, in the absence of any law to protect them, many still lose their education opportunities at the price of a few cows to their parents. Cultural norms which form an essential component of the social framework through which some communities operate are threatening the very survival of these communities. However, the Commission also notes that a strong and positive cultural foundation is an important vehicle for education and social development.

Recommendation 3.3

The Commission, therefore, recommends that positive cultural practices such as the counselling and guidance that goes on during initiation ceremonies be encouraged and modified to enhance the social development of youth.

- 3.3.12 The Commission further noted the adverse effect of AIDS on education. The AIDS scourge robs the country of the needed human resource as it often strikes the most productive members of the society. It robs families of those who offer livelihood and education, leaving orphans who can neither fend for themselves nor pay for their education. Alcoholism and drug abuse are now part of the youth culture. The Commission recognizes the harmful effects of these vices.

Recommendation 3.4

In view of this, the Commission recommends that guidance and counselling services be strengthened to ensure that youth are properly informed on acceptable norms of behaviour and the dangers of such anti-social habits as drugs and alcoholism.

- 3.3.13 Western culture is negatively influencing the behaviour of Kenyans, especially the youth. Young people and adults seem to believe that western music, behaviour, language and foods are better than those of their own country. Many Kenyans are not happy with this trend which is reinforced by the media.
- 3.3.14 Up to now, there is no National Council for Creative and Performing Arts, a Training Arts Institution or Performing Arts Funding Agency. As a result, the many talented young people who are detected during the National drama and music festivals are neither rewarded nor offered the opportunity for further development of their talents. The Commission under-scores the need for the establishment of a centre to co-ordinate cultural activities and sports and therefore recommends that:

Recommendation 3.5

The rich Kenyan culture, embodied in crafts, music, sports and other skills be developed through the setting up of cultural centres of performing arts, material culture and sports. A National Council for Creative and Performing Arts be set up to co-ordinate these activities.

Recommendation 3.6

The curricula at all levels incorporate cultural studies and skills in relevant subject areas.

3.4 Education and Social Responsibility

- 3.4.1 One of the basic philosophies in sustaining national unity is through the process of mutual social responsibility. In this connection, the Ominde Report (1964) recommended that more attention should be paid to social training in the primary school. The Gachathi Report (1976) recommended that the talents and personalities of individuals be fully developed within the context of mutual social responsibility. This was reiterated by the Kiano Report (1984) which recommended the incorporation, in the curriculum, and the teaching in the entire education system, of positive values of mutual social responsibility derived from the traditional culture and informal education system. Through the Kamunge Report (1988) the Government accepted and adopted these recommendations as policy (Sessional Paper No. 6 of 1988) and stated that the concepts and practices of co-operative efforts and mutual social responsibility be taught and developed at all levels of education and training, through practical participation in community/group work in school and out-of-school activities organized or supported by the school, and as part of the subject of Social Education and Ethics.
- 3.4.2 In a world that is increasingly characterized by individualism, it is important that the concepts of mutual social responsibility be taught in schools. The subject of Social Education and Ethics was derived from this and introduced as a major reform of the 8+4+4 education system. However, it is taught only in secondary schools. This, therefore, means that the positive values of mutual social responsibility and co-operation are not being taught at other levels of education in accordance with the Government policy which states that it is to be taught at all levels of education and training (Sessional Paper No. 6 of 1988).
- 3.4.3 The Kamunge Report (1988) while recommending the introduction of Social Education and Ethics (SEE) as a subject within the formal school system, made it clear that the “foundations underlying the teaching of SEE is that there is a corpus of values that are inherent in our African Traditions” and that these can be developed through conceptual analysis and made part of the educational process in order to improve the moral standards of the nation to understand and appreciate the African Philosophy, its peculiar mode of relating, and the importance of the originality of African values and way of life. Given these strengths, the Report recommended that SEE be taught at all levels of the education system.
- 3.4.4 The Commission was informed that the African ethnic boundaries, which are ethnographic, historical and also psychological, do present the greatest challenge to the modern political leadership, and more in particular, for modern Kenyan education, to convert them into **unity in diversity**. The escalating destructive tendencies in schools, which are a reflection of a malady facing the whole society, have been reported as proof that the education system is not producing socially

responsible persons. Corruption, nepotism and mismanagement of public funds have also been seen by Kenyans as being the result of failure to promote and practice mutual social responsibility. The Commission was informed that even the concept of Harambee which was a good practical example of the African corporate ethic, which involves mutual social responsibility and the principles of sustainable management of resources, including concern and investment into the future, has considerably lost its original impact. It is, therefore, evident that the modern way of living which is characterized by greed, dishonesty, individualism and expression of moral decadence and lack of role models, has destroyed the social fabric of the society. To achieve mutual social responsibility therefore, the Commission envisions that there must be political will, commitment, and attitudinal change. The Commission noted with concern that the subject of SEE is only taught in secondary schools and that it is an optional subject from Form Three level.

Recommendation 3.7

In view of the importance of SEE in communicating the originality of African values and way of life, the Commission recommends that the content of Social Education, Ethics and Religion as a way of life, be strengthened and extended to all levels of education and training.

3.5 Co-Operation

- 3.5.1 One of the practical aspects of mutual social responsibility is co-operation. In this connection, the Gachathi Report (1976) recommended that positive attitudes towards co-operative effort towards the enhancement of mutual social responsibility be instilled in the students by encouraging the project approach to primary teaching. The Report further recommended the intensification of co-operative education, with particular emphasis on business skills, and giving more assistance to farmers through the financial institutions. The Report also recommended that education should develop all teachers into useful citizens capable of, and motivated towards, contributing to the improvement of the nation as a whole, as well as that of their own welfare within the context of mutual social responsibility.
- 3.5.2 The Commission noted that co-curricular activities such as sports, drama, clubs, and subjects like music, which enhance social interaction, appear not to be given the required prominence in the curriculum, due to the present emphasis on examinations.

Recommendation 3.8

In view of this the Commission recommends that co-curricular activities be given prominence in the curriculum and that cultural exchange among pupils and adults be encouraged, with education being designed to inculcate values of co-operative ethic as originally practised in African societies.

- 3.5.3 Mutual social responsibility entails respect and a caring attitude towards women and other disadvantaged groups. It was noted that there is gender insensitivity in the publication of books and other teaching-learning materials used in schools as well as in the provision of physical facilities for girls. The Commission views these arrangements as part of the discriminative practices which discourage the girl child from attending school.

Recommendation 3.9

The Commission, therefore, recommends that gender sensitivity programmes and practices be emphasized in schools.

- 3.5.4 The Commission observed that the current education system does not foster mutual social responsibility as evidenced by rampant violence, destruction of property through arson and selfishness which is characteristic of life in majority of educational institutions. The Commission noted with concern the trend of disrespect among the youth to the elderly, and the handicapped persons in society. But even more appalling is the situation where in some communities, the handicapped children are seen as a curse and therefore, discriminated against to the extent of denying them their fundamental human rights such as education. The Commission therefore recommends:

Recommendation 3.10

Guidance and Counselling in schools and colleges be strengthened to become an active service on a day-to-day basis, advising students on academic, social and practical aspects of life, being undertaken by teachers trained in guidance and counselling to work closely with other teachers, parents and the religious bodies where necessary, with children being consistently counselled against the use of violence as a solution to encountered problems.

Recommendation 3.11

In order to foster mutual social responsibility, there is need to enhance awareness to enable the communities to develop positive attitudes towards the handicapped, with a comprehensive community based education programme being formulated and implemented through the participation of religious bodies, schools, parents and communities to facilitate the awareness campaign.

- 5.5.5 The Commission concurs with the presenters that the modern way of living has destroyed the social fabric of the society, and that overemphasis on examinations has reinforced and perpetuated competitiveness at the expense of moulding integrity of character and inculcating values of co-operate ethic among pupils. There is, therefore, evidence of over-emphasis on the cognitive aspect of education at the expense of the affective aspect which relate to the development of desirable character and values cherished by the society.

Recommendation 3.12

In view of this, the Commission recommends that the curriculum and its delivery be re-designed in a balanced manner to instil good virtues in the youth such as respect for one another, honesty and co-operation. The family and the religious institutions should equally play their role in promoting mutual social responsibility.

Chapter Four

LIFE-LONG LEARNING

4.1 Preamble

- 4.1.1 Life-long learning is an essential philosophy particularly in the era of rapid scientific, technological, information and communication advancement. The forces of socio-economic, cultural and demographic change create awareness in the people on the necessity to continue learning throughout their lives in order to be equipped and thereby enabled to respond effectively to the changes that are upon them.
- 4.1.2 With the globalization pressure which has come upon us where human values are universalized through information technology, Kenya must prepare her citizens through Life-long Education to minimize dependence and marginalization in order to compete favourably with other nations.
- 4.1.3 When we become isolated or marginalized from the centre stage of global business participation by virtue of our low capacity in maximising the use of information available on the internet through the world wide websites or cellular phones, we become vulnerable to all manner of exploitation by the advanced nations. Our marginalization may occur not only as a result of our economic poverty but much more so by our limited knowledge base. Since the quest for knowledge and its utility are unquestionably the current measures of human progress, our survival as a Nation will depend on the extent to which Kenya can give due emphasis to education as a life-long engagement .
- 4.1.4 Our future prosperity and survival in the global network will not lie merely on land or other physical wealth but mainly on our people's ability to access, store and utilize the available information technology for human development.
- 4.1.5 The concept of life-long learning has emerged internationally, not only as a necessity but as the spring-board that must propel a nation and its people into the Third Millennium.
- 4.1.6 Life-long learning is a concept in which educational systems and their resources are viewed according to their capacity to meet the needs of the society within the context of rapid change. In this regard, education is viewed as a process that is not limited to formal or institutional learning. Rather, education goes beyond the confines and demands of the classroom where it buds itself in such other agents of learning delivery services as news media, information technology, correspondence courses, libraries, religious programmes, seminars, co-operative education, and trade union education programmes. In all these programmes the central emphasis is the need to motivate citizens of all ages and backgrounds to continue learning something new for the sake of acquiring new knowledge.

- 4.1.7 As Kenya enters the next millennium, every individual should know that education or learning does not stop after formal schooling. Instead, school education at all levels should be viewed as the initial intellectual capacity that triggers the latent intellectual energies of every person to continue learning throughout life. This is the way through which the nation will increase the knowledge base and improve its level of participation in the competitive world of tomorrow.

4.2 Definition

- 4.2.1 Life-long learning is defined as the desired state of mind to continue learning through-out one's life. The concept of life-long learning was introduced by UNESCO in the 1960s amidst pressure for expansion of educational opportunities. The concept embraced the humanistic tradition, democracy and self-development.
- 4.2.2 Life-long education is a deliberate, systematic and sustained effort to transmit, evoke or acquire knowledge, attitudes, values, skills, as well as any other outcomes of that effort that shape the development of individuals across the life-span.
- 4.2.3 Life-long learning should be seen as an integral part of living and all the institutions of society with an educative potential are considered resources for learning. These include the formal education system, non-formal education including adult and continuing education, the family, the place of worship, the work place, the media, the library and any other local settings which seek to support and to promote life-long learning engagement.
- 4.2.4 It should be noted that life-long education is not merely a mechanism for adapting the individual to technological and socio-economic changes. It is also a vehicle for transforming society, for enabling Kenyans to direct, and be in control of, the course of change rather than merely reacting to it.
- 4.2.5 The ideas about life-long learning are not new. What is new is the realization of its great potential as a vehicle for updating, adaptation and creation of a learning society.

4.3 Provision of Education Opportunities

Previous educational committees have made specific recommendations on ways and means of improving life-long education.

- 4.3.1 The Ominde Report (1964), recommended that:
- a) the Ministry was to undertake responsibility of planning continuing education by establishing a planning unit linked to the Government's Directorate of Planning. In addition, a small advisory body to advise on general policy to be established;
 - b) degree courses be undertaken as part-time studies in the then University College, Nairobi, supplemented by periods of residence at the College;
 - c) an external degree programme be developed to cater for those who merit university education but are unable to under-go residential courses.;
 - d) extra-mural study programmes be overhauled and expanded to serve greater numbers in the rural areas;

- e) radio and correspondence education be utilized for scientific and technical education;
 - f) materials for continuing education, be provided through a co-ordinated system of libraries consisting of the Kenya Library Service, libraries in training colleges and the specialist libraries of technical colleges and large firms. Colleges were expected to give students insights into the problems of adult education.
 - g) learning, research and evaluation materials that would help children cope with society, and understand themselves, and their immediate environment and the rest of the world be produced and made available.
 - h) the campaign for the eradication of adult illiteracy be expanded and strengthened.
- 4.3.2 The Mackay Report (1981) recommended the establishment of a College of Continuing Education as part of the educational system to provide university education to those who may not have had such an opportunity.
- 4.3.3 The Kamunge Report (1988) recommended that a more effective Government machinery be set up in view of the relatively small proportion of trade union funds devoted to workers' education and past dependence on foreign union funds.
- 4.3.4 These recommendations focus mainly on the necessity for the provision of educational opportunities, learning resources and the need for proper planning. This in essence, meant that the necessary measures were to be taken to render life-long learning possible. Although the scope has been limited, the challenge for the future still remains as to how life-long educational programmes can be made available to every Kenyan.
- 4.3.5 The public presentations to the Commission on the enhancement of life-long educational opportunities were quite negative in almost every respect. Those children who drop out for one reason or another from primary or secondary levels have no chance of going back to school or gain an alternative opportunity to advance their education. Their future development is doomed. As the Commission observed, the situation is frustrated by the rigidity that exists in the formal education system right from primary school level to the university level, where learning programmes do not provide the flexibility required to enable individuals who drop out of the system, at any one point, to come back later at their convenience to continue and complete their particular courses of study.

Recommendation 4.1

The Commission recommends that mechanisms be worked out to provide effective linkages between alternative and continuing education programmes, and the formal education programmes.

- 4.3.6 The Commission was also informed that owing to increased poverty, where 50% of Kenyan population live below poverty line, many parents particularly in the ASAL communities cannot afford to pay school fees for their children. In such communities, it is quite an uphill task to sustain any viable non-formal education on life-long basis. The Commission views these inhibiting factors to the promotion of life-long education, with concern and, therefore, recommends that:

Recommendation 4.2

ASAL communities be empowered to increase the enrolment rates of their primary schools as well as increasing the completion rate of the learners.

Recommendation 4.3

Flexible programmes be created in learning institutions to cater for life-long education programmes for all ages.

- 4.3.7 The Commission was further informed that adult education classes in almost all districts are under-enrolled owing to the unpopularity of the programmes. Bearing in mind the increased obsession with acquisition of wealth, even when it is obtained through unorthodox methods, many people are opting for the pursuit of material wealth as opposed to learning. This aversion to learning has given birth to the non-reading culture which is quite prevalent in Kenya. As the nation enters the 21st Century, this trend must be reversed through the strengthening of life-long learning as an integral part of the Kenyan culture.

Recommendation 4.3

In response to this view, the Commission recommends that the necessary steps be taken to establish reading centres in both rural and urban communities, using social halls, churches, mosques, temples and that those centres be supplied with reading materials of various interests and languages and at different levels of education and training.

- 4.3.8 The Commission observed that, owing to current curriculum overload, and emphasis on examinations, learners in all formal institutions have hardly any spare time to engage in general studies beyond their prescribed textbooks.
- 4.3.9 The Commission was also informed that institutional libraries, public libraries as well as teachers' resource centres were poorly equipped in terms of general reading books and modern journals, and that funds were not available to purchase new publications, or obtain data base facilities for accessing library information from the Internet. These materials were also lacking in the majority of learning institutions which were visited by the Commission.
- 4.3.10 The Commission also observed that public libraries, as well as institutional libraries, do not open on weekends and during holidays to allow people who are interested to use the facilities as enhancement to life-long learning.

Recommendation 4.5

In the light of the these concerns, the Commission recommends that library services in all institutions be improved through provision of adequate funds to access information and that they be kept open beyond official working hours or days as an encouragement to life-long learning among people who are interested in doing so.

- 4.3.11 The Commission noted with appreciation the continuing education programmes which have emerged among public and private universities, as well as in other tertiary institutions. These programmes are conducted in the evenings or on weekends and are tailored to meet the learning needs of working people. As such,

the programmes are becoming popular, particularly in urban centres where they serve as a great enhancement to the culture of life-long learning.

Recommendation 4.6

The Commission, therefore, recommends that distance learning be used as a vehicle for promoting the culture of life-long learning nation-wide by establishing continuing education programmes in those areas of Kenya where such programmes have not been initiated.

Chapter Five

EDUCATION FOR TECHNOLOGICAL AND INDUSTRIAL DEVELOPMENT

5.1 Preamble

- 5.1.1 One of the hindrances to the development of a technological culture is found in some cultural beliefs and practices among a number of Kenyan communities towards technically industry related work. Submissions to the Commission by some pastoral communities expressed the very low status accorded to craft and vocational education. Masons, mechanics, builders, and metal workers are despised and treated as pariahs. The communities said that these jobs were for other communities and not for their own children. It was also pointed out that educationists themselves need to be liberated from this mentality, because many of them design vocational education for other people's children instead of designing a universal system that is suitable for all the children who opt to take that career line, including their own children.
- 5.1.2 In the pre-colonial era, different communities in Kenya had evolved adequate craft and industries to meet their demands for tools, weapons and ornaments. These indigenous crafts and industries were deliberately discouraged by the colonial administration in favour sale of manufactured goods from the United Kingdom. The African was further indoctrinated through education and religion to shun local products in favour of foreign goods. This indoctrination was evident in nursery rhymes of the 1940s and 1950s such as "rice is good, because if it is eaten with a spoon, if you want to eat it, you must be given a spoon", the "tractor is good because it is more powerful than animals of burden like bullocks".
- 5.1.3 A second negative contribution of colonial rule was the colonial vocational education, where the African was trained as a brick layer, a mason or carpenter whose duty was to perform menial tasks under the direction and supervision of a foreigner who owned not only the trade but also the tools of his trade. Thus, development of initiative, innovativeness and entrepreneurship, the very vital ingredients in the development of technologies that lead to industrialization, was stifled.
- 5.1.4 The above historical and cultural biases have impacted negatively on policy formulation and on planning for the road to industrialization. The effect has been that, while past and present major policy documents reiterate the need for industrialization, the processes and mechanisms of achieving the stated objectives are not spelt out. In this connection, the Commission noted with concern the lack of incorporation of the role of research specializations found in universities in the Sessional Paper on Industrial Transformation by the year 2020.

5.2 Definitions

- 5.2.1 Before articulating the needs and results of the education system, it is necessary to advance a few issues so that the meaning of the concepts elaborated in this chapter can be understood.
- 5.2.2 **Industry:** Any system of processing consumer and producer goods within an economy.
- 5.2.3 **Technology:** The total environment enabling people to fabricate implements, and consumer goods to make life more convenient for them, the ability to manipulate and tap the natural environment, and adopt it for the convenience of people.
- 5.2.4 **Service Industry:** A system of processing and providing services as consumer goods for the population of any given economy or country. In the context of the work of this Commission, education is seen as a service industry.
- 5.2.5 **Industrial Development:** The cumulative increase or multiplication, both qualitatively and quantitatively, of productive process in an economy. It is an increase, both qualitatively and quantitatively, in the systems of fabricating both producer and consumer goods.
- 5.2.6 **Industrialization:** The development of a culture of production; the development of constructive process of producing all consumer and producer goods in an economy, making use of the entire technological environment of that economy. The Minister for Industrial Development stated in September 1998 that accelerated industrial development means that the percentage contribution to the GDP of manufacturing activities should comprise up to 30% by the year 2020, for Kenya to have attained the status of a newly industrialized country. This will represent an increase from the current level in which manufacturing industry is estimated to contribute only 14% Kenya's GDP.
- 5.2.7 **Technological Development:** The development of human knowledge and ability to manipulate and tap the natural environment and adopt it for people's benefit. The progressive perfection of human efforts and expertise to fabricate, implement and produce consumer goods that make life more convenient for the people.
- 5.2.8 **Social and Economic Development:** The process of improving the quality and standards of living of all individuals in an economy by means of technological and industrial development, among other components.
- 5.2.9 The processes are closely related and sometimes intertwined. For example, an industry functions within a technological environment while at the same time technology is being used in industry to produce all kinds of producer and consumer goods. The process of production using any kind of technology increases employment, and brings about social and economic development. The Commission was concerned with education for technological and industrial development, and the development of mental attitudes that facilitate efficient and humane use of technology in the production of all goods and services.

5.3 Education and Industrialization

Shortage of Manpower

- 5.3.1 A review of the industrialization process in many countries, particularly newly industrialized South East Asian countries, shows that education and finance have played a critical role in their path to industrialization. In Kenya, past education reports recognized that Kenya cannot industrialize unless the country has a sufficient reservoir of trained indigenous manpower at all levels. Implementation of the recommendation by the Mackay Report of 1981 on conversion of secondary technical schools to tertiary institutions did, to some extent, accelerate production of skilled manpower. However, as the Mungai Report observed, the desired balanced ratio of 1 professional to 5 technicians to 30 artisans is far from being achieved, as opposed to the one professional to 1.5 technicians observed in the field.

The Role of Technical and Vocational Education and Training (TVET) in Industrialization

- 5.3.2 The objectives of TVET programme discussed elsewhere in this Report are cantered on:
- a) Development of appropriate skills through practical training and work experience at all levels.
 - b) Provision of adequate TVET manpower at different levels of operation through restructuring of institutions and programmes.
 - c) Emphasis on active and continuous collaboration with industry and world of work to ensure harmony and relevance between training and industry.
 - d) Promotion of dignity of labour and more particularly manual work.
 - e) Education and training for direct employment as well as for self-employment at each level.
 - f) Provision for continuous upgrading of skills and knowledge at the pace and ability of its trainees.
 - g) Provision of a dynamic curriculum with core competencies that will allow graduates of the programme to adapt quickly to the demands of the changing work-place.
- 5.3.3 The above objectives were drawn to ensure that manpower produced under this programme will enhance the pace of industrial transformation as the Commission recognizes the pivotal role of TVET in accelerating industrial and technological development.

The Commission, therefore, recommends that:

Recommendation 5.1

Education be designed to play a deliberate role in demystifying the negative attitude towards work and locally manufactured goods.

Recommendation 5.2

The colonial relics be removed from educational materials and textbooks.

Recommendation 5.3

Modalities be put in place to ensure that Technical and Vocational Education and Training programs, as proposed elsewhere in this Report, are implemented without delay for technological goals and accelerated industrial development to be achieved.

5.4 Middle Level Institutions

- 5.4.1 The Mackay Report (1981) recommended substantial expansion of middle level institutions. This recommendation was not implemented. Regrettably, a number of middle level colleges were, instead, converted to universities thus creating shortages of trained manpower at this level.
- 5.4.2 As indicated elsewhere in this Report, middle level institutions play an important role in most sectors of the economy. In particular, trained manpower is essential for agricultural and agro-industry sectors, where Kenya has a competitive edge. The Commission noted that Kenya's rich agricultural base could be a spring-board to rapid industrialization.
- 5.4.3 As indicated elsewhere in this Report, middle level colleges play an important role in every sector of the economy. In particular, these institutions are the hope and the fulcrum of the industrial take-off which the nation plans to achieve by the year 2020 and where trained manpower is essential for the ensuing economic development.

Recommendation 5.4

Middle level institutions be strengthened to produce the required manpower.

Recommendation 5.5

The curriculum for courses in middle level institutions be re-designed to promote entrepreneurship and self-employment.

Recommendation 5.6

More active collaborative mechanisms between industry and training institutions be put in place to ensure relevance of technical training.

5.5 Research and Industrialization

- 5.5.1 For products to sustain a competitive edge in a liberalized economy, continuous research and development is necessary. Submissions from universities and research institutions in the country indicate that a lot of research has been done particularly, in agriculture and health. There were representations that research findings were not disseminated to the appropriate sector for implementation and application and, in a number of cases, these findings were patented and/or translated into industrial products by foreigners. Despite the establishment of the National Council for Science and Technology in 1977, the Commission noted that the Council's efficacy has been constrained due to lack of funds and qualified personnel. The Commission was further informed that funds devoted for research in universities and other research institutions in the country are minimal, compared to allocation of research funds in countries determined to industrialize. The Commission further noted that while developed and other developing countries depend on their institutions of higher learning for research and development, linkages between Kenya's universities, research institutions and industry are almost non-existent.
- 5.5.2 According to the Ministry of Industrial Development, the industrialization process has two main phases. Phase One is scheduled to occur between 1997 and 2006 while Phase Two is scheduled to occur between 2007 and 2020. This is derived from the Sessional Paper on Industrialization.
- 5.5.3 The Commission is of the opinion that the Ministry's phasing gives the erroneous impression that the two phases are discontinuous and that they follow one another. Since the activities of the two phases do exist now, the Commission regards them as parallel sectors for which specific types and numbers of personnel will be developed through education and training.
- 5.5.4 The Commission notes that the first sector will be labour intensive and this has serious implications for education. This stage demands eradication of illiteracy, through alternative and continuing education. It also has implication on provision of education for all, calling for compulsory Basic Education. Alternative and continuing education is necessary for farmers, co-operative members, and pastoral communities, fishermen and the workers in the informal sector. One of the strengths of Kenya on which to enhance the activities of this sector is the co-operative movement. Strength lies in having well trained teachers.
- 5.5.5 In the case of the capital intensive manufacturing sector, programmes will be needed to fulfil the most appropriate national skills pattern and manpower to be able to sustain progressive enhancement of industrialization to the year 2020. It is necessary for the Ministries concerned to specify the ratios of graduates, technologists, technicians, and craftsmen, which are required by the various sectors of the economy.

- 5.5.6 Unfortunately, the Sessional Paper on Industrialization makes no mention on the role of research in the industrialization process. No mention is made of the role played by universities and research institutions. It is important to note that linkages and partnership are vital and it is necessary for this to be established between the Government and the industry on the one hand and the universities and other research institutions on the other, with the aim of intensifying the utilization of research for promotion of industrialization. This requirement is based on the observation that countries which have industrialized have all done so by utilising research specializations found in universities and other research institutions. No country has industrialized without doing so.

In view of the vital role research plays in facilitating social, economic and industrial development, the Commission recommends that:

Recommendation 5.7

Government and industries give research funding top priority and that collaboration between industries, universities and research institutions be established and strengthened.

Recommendation 5.8

Research priorities be identified, with university-level institutions being required to prioritize their research activities to areas that will enhance technological development for rapid industrialization.

Recommendation 5.9

Mechanisms for research utilization be established. In particular, research findings be availed to those institutions and industries that are able to translate such findings into industrial production.

Recommendation 5.10

Universities and middle level institutions be involved in improving the quality of Jua Kali industry through research.

5.6 Industrialization and Formal Curriculum

Innovativeness

- 5.6.1 One of the major objectives of education is the development of creative and innovative minds. As pointed out elsewhere in this Report, the current curriculum is overloaded and does not encourage creativity. The examinations tend to test recall as opposed to analytical thinking. The Commission was informed that over-emphasis of certificates and lack of talent development activities coupled with continuous assessment leads to rote learning at the expense of practical subjects.

Noting that accelerated industrial development can only take place if future manpower is trained to think creatively, the Commission recommends that:

Recommendation 5.11

When the curriculum is being revised, examinations be re-designed to place emphasis on talent development, creative thinking and promotion of innovativeness.

Science and Industrialization

- 5.6.2 The Commission noted that science is a vital requirement for industrialization. Technical and vocational education also demands that in addition to a sound general knowledge, a good science background be provided for sound technological education and training. With this in mind, and as a result of observed poor status of science education in some of the country's schools, the Commission recommends that:

Recommendation 5.12

- a) An appropriate balance between science and arts subjects be established.**
- b) Science teaching and examination be oriented to problem solving approaches.**
- c) Children be exposed to science concepts from an early age.**
- d) Innovations that are identified through Science Congresses be developed and put into productive use.**

- 5.6.3 Art and Craft in primary education contribute to the development of manipulative skills which the children will need as they grow up and participate in industrial development. In this connection, it was reported that the teaching of Art and Craft in primary schools was seriously hampered by lack of sufficient funds for construction of workshops and the purchase of equipment; lack of properly trained teachers at all levels in most schools; lack of exposure by students to common tools necessary for the learning of technical subjects; lack of technical schools in several districts; lack of materials for practical examinations; lack of laboratories in schools, lack of transport for school inspectors and reluctance of the authorities to make Art and Craft an examinable and graded subject.

Recommendation 5.13

In view of the above, the Commission recommends that teaching of art and craft in relation to the environment be encouraged at appropriate level in primary segment and that art and craft teachers be adequately trained and regularly in-serviced.

Talented and Gifted Children

- 5.6.4 Technological innovations are often made by gifted and talented individuals. As pointed out elsewhere in this Report, such gifted and talented individuals are an asset to the nation.

Recommendation 5.14

In view of the country's efforts to industrialize, the Commission recommends that gifted and talented individuals be identified early and their potentials be appropriately focused and developed.

- 5.6.5 One of the most important components of enhancing industrial development is the informal (*Jua Kali*) sector. In this connection, previous committees have recommended that the necessary legislative and administrative measures be instituted and enforced to facilitate growth of the sector. The Government, through the relevant ministries should, therefore, continue supporting *Jua Kali* artisans and establish ways of ensuring close linkages between *Jua Kali*, technical training institutions and universities. This will ensure that *Jua Kali* personnel get adequate training to enable them to improve the quality of their products. There is still need to develop the products of this sector into fully-fledged industrial quality.

Recommendation 5.15

The Commission recommends that collaboration between universities, technical training institutions, and the *Jua Kali* sector in applied research, design and development be encouraged in order to improve the quality of products and encourage innovations within this sector.

5.7 Rural Development

- 5.7.1 The Gachathi Report of 1976 recommended that resources and incentives be directed, through an integrated approach, to rural development. The objective of this approach was to promote employment creation in the rural areas through farming and non-farming activities, giving high priority to low-cost labour intensive development programmes, which yield high returns on low capital input. The Committee further recommended the use of farmer training centres and school facilities as instruments for integrated rural development. The Commission concurs with this recommendation and urges the promotion of this interaction to initiate industrialization at rural level.
- 5.7.2 The Gachathi Report also recommended that the educational system and training be integrated with the rural environment in order to respond to the needs of the rural population, in terms of general or basic education (literacy, numeracy, general science and environment studies). The Report recommended the strengthening of the teaching of agriculture, animal husbandry and home science. Education in the semi-desert areas was also expected to relate to the need to improve environmental conditions, and to the development of productive livestock industry and other

resources in those areas. Ways of making Harambee schools to be more closely integrated with the development of their localities were to be investigated.

Recommendation 5.16

In order to integrate education and training with the rural environment, the Commission recommends that infrastructure be developed to support education in rural areas, including rural electrification, rural access roads, water resources and alternative energy sources like the solar, wind and nuclear ones.

5.8 Local Innovations

- 5.8.1 **Local innovations:** *Indigenous* technology was considered to be important by the Gachathi Report which recommended its encouragement through education, training and research as a basis for accelerated growth of the economy and industrialization. The Report recommended that all inventions and innovations be protected by patent law. The Commission found no evidence that this recommendation has been implemented.

Recommendation 5.17

The Commission therefore recommends that the Kenya Industrial Property Organization (KIPO) or its successor popularizes itself to ensure that all Kenyans are aware of its existence, activities and usefulness.

5.9 Work Ethic

- 5.9.1 Work ethic is a fundamental human component of national development, including industrialization. Punctuality ensures optimum use of time in the work-place. Honesty ensures the optimum use of time and resources for the production process. Diligence, discipline and positive attitudes to work ensure speed in work output quality and hence competitiveness of the industrial products.
- 5.9.2 As mentioned in previous reports, a positive attitude to work is essential for accelerated industrialization. The Commission was informed that, due to the congested curriculum and heavy emphasis on examinations, students have no time to involve themselves in manual or practical work either in the school or in their homes. Graduates of such a system are often disadvantaged when requested to undertake assignments that require them to handle and/or supervise manual work. The industry requires people with highly developed manipulative abilities and skills.

Recommendation 5.18

In view of these considerations, the Commission recommends that both formal and co-curricular activities be designed to promote diligence, discipline and positive attitudes towards work with children being oriented to doing practical work.

Part Two

CHALLENGES OF EDUCATION AND TRAINING FOR THE 21ST CENTURY

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Part Two

Major Issues and Highlights

- A secular constitutional foundation
- A strong religious tradition
- A firm ethical orientation
- The meaning of quality
- Adult education
- Alternative education
- An education for life
- Continuing education
- A continuous stream of opportunities
- The importance of relevance
- The need for accessibility
- A system at the cutting age
- The need for equality and equity
- A knowledge-based system
- The primacy of research
- The role of higher education
- Funding for research and development
- The Commission's recommendations

Chapter Six

SECULAR, RELIGIOUS AND ETHICAL EDUCATION

6.1 Preamble

- 6.1.1 A robust education system must be able to satisfy the mental, physical, cultural spiritual and moral development of the society, as well as prepare its members for the opportunities, responsibilities and experiences of social living. The education system must, therefore, address the society's secular, religious and ethical concerns.
- 6.1.2 In the traditional setting, children have been taught social values and ethics by their seniors. Elder siblings, parents and indeed all the adults within a given community have played an active role in this socialization process of the children. This teaching has embraced both secular and religious aspects of the community. It has been conducted in total conformity with the successive stages of physical, emotional and mental development of the individual up to the time they are initiated into adulthood. This integration of secular and religious instruction has provided the youth with the needed building blocks for total development of the individual.
- 6.1.3 It is important to note that everyone in the traditional setting has had a belief and everyone adhered to the religious teachings of their community. Religion has been a way of life with secular teaching at all times going hand in hand with religious instruction.
- 6.1.4 The interaction between the country and people from other parts of the world, the introduction of different types of religious faiths (such as Christianity, Islam, Buddhism and Hinduism) and other forms of secular education has affected this mode of teaching. This change has seen the start of separation between secular and religious instruction. The youth have been expected to receive secular education in the formal education system, through the guidance of teachers and religious instruction from the non-formal system, mainly under the direction and leadership of religious leaders.
- 6.1.5 The institutions and the processes within the traditional social setting, which have been responsible for the inculcation of social values and ethics, are no longer operational, due to the current rapid changes in science and technology, and the formal education system.
- 6.1.6 In this chapter, the Commission suggests ways and means of developing programmes for inculcating religious, social and ethical values to the youth. The programmes are aimed at equipping the youth with the necessary tools for dealing with anti-social behaviour such as drug abuse and addiction; irresponsible sexual behaviour; and indulgence in various cults, which cherish anti-social activities and behaviour such as devil worship. In realization of the grave danger posed by the spread of HIV/AIDS, the Commission has devoted a section to the programmes aimed at intensifying the fight against this disease which is mainly spread through irresponsible sexual behaviour.

6.2 Definition

- 6.2.1 The term **values** denotes what is acceptable, good, worthwhile or meaningful in terms of human efforts to promote societal welfare, or the common good in avoidance of moral decadence or chaos.
- 6.2.2 **Secular values** comprise those values that define the common principles upon which a given society is based, irrespective of religious or doctrinal affiliations. In a multi-religious society such as Kenya, a secular approach to social development is, therefore, important for laying the foundations of national unity.
- 6.2.3 **Social values** are what is acceptable, good, worthwhile or meaningful in terms of human efforts to promote societal welfare or the common good, in avoidance of moral decadence or chaos. Social values, therefore, prescribe the ethical foundation of the society irrespective of religious or other doctrinal inclinations.
- 6.2.4 **Religious values** are those values which are specific to a given religion or body of faith. Such values are not only organized in terms of doctrine, but also define the moral capital of individuals and communities, which adhere to that religion. There is, therefore, a necessary overlap between religious and social values and ethics.
- 6.2.5 According to the Kirima Report (1995) on the Cult of Devil Worship in Kenya, **Devil Worship** is a system of ritual practices in which devotion is rendered to the devil or Satan who is said to empower the devotee in a variety of ways. It often involves sorcery, magic, witchcraft, mind control, and black mass.
- 6.2.6 The term **ethics** means the mental capacities to distinguish between right and wrong actions.
- 6.2.7 **Acquired Immune Deficiency Syndrome (AIDS)** is a serious, invariably fatal communicable disease caused by the Human Immunodeficiency Virus (HIV). The disease is now more of a socio-economic problem rather than a medical one alone.

6.3 A Secular Foundation for Education

- 6.3.1 Kenya's social and political organization as defined by the constitution is and remains essentially secular. The Constitution does, however, guarantee freedom of religion and conscience for individuals and communities who desire to live according to, and practise, their own faiths.
- 6.3.2 The system of education which the country has followed since independence has provided for the teaching of both secular and religious education through an agreed common curriculum with various religious groups.
- 6.3.3 As pointed out by the religious bodies and organizations making submissions to the Ominde Report (1964), an education system is one-sided unless the spirit, the values and standards of religion, informs it. As the Commission conducted its inquiry, it

observed that, despite the diversity of religious faiths within the country, this view has not changed among the religious leaders.

A man needs a good reason to convince him that he should be concerned with his neighbour, instead of looking out for himself and his own interests. In the past our clan and our tribe gave us that reason. But today our life goes beyond clan and our tribe. It is more complex and we are concerned with many things. We need a new reason – a more complex reason – why we should be concerned with our neighbour and his welfare.

Religion gives us that reason. It starts with the very nature of man himself, why he is here on earth, how he should relate to his fellow human beings and to God himself; how everything mortal is one day finished; and how each one of us must give an account of the days we lived here on earth.

*From Jomo Kenyatta's (the first President of Kenya) address
to the Catholic Bishops of Eastern Africa
at St. Thomas Aquinas Seminary,
Nairobi, 15 July, 1976*

6.4 A Religious Orientation

- 6.4.1 The Commission is aware that Religious Education provides the main avenue for religious instruction in educational institutions. The essence of Religious Education is the re-direction of individual life, from finite attachments to the active love and devotion, to God the Creator in a personal way. The purpose of Religious Education, is therefore, to impart in the learner the mental and the spiritual capacity for reverence to God who is the foundation of all knowledge. Every study, therefore, is an exposition of what is true, excellent and just.

- 6.4.2 The Commission observed that, when Social Education and Ethics (SEE) was introduced in secondary schools in January 1986 and placed in the same subject cluster as Religious Education (RE), it became popular among the students. The students even performed well in SEE than RE as the following tables demonstrate.

Table 1

YEAR	CRE		SEE	
	Male	Female	Male	Female
1991	74727	52538	4430	2124
1992	72705	54322	5767	2852
1993	40457	40528	5915	3423
1994	35424	39054	9005	6087
1995	30887	35504	11069	8600

This table shows the number of students doing Christian Religious Education (CRE) and Social Education and Ethics (SEE) at Kenya Certificate of Secondary Education. The table shows a steady decline in the numbers of students doing CRE and a steady rise in those who are doing SEE

Source: Kenya National Examinations Council.

Table 2

YEAR	CRE		SEE	
	Male	Female	Male	Female
1991	43	4	24	21
1992	12	7	46	21
1993	6	3	54	27
1994	6	12	77	40
1995	143	181	285	170

This table shows the numbers of students scoring grade A (plain) in CRE and SEE at KCSE. The table shows a steady decline in the numbers of students scoring grade A (plain) in CRE and a steady rise in those scoring grade A (plain) in SEE.

Source: Kenya National Examinations Council.

- 6.4.3 The Commission observed that both RE and SEE are vital subjects in the learner's development. However, as was evident during the Commission's inquiry, the syllabi of these two subjects do not seem to serve the learner's needs adequately. Elsewhere in this report, the Commission has recommended revision of the syllabi of these subjects among others. The Commission has also recommended identification of the "acceptable" social values and ethics, which would form the subject content of SEE.

Recommendation 6.1

Against this background, the Commission recommends that Religious Education and Social Education and Ethics continue to be taught and emphasized as part of the Basic Education Cycle and of the Teacher Training curricula.

- 6.4.4 Religious Education has been considered by religious organizations as not just another academic subject. It is a subject that has been expected to effect behavioural changes among the learners. In this regard, a need arises to have RE taught by committed and practising teachers of the faith in which they offer instruction. The Commission is, however, aware that under the current arrangement of teacher education, it has not been possible to have an adequate committed and practising staff for the teaching of RE. This then calls for special in-service courses for RE teachers. The Commission, therefore, recommends that:

Recommendation 6.2

Religious Education be taught by committed and qualified persons practicing the faith in which they offer instructions.

Recommendation 6.3

Religious Education in all educational institutions be taught in a manner respecting the freedom of conscience, worship and association as enshrined in sections 78, 79 and 80 of the Constitution.

Religious Instruction and Pastoral Care in Educational Institutions

- 6.4.5 The Ominde Report (1964) recommended that Religious Education be taught as an academic subject. This Commission observes that, over the years, RE has been taught as an academic subject that has a body of knowledge to learn. This knowledge is, however, not adequate to lead the learners to deeper commitment in their religious faiths to enhance their morals. This realization is what led to the establishment of the Pastoral Programme of instruction to complement the teachings given in RE. In the formal timetables, especially in primary schools, time has been allocated for this aspect of religious instruction.
- 6.4.6 Submissions made to the Commission indicated that the Christian churches have found PPI to be very valuable to their followers. Views were, however, expressed that, in some areas, PPI has been side-lined. The members of

the public were, however, quick to point out that such problems could be overcome through dialogue. The Commission is convinced that PPI has a vital role to play within the education system, and that a programme similar to this one is necessary for students of other faiths.

6.4.7 Submissions received from the Muslim communities indicated that it is mandatory for a Muslim child to undergo religious instruction in the *Duksi* or *Chuo*. This education is advanced further through the *Madrassa* whose instruction is given in Arabic. The Commission was informed that this religious instruction is vital for the moral development and deepening of one's religious commitment in the Islamic Faith. The Commission was, however, informed that since the advent of the 8+4+4 system, Muslim students have had a hard time trying to cope with both secular and religious instruction in the *Duksi/Chuo* and the *Madrassa*.

6.4.8 The Commission is aware of the *Madrassa Integrated Programme* in ECCDE level North Eastern and Coast Provinces. In this programme, learners also receive instruction in other subjects, which include Kiswahili and English languages. The Commission is also aware that "graduates" from the local *Madrassa* classes have had opportunities to pursue further studies in countries such as Pakistan, Egypt, Sudan and Saudi Arabia, with some of them going up to university level. The graduates from these foreign countries have had difficulties in securing jobs locally mainly due to a language barrier since *Madrassa* are conducted in Arabic.

In view of the importance of the religious knowledge acquired through PPI, *Madrassa* and other Faiths, and given the fact that the official and national languages of Kenya are English and Kiswahili respectively, the Commission recommends that:

Recommendation 6.4

The Pastoral Programme of Instruction be conducted by relevant religious bodies, and taught alongside Religious Education and that these bodies be encouraged to conduct pastoral care for their followers within educational institutions.

Recommendation 6.5

Where Pastoral Programme of Instruction is concerned, and in the absence of enough school instructors, authorized and duly inducted PPI providers by respective religious organizations be accepted, and recognised, by the school for purposes of giving the Pastoral Programme of Instruction.

Recommendation 6.6

The *Madrassa* form of education be recognized as an alternative education programme and that the providers of this form of instruction be encouraged to include English and Kiswahili in the curriculum.

- 6.4.9 Knowledge acquired in RE is not effective if it is not practised in peoples' daily life-styles. Such application includes worship, mode of dress and general mannerisms. Members of the public, especially followers of the Islamic faith and the Seventh Day Adventists told the Commission that learners from their Faiths in various education and training institutions were not being given time to attend to various religious activities and obligations. The commonly quoted cases were the Friday and Saturday prayers for Muslims and Seventh Day Adventists respectively, and the religious dressing code for the Muslims.
- 6.4.10 The Commission is aware that the Kenyan Constitution guarantees freedom of worship in the country. It is also aware that the official time-tables in most of the education and training institutions do not allocate time for Friday and Saturday prayers for the Muslims and the Seventh Day Adventists respectively. There are no national guidelines on religious dress code within the educational institutions. It is the considered opinion of the Commission that, since religion is one of the vital tools of inculcating social values and ethics, educational institutions should provide conducive environments for religious practices and obligations. The Commission, therefore, recommends that:

Recommendation 6.7

The Government makes a formal recognition of the prayer times for all Religious Faiths and that learners and their teachers/trainers be given adequate time to attend to the religious obligations of their Faiths.

Recommendation 6.8

Educational institutions provide prayer facilities to the learners according to their Religious Faiths and allow students to dress according to their Religious Code.

6.5 An Ethical Process

- 6.5.1 Education should form a firm basis for instituting ethical processes within the society. A firm base on ethics would serve as a shield against indulgence in social evils and problems that befall the society due to antisocial behaviour.
- 6.5.2 The existence of social problems such as corruption, nepotism and tribalism has been the subject of various education reports. The Gachathi Report (1976) and the Kamunge Report (1988) recommended the teaching of Religious Education and Social Education and Ethics in formal education institutions to curb these social problems.
- 6.5.3 After reviewing the programmes that have been used in the past to address social problems and inculcate social values and ethics, the Commission is of the opinion that there is an urgent need to re-formulate these programmes using modern strategies to initiate new ones where appropriate. It is noted that the previous programmes have focussed mainly on formal teaching in basic educational institutions. In view of the current shift towards new life-styles, globalisation and increased use of modern technologies especially in

communication, the strategies for the next century must focus on both macro- and micro-levels.

Re-Defining National Social Values and Ethics

- 6.5.4 The Commission notes with concern that such anti-social behaviours are on the increase but they do not seem to be dealt with firmly. The Commission was particularly perturbed by public utterances and newspaper reports on the prevalence of devil worship in educational institutions. Report incidences of cannibalism, human sacrifices, rape and sex orgies, nudity and presence of snakes during rituals were said to be part and parcel of devil worship. These activities are posing a major threat to the educational institutions and the nation at large. According to these reports, some of the youth that are involved in devil worship and other similar activities do not seem to regard these activities as anti-social, since they have witnessed them in the wider society and no stern measures have been taken against the other “offenders”.
- 6.5.5 The Commission is of the opinion that the first step towards curbing these anti-social behaviours is in re-defining the national social values and ethics. The Commission is also aware that the Gachathi Report (1976) had similar sentiments. In view of the increased number and intensity of incidences of anti-social behaviour and their negative effects on the youth and the nation at large, the Commission recommends that:

Recommendation 6.9

A major exercise of redefining the nationally “accepted” social values and ethics be undertaken by a committee comprising of representatives from the civil society, religious organisations and the government. The information from this exercise be used for the formulation of a new syllabi on Social Education and Ethics.

Recommendation 6.10

Institutional management work out concrete ways and means of assisting parents, teachers, education administrators and counsellors on how to assist students in dealing with the challenges posed by devil worship and other similar cults.

National Education and Training Guidance and Counselling Services

- 6.5.6 The Guidance and Counselling Unit in the Ministry was created in the 1970s and staffed with a team of professionally qualified officers. The unit was providing very effective services to secondary schools and Teachers Training Colleges as well as being able to conduct in-service courses for primary school head-teachers in various districts. In addition, the unit developed a useful career guidance booklet for use by secondary school students when filling in career application forms.

- 6.5.7 The Commission has noted with concern that, this once vibrant unit is no longer as effective as it used to be. Most of the “professionally” trained personnel in this unit have since retired or been deployed to other sections. The institutional and field staff have nowhere to seek the necessary advice to help them in carrying out their guidance and counselling duties effectively.
- 6.5.8 While conducting its inquiry, the Commission observed that a large number of learners in education and training institutions were in dire need of guidance and counselling services. Cases such as those of the learners infected and/or affected by HIV/AIDS require professional guidance and counselling services not only for themselves, but also for members of their immediate families.
- 6.5.9 The Commission was informed that most of the staff in educational and training institutions who offer guidance and counselling service are not professionally trained. In view of the increase in anti-social behaviour, there is an urgent need to have adequate and professionally trained staff to handle guidance and counselling in education and training institutions throughout the country.

Recommendation 6.11

The Commission, therefore, recommends that a national programme be instituted for the professional training of teachers to handle guidance and counselling in education and training.

- 6.5.10 Guidance and counselling is a necessary service in all education and training institutions. As indicated elsewhere in this chapter, professionally trained personnel should render this service. It must also be borne in mind that such personnel will be called upon to render services to parents and guardians of the learners that they are expected to cater for. This calls not only for professionalism but also for maturity and dedication to duty on the part of the teacher counsellor.
- 6.5.11 The Commission received submissions that a good number of learners did not seek guidance and counselling from teacher counsellors who were relatively young, even if they were professionally trained. Most students, especially the female students, were not very comfortable when being counselled by a counsellor from the opposite sex. This situation was particularly difficult for the female Muslim students. The Commission is aware of the fact that counselling involves a considerable degree of trust. The Commission observes that for counselling services to be more effective, learners need to be counselled by teachers/instructors of their own sex unless they make special requests to the contrary. The Commission, therefore, recommends that:

Recommendation 6.12

Guidance and counselling in education and training institutions be offered by professionally trained and mature members of staff and that, unless otherwise requested, students be guided and counselled on the basis of gender parity.

Teaching of Social Education and Ethics

- 6.5.12 As indicated elsewhere in this chapter, Social Education and Ethics, was introduced in secondary schools in January 1986. The Commission was informed that no teachers were professionally trained to handle this subject at the time. Religious Education teachers are the ones who were requested to handle this subject in most cases.
- 6.5.13 The Commission observed that SEE contains more information on adolescent growth than Religious Education. But the youth do not seem to reap the benefits, which they should get from this subject. Various forms of anti-social behaviour continue to cloud the life of the youth. It is the considered opinion of the Commission that if the syllabus of this subject is revised as recommended elsewhere in this report and handled by professionally qualified personnel, learners will reap more benefits from this subject.

Recommendation 6.13

The Commission, therefore, recommends that training programmes for Social Education and Ethics teachers be instituted at all levels of teacher training.

6.6 The Crisis of HIV/Aids

- 6.6.1 When the first AIDS patient in Kenya was diagnosed in 1984, the immediate reaction by Kenyans was that HIV/AIDS was a foreign disease. There were two reasons for this. Firstly, the first patient was a non-Kenyan. Secondly, the disease had been discovered first in America, among homosexuals, in 1981. There was therefore a general denial of the existence of the epidemic in Kenya and other African countries. Since then, Kenyans have not been taking HIV/AIDS seriously enough until the late 1990's.
- 6.6.2 In the Seventh National Development Plan (1994-1997) HIV/AIDS was recognised as a planning issue. In 1997 the Government published Sessional Paper No. 4 on AIDS in Kenya. This Sessional Paper provides a policy framework within which AIDS prevention and control efforts were to be undertaken in the following fifteen (15) years and beyond. It challenged all to contribute to the effort against AIDS: communities, **educational institutions**, parents, the private sector, Non-governmental organizations and Donor agencies. It urged efforts to be made to promote socio-cultural norms, values and beliefs that would help to reduce the risk of HIV/AIDS transmission. This Sessional Paper was followed by President Moi's 1997 New Year's and subsequent appeals to all Kenyans, to fight HIV/AIDS in order to avoid being wiped out by this epidemic.
- 6.6.3 Despite the production of the Sessional Paper No. 4 of 1997 and the constant appeals by various leaders, many people still do not seem to view HIV/AIDS as an epidemic. Meanwhile, HIV/AIDS still continues to wipe out many people each day. Many parents are dying leaving a large number of orphans, mainly of school going age. It is estimated that Kenya will have 600,000 AIDS orphans by the year 2000 and one million of them by 2005 if the present rates of infection and death

continue. These orphans, above other things, will be yearning for education. Some of them will already be infected with HIV/AIDS hence will require medical care. They will also require counselling services so as to persuade them not to spread HIV/AIDS or be involved in other negative activities such as taking their lives prematurely. These are a few of the problems associated with HIV/AIDS that are having, and will continue to have, adverse effects on education and training unless multi-sectoral programmes of addressing HIV/AIDS are instituted to check the spread of this epidemic. In realization of these hard facts, in the following paragraphs, the Commission makes suggestions of macro- and micro-level programmes and activities, which can help in prevention and control of HIV/AIDS especially in education and training institutions.

- 6.6.4 HIV/AIDS is a socio-economic catastrophe. The high and growing rates of infection and death from HIV/AIDS related diseases have made it an epidemic of an international magnitude. This epidemic has adversely affected various sectors such as health, education, commerce and industry.
- 6.6.5 AIDS patients spend a lot of money from their own earnings and those of their families and friends on health care. Some of the persons with AIDS are abandoned, especially in public hospitals, thus compelling the government to take care of them until their death.
- 6.6.6 A good number of the persons with AIDS are economically active people. When they fall sick, they are not in a position to continue participating fully in economic development activities. When they die, most of them leave infected and /or affected widows/widowers and a number of orphans who require “special” care.
- 6.6.7 As the HIV/AIDS scourge continues unabated, some of the major concerns of this Commission are:
 - a) The loss of earning capacity caused by HIV/AIDS, which makes it difficult for the infected and affected parents or guardians to support education and training programmes of their children.
 - b) The increased drop-out rate from education and training institutions due to the effects of HIV/AIDS and infection with the AIDS virus.
 - c) The care of the learners who are infected with HIV/AIDS who may become promiscuous and spread the HIV, especially among their peers.
 - d) The infection of students with HIV/AIDS by members of the society who have irresponsible sexual behaviour.
 - e) The danger caused by the HIV/AIDS epidemic to national socio-economic development and to the survival of the race.
- 6.6.8 The Commission observes that if current education and training programmes and those that are proposed in this report have to succeed, then the concerns outlined in the previous paragraph must be addressed urgently. The Commission further observes that programmes for addressing the outlined

concerns go beyond the scope of the education sector. Such programmes must be multi-sectoral and as such would require collaboration of various sectors and even national and international agencies. Under such circumstances, a coordinating body becomes very necessary.

- 6.6.9 In the Sessional Paper No. 4 of 1997, the government accepted a proposal for the establishment of the National AIDS Council. The Commission is convinced that, if such a Council is established, it will be invaluable in co-ordinating the various programmes geared towards eradication of the HIV/AIDS scourge.

Recommendation 6.14

The Commission, therefore, recommends that the National AIDS Council be established as a matter of urgency.

Institution of Multi-Sectoral Programmes for Addressing HIV/AIDS

- 6.6.10 The Commission is aware of the existence of several national programmes that are addressing HIV/AIDS and their related effects. Most of these programmes are on awareness creation. They are sponsored by either the government and various donor agencies, or by Non-governmental organizations. The programmes are mainly run with the assistance of, or in collaboration with, the Ministry of health. This has led to the erroneous conclusion that the HIV/AIDS problem is a Ministry of Health only responsibility.
- 6.6.11 The Commission received submissions to the effect that HIV/AIDS is seen as a health problem, which can be tackled ably by the Ministry of Health. The members of the public, however, cautioned that unless this attitude is changed, the spread of HIV/AIDS among the youth will continue unchecked. They pointed out that HIV/AIDS is not only a medical problem; it is a social, economic, educational, religious and cultural problem. They suggested that AIDS education must get down to the local communities.
- 6.6.12 The Commission has observed that only a few of the current programmes are directed towards the school going youth. Indeed the only programme of this nature that the Commission came across is the one run through the collaboration between UNICEF Kenya Country Office (KCO) and the Ministry and Human Resource Development. The activities of this project include:
- a) Development and production of Information, Education and Communication (IEC) materials on HIV/AIDS.
 - b) Training of Trainers on ways of disseminating HIV/AIDS information.
 - c) Distribution and dissemination of IEC materials on HIV/AIDS to secondary schools in what has come to be referred to as the UNICEF focus districts.

- 6.6.13 Some of the IEC materials that have been developed by the Kenya Institute of Education through this project include the following booklets:
- (a) Let's Us Talk About It: Book I, II, III (1997).
 - (b) Good Health: Facts about STDs and AIDS (1997).
 - (c) AIDS Education for Youth Action Programme: Facilitators' Handbook (1997).
 - (d) Doom or Bloom: Your Choice. A Resource Book for Youth in Secondary Schools (1997).
- 6.6.14 It is worth noting that the training of trainers' workshops is attended by secondary school-teachers who are in-charge of guidance and counselling and Biology; and school inspectors. All those who have participated in the workshops are conversant with the published materials, and can use them in their role in AIDS prevention and control. During the workshops, the participants are issued with a set of the AIDS Education materials. To-date about thirty schools have received copies of the materials. The Commission was informed that through this project, KIE plans to reprint the published IEC materials in large quantities in 1999.
- 6.6.15 According to the members of the public, HIV/AIDS - related educational programmes should be developed and made more effective by categorizing the community into functional groups such as farmers and rural communities; students, teachers and technicians; professionals in various fields and policy makers, planners and administrators. For example, large sections of the first group, comprising farmers and rural communities may need AIDS-related information disseminated to them in the form of visual materials, especially posters, wall-charts, photographs, arts and crafts. This will provide the stimulation of learning by observation, which is particularly characteristic of rural communities. Others are audio-visual materials, especially slides, films, television and video cassette recorders, and interpersonal communication through group activities such as traditional ceremonies, songs, gestures, drama, oral poetry and storytelling.
- 6.6.16 The Commission is of the view that, the war against HIV/AIDS should be conducted through multi-sectoral programmes. According to the Commission, such programmes should be based on clinical epidemiology and be backed by medical research.

Recommendation 6.15

In order to hasten the war against HIV/AIDS, especially among the youth, the Commission recommends that multi-sectoral programmes be established to deal with all the perspectives of HIV/AIDS.

HIV/AIDS Education Messages in the Curriculum

- 6.6.17 The Commission observed that an increasing number of HIV/AIDS affected and infected orphans are dropping out of school. For example, on a visit to a “Hospice” called *“Pepo La Tumaini Jangwani”*, meaning, *“A Wind of Hope in the Wilderness”*, for adults and children affected and infected with HIV/AIDS there were about thirty children whose ages ranged between about three and sixteen years. Interaction with these children and the adults in the hospice moved members of the Commission to tears! The Commission was informed that these HIV/AIDS victims had decided to move to the hospice to at least have people to talk to and also to get a “decent” burial from the stronger members of the “hospice”. Although they were very keen to learn, some of the children had never been to school and others who had dropped out of school had no hope of going through the formal education since they could not afford the fees.

Faced with the death of his father, a young boy was forced out of school in standard six for lack of school fees. The AIDS scourge had “visited” his home and taken with it the sole breadwinner (his father who used to work in the Kenya Army) and leaving in its wake an ailing mother and “dilapidated” homestead.

To feed his ailing mother and his younger brother and sister, Hassan joined the army of children on the streets surviving on the wastelands of Isiolo town marginalised from the mainstream of life.

Unfortunately, Hassan’s mother died. After the burial of their only parent, Hassan and his siblings who had also dropped out of school had no one to turn to. Life in the streets was becoming unbearable. In order to get food and “decent” shelter, Hassan and his siblings went to *“Pepo la Tumaini Jangwani”* which they had reliably learnt was a home for those who are affected and/or infected with HIV/AIDS. In this “Hospice” they were welcome by the residents.

Although Hassan has since learnt that their young sister is also infected with the AIDS virus, he is still looking for well-wishers who can finance his education and that of his brother and sister.

A young boy narrated this moving account to the Commission when the members visited “Pepo la Tumaini Jangwani” in Isiolo Town on 4th March 1999.

- 6.6.18 The experience of *“Pepo La Tumaini Jangwani”* and elsewhere as well as various submissions from the members of the public convinced the Commission that the war against HIV/AIDS can only be won if the messages contained in IEC materials on HIV/AIDS are disseminated at the individual, family, community and national levels. The Commission is aware that some religious organizations have been very

active in the HIV/AIDS awareness campaigns. In order to succeed in the war against HIV/AIDS, there is a need to use all available institutions. The Commission is convinced that the education and training institutions can be very effective in combating HIV/AIDS.

- 6.6.19 The Commission is of the opinion that, HIV/AIDS should be included in the curricula of the various education and training institutions. It is also of the opinion that education and training institutions can be used as distribution and dissemination centres for IEC materials on HIV/AIDS. In view of the foregoing, the commission recommends that:

Recommendation 6.16

Education and training institutions throughout the country be used as distribution and dissemination centres for suitable and approved IEC materials on HIV/AIDS.

Recommendation 6.17

Messages on HIV/AIDS be included in the following subjects within the school and college curricula:

- a) Social Education and Ethics**
- b) Home-science**
- c) Biology**
- d) Guidance and Counselling**

The Establishment of Peer Counselling Services in Educational Institutions

- 6.6.20 Elsewhere in this chapter, the need for professional counselling for those affected and infected with HIV/AIDS was discussed and a recommendation made for professional training of guidance and counselling staff in education and training institutions. The Commission is of the opinion that there is also a need to institute peer-counselling services in education and training institutions throughout the country.
- 6.6.21 The Commission is aware of the Peer Approach Counselling by Teens (PACT) programme in other countries. In this programme, peer educators from each school are trained on sex matters, family planning, sexually transmitted diseases such as HIV/AIDS, and Communication and Counselling skills. These teenagers are then entrusted with the task of disseminating the knowledge they have learned to other teenagers in the schools and the local community.
- 6.6.22 The Commission sees the PACT as a step in the right direction, but is of the opinion that the training of peer counsellors should at all times take cognizance of the successive stages of physical, emotional and mental development of the counsellor-to-be. The Commission is also of the opinion that an all-encompassing peer counselling service is more appropriate for the country. This service should combine the use of drama, music, IEC materials and counselling. The messages disseminated by this service should cover HIV/AIDS as

well as other health problems. This would be carried out as part of co-curricular activities in education and training institutions throughout the country. The Commission, therefore, recommends that:

Recommendation 6.18

Peer counselling services be established in all education and training institutions in the country to motivate the youth to express their desire to protect themselves against HIV/AIDS.

Chapter Seven

ACCESSIBILITY, EQUITY, RELEVANCE AND QUALITY

7.1 Preamble

- 7.1.1 Providing quality, relevant and equitable education to an increasing number of children, youth and adults is both a challenge and an opportunity for Kenya. It is a challenge because of the persistent discrepancy between the rate of economic growth, which limits the government's budgetary allocation to meet the growing demand for education, and that of population increase. This mismatch has delayed the achievement of education for all, while attempts to increase the number of learners at the various levels of education has sometimes compromised the quality of education. It is an opportunity because the goals of development in Kenya, especially that of industrialization by the year 2020, demand that the nation urgently puts into place the human knowledge and skills that will lead to the achievement of such goals. This in turn demands the mobilization of alternative sources of funding for the expansion and development of education at all levels, to meet the desired targets.
- 7.1.2 Education and training remain the foremost tools for accelerating social and economic development for industrialization in the 21st Century as projected. It is, therefore, important that this Commission was mandated to re-visit the key factors of access, equity, relevance and quality in the provision of education at all levels, with particular reference to disadvantaged groups. As Kenya moves towards the 21st Century, the greatest challenge facing the nation is that of ensuring access to Basic Education for All (BEFA), achieving equity by eliminating all existing disparities, with particular reference to the education of girls and women, children with special education needs, children in disadvantaged regions such as arid and semi-arid lands (ASAL), and education of Children in Especially Difficult Circumstances (CEDC), whether rural or urban. This calls for a different approach to the provision, delivery, management and financing of education, to ensure improved access, equity, relevance and quality within the context of newly defined goals and targets.
- 7.1.3 Kenya's commitment to the goal of Basic Education for All (BEFA) is also motivated by the recognition of education as a basic human right. The achievement of BEFA is the spring-board to all other levels and types of education. It is also the most beneficial investment in social and economic development, especially for a developing country like Kenya. Looking at the history of education since independence, the Commission is convinced that full accessibility to quality Basic Education can only be achieved through sustained efforts, aimed at progressing towards desired goals and targets without disruption. This calls for sustained political will, translated into action, which would lead to unapologetic strategizing for the achievement of access, equity, relevance and quality in education for all individuals, groups and regions in the country.

7.2 Definitions

The issues under discussion in this Chapter are inter-related and inter-dependent:

- 7.2.1 **Access** addresses the open-ended nature of education, which in our context is recognized as a basic right of every child, youth and adult. It assumes availability of opportunities at all levels and sectors of education for all those who are eligible and meet the desired criteria. It embraces the concept of inclusiveness for all potential learners both horizontally and vertically. Expanding access to quality education is an effective way of improving equity. Increased access demands careful planning to ensure that quality is not compromised.
- 7.2.2 **Equity**, like access, recognizes the right of all to education. It introduces the values of fairness and social justice in the way educational opportunities and resources are allocated or shared. It values the deliberate elimination of all forms of discrimination, whether direct or discrete based on gender, socio-economic status, geographical location, physical, mental or any other handicap. It calls for the development of clear indicators, both quantitative and especially qualitative, for ensuring deliberately programmed eradication of any existing disparities. It justifies the short-term use of Affirmative Action (AA) programmes as a viable strategy for correcting gross disparities and injustices.
- 7.2.3 **Relevance** refers to applicability of what is learnt to a particular environment and life situation. It implies that learning has a purpose, that of responding to actual needs, interests and problems of the participants and their communities. Relevance encompasses the content of education and the process of acquisition. It is crucial for empowering the individual for intelligent, appropriate and dynamic responses to the challenges in life. Relevance has serious implications for the process of curriculum development, the modes and processes of delivery. To be relevant, the curriculum needs to be sensitive to local conditions, while at the same time responding to shared “universal” issues of human concern. Relevance in education enhances quality.
- 7.2.4 **Quality** in education emphasizes enrichment in the process and outcome of learning achievement. It is not mere passing of examination or certification, but the development of independent, analytical, creative potential of the individual, including critical imagination, spiritual and ethical values. Quality education is accommodative in ensuring the identification of individual talents and enhancing them. It is humanizing and liberates the individual from bigotry, while at the same time promoting a just and peaceful environment. It implies a standard, an agreed criterion for assessment. Quality education enhances relevance.
- 7.2.5 **Basic Education** is the minimum education package that every Kenyan must have for progressive existence in society. In this Report, Basic Education cycle comprises of pre-primary, primary and secondary education. The package includes communication skills, functional literacy and numeracy, relevant life skills, motivation towards knowledge acquisition, and self-confidence in the utilization of knowledge. It is acquired in formal and non-formal settings.
- 7.2.6 **Alternative Basic Education Programmes** attempt to provide education through non-conventional delivery approaches. In Kenya they are characterized by flexibility in scheduling and the demands made on learners. They are specially designed to meet the unique needs of learners, for example, the poor who cannot

afford any fees or for uniforms. For working persons the education programme is organized in a manner that does not clash with work schedules, for example, classes are held in the evening after work.

- 7.2.7 **Affirmative Action (AA)** is a development strategy used as a short-term measure for correcting gross disparities. Its use assumes that political will, long-term measures for eliminating all forms of discrimination, and equity indicators for monitoring equitable development, are in place. The role of AA programmes is to ensure that past injustices do not continue to haunt the future, and that the ground is level for all to participate in, and benefit equally from, development.

7.3 Expansion of Opportunities

- 7.3.1 Previous recommendations relating to increasing access and improving quality include expansion and re-organization of existing facilities and the provision of new schools, cost reduction and elimination, directives binding parents to enrol their children in school, remedial courses for vulnerable groups, partnership with communities and parents, and inter-ministerial collaboration. All recommendations stress the need to increase girls' education.
- 7.3.2 Recognizing the important contribution of primary education to economic progress, by providing a reservoir of candidates for secondary and higher education, and by fulfilling the minimum basic educational requirements for participation in economic life, the Ominde Report (1964) recommended the development of free primary education. The Report however, sounded the caution that emphasis on primary education must not hinder adequate growth in secondary, commercial, technical and higher education, which are more directly related to economic development; nor should expansion of primary education be allowed to affect quality.
- 7.3.3 The Report observed that primary education could only be made "free" after it had been made virtually universal, and when a method of local taxation had been evolved which was capable of taking the place of school fees. The Government was advised to do everything possible to spread the idea of community responsibility for social services. In this connection, it was recommended that the Government's effort be directed towards areas in which enrolment falls seriously below the national average such as the ASAL. It was further recommended that separate primary schools for girls in areas of sparse population be established.
- 7.3.4 With regard to the needs of primary school leavers, it was recommended that education authorities should do everything possible to support the 4-K clubs. Secondary trade schools specializing in agriculture should be based on a one year course and that a six-month residential course be organized at Farmers' Training Centres.
- 7.3.5 In 1974, the Government boldly introduced free primary education from standard one to four in order to provide access for all. The impact was overwhelming with enrolment of 1.8 million additional children, a growth rate that the system was unable to sustain.
- 7.3.6 The Gachathi Report (1976) recommended a basic education of 9 years. More recently, it has been recommended that Kenya adopts a basic education of 10-12 years as a basic constitutional right, in line with progressive global trends.

- 7.3.7 The Kamunge Report (1988) recommended that all parents with children of primary school going age, especially girls, be required to send such children to school and retain them there for the whole duration of primary education. This recommendation was accepted by the Government. The Commission, however, established that the recommendation has not been implemented.
- 7.3.8 The Report also recommended that more opportunities be created for girls in secondary education and that facilities be provided to enable them study technical subjects. The Government accepted this recommendation. The implementation has led to the creation of more opportunities for girls in secondary education. More girls' schools have been built; some of the former mixed schools have been changed to girls only; while most day schools have continued to be established as mixed schools. These initiatives have improved the participation rate for girls from 41% in 1988 to 46% in 1995. More facilities have been provided to girls' schools through joint efforts by the Government and communities to enable girls to study science subjects. The Government has continued to supply the equipment while communities have constructed science laboratories and Home Science Workshops. The expansion of schools to create more opportunities for girls is, however, affected by the inadequate financing from both the Government and communities towards the provision of facilities. In 1994, the Ministry introduced a policy of allowing girls to continue with education after dropping out of schools due to early pregnancies. It was expected that the re-entry of teenage mothers to the school system would further increase participation rates for girls. No evaluation has so far been undertaken to determine the impact of this policy.
- 7.3.9 One of the vital needs of pre-school children is their basic growth. In this connection the 1997-2010 Master Plan on Education and Training observes that the priority is for the State to work with households and communities to build an infrastructure through which the basic growth needs of children - nutrition and health - are met, and to improve the quality of life for children aged 0-6 years. This implies that **co-ordination** of the health (nutrition) and education services for early childhood is necessary. The Master Plan points out that this will involve empowerment at the local levels for identification of children's needs, and prioritization of provision for them in relation to other development needs. Improvement of **co-ordination**, particularly at ministerial level, is therefore, necessary.
- 7.3.10 The Master Plan (1998) observes that enrolment in various education and training courses is characterized by:
- a) Disparities between different geographical areas, male and female, and between affluent and poor households;
 - b) Under-enrolment of the handicapped;
 - c) Poor provision of early childhood education; and
 - d) Low access to secondary education.

7.4 Access

(a) Overall Education System

- 7.4.1 During public presentations to the Commission, it was emphasized that the Government should bear the primary responsibility for education through the formal system. The inability of the government to assume full responsibility for education was, however, highlighted throughout the country. It was variously suggested that the Government needs to mobilize resources, additional to its current budget provisions, to enable it to provide at least Basic Education for all Kenyan children, including Early Childhood Development and Education (ECCDE).
- 7.4.2 The Convention on the Rights of the Child, of which Kenya is a party, provides the basis for an inclusive education system where no child is excluded or marginalized in special programmes. The obligation to ensure all children's right to education lies with the Government. Only the State can put together all the components of education into a coherent yet flexible education system to accommodate all. The Government must be committed to guide the entire education system, planning the system in its totality, designing and supervising the curriculum, educating teachers, setting standards, paying salaries and contributing to buildings, especially in the ASAL areas.
- 7.4.3 As the Government continues to explore ways of meeting the needs of all unreached children, there is need to acknowledge, accommodate and support the role of other education providers such as NGOs, religious organizations, private school developers and communities. Their efforts should be supported within a diversified system, in which the Government plays its essential coordinating and standard-setting role.
- 7.4.4 A special education levy was proposed by numerous presenters, while others felt that the Government should exercise greater efficiency in the collection, allocation and utilization of resources. The Government should also mobilize partnerships with religious organizations, donors, NGOs, industries and communities, and urge them to increase their contributions, towards the development and improvement of education.
- 7.4.5 Lack of access was said to be due to the inadequate number of schools in both rural, urban, and especially ASAL areas. Within the schools also, the places available are not adequate to match demand. These inadequacies are more pressing at the secondary school level.
- 7.4.6 Members of the public made a passionate appeal that the Early Childhood Care, Development and Education Programme, whose provision has until now remained in the hands of communities, NGOs, religious organizations and private providers, should become part and parcel of the basic education cycle. Each primary school should therefore, have a pre-primary unit.
- 7.4.7 The Commission recalls that the Double Shift strategy has been used successfully in Kenya for increasing access at the primary school level. The strategy involves the use of the same facilities, learning materials and text books by two groups of learners in one day - one group in the morning and the other in the afternoon. The Commission heard that, because of the heavy workload characterizing the 8+4+4 system of education, such an arrangement

is not possible since the children need to be in school the whole day. The Commission witnessed the large numbers of children who will not be able to join Standard One in Nairobi in January 2000 due to lack of places. Some parents had to camp at school over-night with their children, in order to get their six-year olds interviewed for entry into Standard One.

- 7.4.8 In some areas, particularly in ASALs, enrolments are so low per class that deploying one teacher per class is not cost-effective. In such a situation, multi-grade teaching would be effective as only a few teachers would be deployed to handle all classes.
- 7.4.9 On the basis of the above observations, the Commission recommends that:

Recommendation 7.1

Mechanisms be found for the provision of Basic Education for all and the strengthening of coordination in mobilizing and encouraging education providers.

Recommendation 7.2

Early Childhood Care, Development and Education (ECCDE) be made an essential component of Basic Education, accessible to all children, and that the revised Education Act should reflect ECCDE.

Recommendation 7.3

The Government strengthens the existing, and creates new, partnerships for increased support to education.

Recommendation 7.4

Reduction of work-load be undertaken as an urgent measure to facilitate the implementation of the Double Shift strategy in those districts with more children than the facilities available, and Multi-grade System of teaching be introduced particularly in ASAL areas.

(b) Cost and Cost Sharing

- 7.4.10 The Commission was frequently reminded that close to 50% of Kenyans live below the poverty line. In view of this, the prohibitive fees and other levies charged by educational institutions have had a negative impact on access. A catalogue of items required from pupils when they initially join Form One, and the cost of text books for numerous subjects under the 8+4+4 system have substantially added to the high cost of secondary education. Fees guidelines by the Ministry were said to have been ignored by Boards of Governors and School Heads in most secondary schools.
- 7.4.11 The cost-sharing policy, within the context of existing poverty levels, was viewed as the single-most hindering or constraining factor which has led to the serious decline in enrolments, since its implementation in 1986. In particular, this policy has affected enrolments in ASAL areas and other pockets of poverty, in both urban and rural areas. Parents in such areas are completely unable to afford education for their children. The girl child's access has in particular been affected, as has that of the child with special education needs. When parents are faced with choosing between

educating a boy and a girl, or between the able and the disabled, they will invariably favour the boy and the able child.

- 7.4.12 Numerous requests were made for the Government to allocate more resources for education from its own budget, and/or introduce a mechanism which would facilitate the provision of the desired goals to have Basic Education, especially for the poor and marginalized.
- 7.4.13 The Government would need to take stock of all existing and potential facilities for secondary education, in order to plan for accommodating all primary school leavers. Other information needed for such planning is that of financial and other resources, including teachers and equipment.
- 7.4.16 In view of the above observations, the Commission recommends that:

Recommendation 7.5

Basic Education be declared compulsory and ways be found for providing subsidized education for poor and marginalized groups.

Recommendation 7.6

Necessary changes be instituted for making education affordable for the average Kenyan parent.

Recommendation 7.7

The level of fees charged by schools be determined at the district level.

Recommendation 7.8

The Government takes the steps necessary to plan and implement strategies for increasing access at the secondary school level to accommodate all primary school leavers.

(c) Child Labour

- 7.4.17 The Commission noted that child labour is a rampant practice that continues to keep children out of school, especially in the prevailing situation of poverty at the household level. Children in different parts of the country are involved in activities such as fishing, picking of coffee, tea, and *miraa*, hawking and petty trading. In addition, many school-age girls are employed as house girls and child minders in urban and rural areas. In ASAL areas, girls and boys are expected to take care of herding, an important role in pastoralist economies. Such children cannot, therefore, be spared for school as presently organized. Work prevents many children from gaining, or benefiting from, education, while at the same time education systems fail to take into account the special circumstances of working children.
- 7.4.18 Agricultural and domestic labour constitute the "hidden" components of child labour which impact disproportionately on girls. The opportunity cost of sending girls to school is, therefore, higher than that for boys.
- 7.4.19 All these forms of labour, whether paid or unpaid, interfere with children's participation in education, either denying them access or hindering their effective participation, by causing drop-out and absenteeism.
- 7.4.20 The Commission is aware of on-going proposals for the Government to out-law child labour and would strongly support such a move to end a practice that denies children their basic right to education.

- 7.4.21 The Commission recognizes that there are some unavoidable circumstances that force some children to work for money, or to fulfil their expected roles within the family. In such circumstances, it is necessary that the school schedule is adjusted to meet the needs of working children.
- 7.4.22 The Commission's attention was indeed drawn to an on-going shepherd-girls' education programme in Samburu whereby girls look after animals in the morning, and attend school in the afternoon and early evening. In another project still in an ASAL area - Doldol, teachers follow herding children to the animal watering points, and conduct functional education there. This project has been able to link younger children among their students to the formal school. The Commission observes that all forms of child labour deny children their basic right to education and therefore, recommends that:

Recommendation 7.9

A law be enacted and effectively implemented to eradicate exploitative child labour.

Recommendation 7.10

A flexible school calendar and schedules be initiated to meet the needs of children involved in survival domestic chores.

Recommendation 7.11

The Ministry and other partners involved in education support the replication of innovative, customer-made education programmes to benefit more children in similar circumstances.

(d) Girls' education

- 7.4.23 The Commission notes that the Ominde Report (1964) and all other education reports made reference to the need for accelerating the education of girls. The Commission recognizes the tremendous efforts made by the Government to improve girls' education, including Affirmative Action in the expansion of facilities to enable girls to study science and technical subjects, and a policy to allow girls who drop out due to pregnancy to continue with education. These and other efforts have yielded benefits, with girls' participation rate increasing from 41% in 1988 to 46% in 1995 at the secondary school level. These efforts are commendable.
- 7.4.24 The Commission was nevertheless informed of persistent constraints that continue to hinder girls from effective participation in education at all levels. Although gender disparities have been nearly wiped out in most districts in enrolment at the primary school level, girls in ASAL areas and girls with special education needs remain very disadvantaged in accessing education. In addition, the drop-out rate is higher for girls than it is for boys in most areas of the country. Girls' poorer performance at the primary school level continues to hamper their participation at the secondary level, while that at secondary level hinders their entry into, and effective participation in, tertiary education, with particular reference to technical and science based courses.
- 7.4.25 The socialization of children along traditional gender roles was said to disadvantage girls when they are expected to perform as well as boys and to share education

equipment and facilities with them. Parents were also said to favour boys whenever they had to make choices on who to enrol in school.

7.4.26 The Commission's attention was drawn to gender stereotypes frequently reflected in the attitudes, behaviour and teaching practices, which have a direct bearing on girls' persistence and academic achievement. Gender stereotyping in textbooks and other educational materials was also said to be responsible for limiting girls' expectations and reinforcing negative self-perceptions.

7.4.27 In summary, among the constraints facing girls as presented to the Commission were:

- a) Poverty at the household level which forces parents to make a choice as to which children to enrol in school;
- b) Socio-cultural attitudes which favour boys and disadvantage girls;
- c) Socio-cultural practices such as early and forced marriages and initiation rites
- d) Parental perceptions of the value of investing in girls' education;
- e) Teenage pregnancy and lack of policy implementation on the re-admission of girls who drop out for this reason. Many school-heads admitted that they were not willing to re-admit such girls but could help them gain admission in other schools, yet another constraint.
- f) Poor teaching and lack of a conducive learning environment which leads to lack of motivation.
- g) Teachers' attitudes, behaviour and teaching practices which disadvantage girls.
- h) Lack of role models, especially in rural and ASAL areas, and in higher levels of education, more so in the science and technical fields.
- i) Higher demand on girls' labour which increases the opportunity cost of sending them to school.

! *A girl was sent to work
by her parents, so that
they could educate
● her brother!*

The most urgent priority is to ensure access to, and improve the quality of, education for girls and women, and to remove every obstacle that hampers their active participation. All gender stereotyping in education should be eliminated.

World Declaration on Education for All, Jomtien (1990)

- 7.4.28 The Commission was informed that Guidance and Counselling remains a very weak component at all levels of the education system. Even where it exists, it is undertaken in a haphazard manner because the teachers identified for this purpose have not been trained, and so have no professional competence in guidance and counselling.
- 7.4.29 The Commission received evidence that many Kenyans prefer to separate girls from boys at the secondary school level. Others said that girls and boys should learn to live and interact with each other at all levels of education, just as they would in the home.
- 7.4.30 Review of performance at public examinations, however, revealed that girls perform best when they are on their own. This finding would tend to justify the continuation of single sex schools and streaming by gender in some subjects of the curriculum in the case of mixed schools, at the secondary school level. However, there is need for more conclusive data on this issue.
- 7.4.31 The Commission heard severally that the issue of dress affects parental attitudes and decisions on whether to enrol their daughters in school. Schools should, therefore, not enforce a dress code that is not acceptable to particular communities whether sectarian, cultural or religious. Sitting arrangements in school should also respect Moslem moral values and practice.
- 7.4.32 The Commission has reviewed the social and economic benefits that the nation derives from educating girls. These include the inter-generational effects of a mother's education on that of her children, on infant mortality and morbidity, maternal mortality, family health and nutrition, overall family size, and her economic productivity. The mother is also the first teacher of the child and her own education impacts on Early Childhood Care, Development and Education. Girls' education is also a basic human right.
- 7.4.33 The Commission calls for deliberate and concerted efforts aimed at the implementation of successful strategies to ensure that girls participate more effectively in education at all levels. In particular, the Commission underscores the need for efficient monitoring of girls' enrolment, persistence, achievement and performance at all levels of education. It also proposes the strengthening of ministerial mechanisms for taking urgent action on identified constraints in the implementation of the Government's gender equity policy in education.

7.4.34 The Commission, therefore, recommends that:-

Recommendation 7.12

Sensitization of parents and communities, and public awareness campaigns on the value of girls' education and the practices that militate against it be accelerated, while enlisting the support of NGOs, religious and women's organizations.

Recommendation 7.13

The active involvement of parents and communities in the management of schools to ensure the elimination of conflict between school and home values and practices.

Recommendation 7.14

Affirmative Action Programmes for increasing access be targeted at girls and girls' schools, including the provision of bursaries, text-books and other educational materials, and increase in the number of female teachers.

Recommendation 7.15

Teacher training programmes, both pre-service and in-service, incorporate gender analysis and sensitization.

Recommendation 7.16

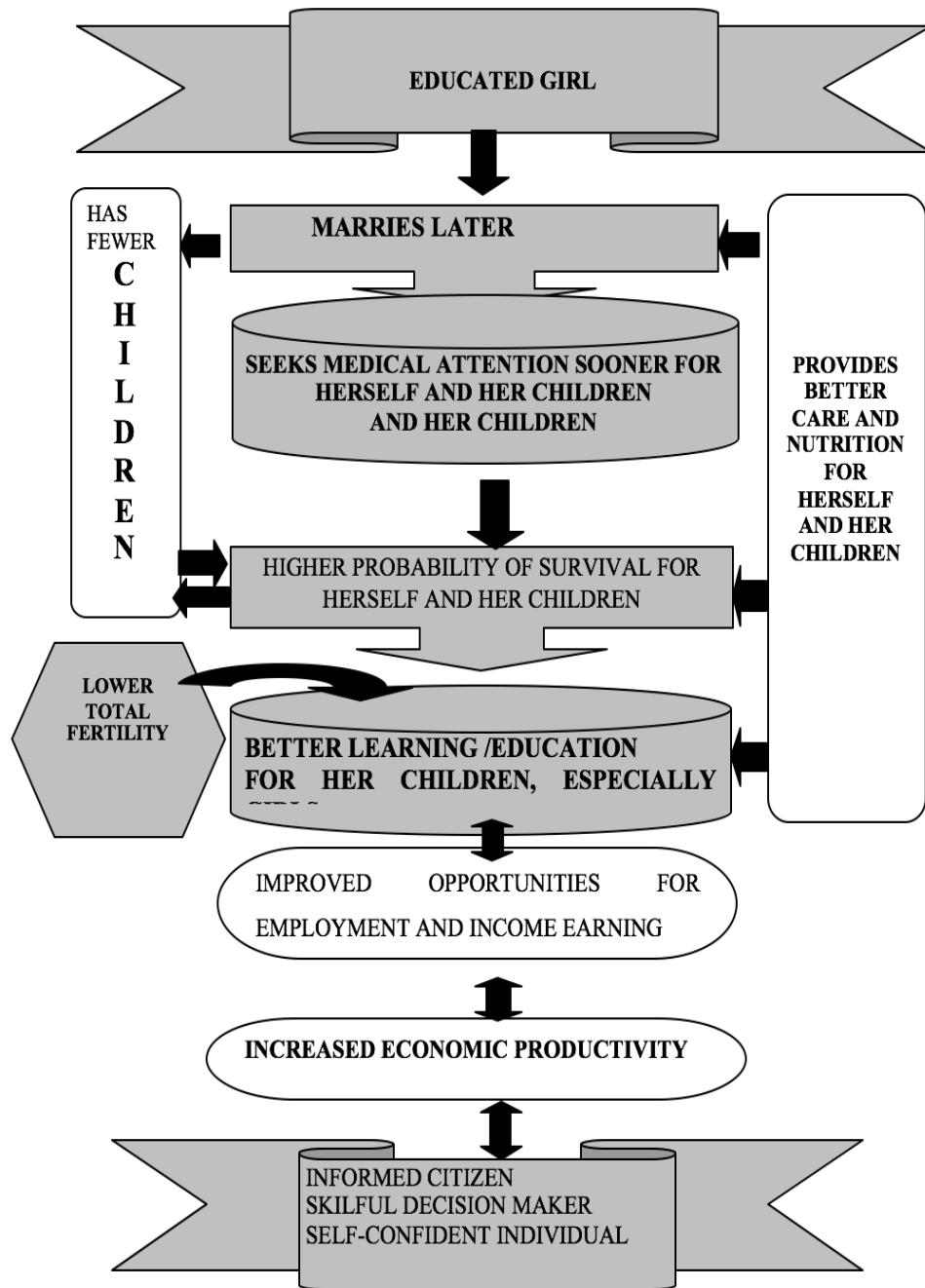
The Government ensures that female teachers are deployed evenly throughout the country to ensure that girls in schools have appropriate role models.

Recommendation 7.17

The Ministry strengthens existing mechanisms for monitoring girls' participation in education and the impact of strategies for accelerating such participation.

Figure 7a

The Impact of Girl's Education



The figure illustrates the impact of girl's education on their lives and those of their children

d) Arid and Semi-Arid Lands (ASAL)

- 7.4.35 ASAL districts have specific problems which affect access more seriously than those experienced by more economically productive districts. These factors include a poor economic base; poor communication and infrastructure; lack of water, with children having to go for long distances to fetch it; the nomadic way of life; insecurity; and conservative socio-cultural practices.
- 7.4.36 Although there has been some affirmative action to address some of these problems, this has not been effective as it has not been done in a sustainable manner. Thus boarding schools in ASAL areas are either under-enrolled or filled with children from other districts; water pumps have broken down; the food programme is unreliable due to lack of food, and sometimes lack of transport to move it, even when it is available.
- 7.4.37 The nomadic way of life involves movement from one place to another in search of pasture. It was noted that although the Government had established boarding primary schools and provided milk and food to attract pupils to these schools, these measures have had little impact since the Government had of late withdrawn the maintenance of and support to these schools.
- 7.4.38 Poor infrastructure, especially communication, lack of water, and energy resources in ASAL areas impact negatively on access to education.
- 7.4.39 Girls' participation in education was presented as a serious problem due to socio-cultural practices which militate against the education of girls, the issue of security and safety, and the long distances between homes and schools.
- 7.4.40 Although mobile schools had succeeded in accessing education to children and are particularly suited for young children in nomadic populations, such schools were only managed by NGOs without Government involvement or support.

In view of the peculiar problems faced in ASAL areas which militate against access, the Commission recommends that:-

Recommendation 7.18

Special attention and sustainable incentives, such as school feeding and fees subsidies or free education be given, to promote and advance education and provide better social amenities to disadvantaged districts.

Recommendation 7.19

The Government develops and manages mobile schools for young children in the ASAL areas to supplement the boarding schools.

Recommendation 7.20

The Government prioritizes communication infrastructure in ASAL areas in order to open the door for development and the utilization of resources available in such areas which remain untapped.

- 7.4.41 The Commission was informed that due to perpetual food shortages in ASAL and other areas, the School Feeding Programme is a major attraction to parents and their children. The Commission visited schools where opening had been delayed because food supplies had not yet arrived. ASAL communities were

particularly concerned that education in their areas would collapse or be adversely affected if and when the World Food Programme withdraws from the School Feeding Programme.

Recommendation 7.21

The Commission supports the view that this programme be sustained in these areas and therefore, recommends that the Government ensures that the School Feeding Programme is sustainable through the national food reserves, and not totally dependent on donors with food delivery to schools being well synchronized with the school calendar.

e) Learners with Special Education Needs

- 7.4.42 Learners with special education needs are disadvantaged by the nature and degree of their disabilities. The Commission was informed that currently, only 1% of such children are enrolled in schools. Fewer girls are enrolled than boys.
- 7.4.43 Members of the public said that parents of such children were prepared to send all their disabled children to school irrespective of their disabilities, but fees and other requirements often make this impossible. They urged the Government to provide free education for all such children.
- 7.4.44 The fact that most of the graduates of the Special Schools do not find any employment was also said to be a source of discouragement. The Commission was informed that parents need to see role models who have gained employment through education for them to be convinced that investing in their own disabled children's education is beneficial.
- 7.4.45 Integration of disabled learners in normal schools was viewed with misgivings since such schools do not have the facilities necessary for accommodating particular disabilities. Most such schools have no specialized teachers to handle specific disabilities; their construction does not take into consideration the needs of disabled learners; and many do not have the special learning equipment needed by learners.
- 7.4.46 These and other issues and recommendations on children with special education needs are covered comprehensively in Chapter 8 of this report.

f) Private and Informal Schools

- 7.4.47 The Commission observed that there is an increasing number of private primary and secondary schools in the country, the majority of them being in urban areas. These schools have significantly increased access to education, especially at the primary school level. The majority of private schools have established high standards of quality education and, although they charge high fees, they have increased access and standard-setting in academic achievement. Such efforts need to be supported. The growth and performance of private schools has however, not been as significant at the secondary level. In view of the Commission's definition of Basic Education, private schools developers should be encouraged to focus also on the secondary level and be supported in this process.
- 7.4.48 The Commission also noted that, in Nairobi and other urban areas, there have developed informal primary schools (described later as alternative basic education

programmes), managed by communities, religious organizations and NGOs. Many of these schools, although catering for many poor children, are lacking in infrastructure, qualified teachers, learning/teaching equipment, and are generally offering a very low quality education.

7.4.49 The Government should move in as a matter of priority and support such schools by allocating land to them, registering them to facilitate their consideration for subsidized examination fees and for Form One selection. In addition, the Government, through the Teachers Service Commission, should provide them with qualified teachers, just like other public schools, and include such teachers in all teacher development programmes.

7.4.50 The Commission was informed that a few NGOs exploit the poor by using them to raise funding support from donors and then utilizing such funds for other personal or unrelated services. Such abuse can only be stopped if all informal schools are registered with the Ministry and their managers made accountable to the Ministry.

The Commission recommends that:-

Recommendation 7.22

The Government registers all private and informal schools and evaluate them with the view to supporting them with the provision of land, qualified teachers, funding, supervision, and any other clearly identified needs, as appropriate.

Recommendation 7.23

All providers of private education be accountable to the Ministry for quality control and to curb malpractices and exploitation.

7.5 Equity

7.5.1 Among the factors that continue to contribute to lack of equity in education are inequitable distribution of resources, such as the number of institutions, grants and teachers. Regional disparities, especially those affecting rates of economic development as well as failure to address historical imbalances especially those in ASAL areas, have also led to inequitable provision of education. The earlier categorization of some schools as Harambee implied that these schools were of a lower quality than the Government schools which were fully maintained. Since the taking over of former Harambee schools by the Government, levels of support to all schools have dropped significantly leaving these schools still more disadvantaged.

7.5.2 Submissions before the Commission decried the inequalities prevalent in the education system. These were characterized by gender, geographical regions, between schools and socio-economic groups.

7.5.3 The **Harambee** spirit, while mobilizing community resources for education, had created inequalities between the economically strong regions and those that were less endowed or developed. The following are serious concerns raised by members of the public especially from economically disadvantaged areas:

- a) The distribution of National Schools was said to favour some districts and to disadvantage others.
- b) There is poor distribution of qualified teachers nation-wide, with some schools being over-staffed while others have virtually no teachers for some subjects.

- c) There is unequal distribution of educational grants and equipment to schools.
 - d) The policy of cost-sharing disadvantages the poor who cannot "share what they don't have".
 - e) The creation of new districts and the accompanying division of educational facilities had disadvantaged some districts while favouring others.
 - f) The quota system of admission to secondary schools has disadvantaged low performing districts since the majority of their students have had no opportunity of learning side by side with their better performing peers from other districts. Such disadvantage was clearly reflected in admissions to the public universities.
- 7.5.4 The Commission observed serious disparities between schools. For example, while some already have modern computers, others do not have basic stationery. The Commission was concerned that the adoption of modern technologies for education was likely to aggravate existing disparities, instead of narrowing them, unless deliberate mechanisms were put into place to ensure that modern technologies were made available and utilized to specifically target the disadvantaged.
- 7.5.5 Unequal facilities and provision of specialized teachers lead to the narrowing of the subjects' options available in different schools. Students end up with poor subject combinations which consequently limit their career choices in higher education.
- 7.5.6 The Commission further observed that, in some schools, there were large numbers of students per class. These make teaching ineffective and learning inadequate since the teacher cannot attend to the needs of individual students. In most cases the equipment is not adequate to cater for large numbers.
- 7.5.7 Gender disparities are most prevalent in ASAL areas, at the secondary and tertiary level, and among learners with special education needs.
- 7.5.8 There are fewer places for girls in secondary schools than there are for boys. Girls are particularly disadvantaged in the study of technical and science-based courses. Some teachers assume that girls cannot do well in such subjects as mathematics and science, and excuse mediocrity among girls on that basis.
- 7.5.9 There are fewer female teachers, and even poorer representation of women in the management and administration of education. This means that girls have fewer role models than boys.
- 7.5.10 The traditional socialization of girls and boys disadvantages girls, especially when they have to compete for learning facilities and equipment with boys in mixed schools.
- 7.5.11 Lack of gender sensitivity among teachers leads to unequal treatment of learners and discouragement of girls within the schools and classroom environment. In some schools, duties are also allocated inequitably, with girls doing more and hence having less time for studies. In other schools, male teachers still send girls to cook for them while the boys are learning.
- 7.5.12 Some school textbooks continue to depict stereotype images and roles of girls and women as inferior or subordinate. These demotivate girls from high achievement.

- 7.5.13 The Commission was informed that there is biased distribution of educational scholarships whereby people from the ASAL areas get minimal assistance.
- 7.5.14 There are no national schools in ASAL areas. As a result ASAL areas do not benefit from these well-equipped and well-staffed schools since very few students gain access to them.
- 7.5.15 Ensuring equity in education demands sustained monitoring, using quantitative and qualitative indicators of achievement, to determine levels of enrolment, persistence and achievement at all levels of the education cycle.
- 7.5.16 Education quality and standards differ all over the country because of unevenness of development, poverty levels in some regions especially ASAL areas, and uneven distribution of facilities and trained teachers. Equity cannot be achieved until disparities like these are eliminated.
- 7.5.17 The Commission notes that the goal of equity has been hindered by:-
- a) Persistent gender imbalance especially in secondary, technical and university education, with particular reference to science and technology.
 - b) Few and scattered schools in some areas.
 - c) Inequitable distribution of national schools.
 - d) Inequitable distribution of resources - facilities, school workshops, laboratories at all levels.
 - e) Poor infrastructure which hinders transport and communication, lack of adequate water and electricity in many parts of the country, especially ASAL areas.
- 7.5.18 Specific requirements or specifications for physical facilities (buildings) in schools are necessary and should be adhered to uniformly throughout the country before schools are permitted to function.
- 7.5.19 The Commission was urged to emphasize the need for equitable distribution of resources to ensure that girls, the handicapped and disadvantaged communities are never again discriminated against in the provision of education, and that Affirmative Action programmes be implemented to eradicate existing disparities.
- 7.5.20 The Government was requested to revert to the old system of financing education through sufficient grants to ensure equitable distribution of facilities and learning resources to schools. The Government was also urged to set and regulate payment of affordable fees in all public schools. For the girl-child, it was suggested that parents be sensitized, through Continuing Education and public awareness programmes, on the importance of girls' education.

In view of the above observations, the Commission recommends that:-

Recommendation 7.24

The quota system in Basic Education cycle be rationalized with the view of encouraging students from different parts of the country to learn together.

Recommendation 7.25

The Government establishes and maintains more boarding schools for both girls and boys in ASAL areas.

Recommendation 7.26

The Government ensures appropriate distribution of learners to ensure equity in determination of class sizes especially at the secondary level.

Recommendation 7.27

The Government eliminates existing biases in budgetary allocation, the distribution of equipment, textbooks, bursaries and other incentives, and qualified teachers in the country, with particular reference to ASAL areas; girls' schools and schools for learners with special education needs.

Recommendation 7.28

The development of centres of excellence takes into consideration the districts that currently do not have well-equipped schools.

Recommendation 7.29

Affirmative Action Programmes in all areas of development continue to be implemented to eradicate existing disparities.

Recommendation 7.30

Viable economic activities and interventions be put in place to improve the economic base of ASAL and other disadvantaged areas.

Recommendation 7.31

Gender sensitization be incorporated into all teacher training programmes and that school textbooks be subjected to gender screening before being recommended to schools.

Recommendation 7.32

The Government develops indicators for monitoring equity in education at all levels, and use them to monitor the sustained implementation of its equity policy.

7.6 Relevance Curriculum

- 7.6.1 A relevant curriculum is that which achieves the set objectives of education. The Commission was informed that the current curriculum has not fully achieved the objectives of education as it has failed to provide sufficient knowledge and skills for the learners to be self-reliant and employable at all levels. The curriculum has also failed to inculcate values and ethics, and the capacity for critical thinking and innovation. It has also not succeeded in fully addressing the developmental needs of the country.
- 7.6.2 Pastoralist communities were particularly dissatisfied with the lack of inclusion of pastoralism, as the economic activity of ASAL areas, in the national curriculum. Instead, students in ASAL areas were forced to learn about coffee, tea, and maize farming, crops that are alien to them. Fishing as an economic activity of some communities was also omitted from the curriculum.



"I took my son to school, and he came back as neither an employable person nor a fisherman".

Fisherman.

"When the 8+4+4 system was introduced, I was told to buy my son a hammer and a plane so that he could be taught some woodwork skills. I bought the hammer and the plane and after four years, he came back with these things. However, when I asked him whether he could now make a chair or a stool, he said that he could not. Although I had bought the hammer and the plane he had come back unable to make even a "kitimoto" (a kitchen chair). For me, this was unnecessary expenses".



A parent in Butere-Mumias.

- 7.6.3 Lack of specialization was considered to be one of the reasons why learners were unable to meet market demands. The subjects are so numerous that the learning process becomes superficial, with students unable to apply what they have learnt.
- 7.6.4 Views were expressed that Religious Education and Social Ethics Education were offered as mere academic subjects for examination purposes, and not for influencing the behaviour and future lives of learners. Particular complaints were made about forcing Muslim students to study Christian Religious Education.
- 7.6.5 The Commission heard that learners with special education needs are unable to participate in practical subjects, such as sciences, because the curriculum has never been reviewed to reflect their special needs.
- 7.6.6 On the basis of the above observations, the Commission recommends that:-

Recommendation 7.33

The curriculum be matched with human resource needs through regular reviews and consultation with industry to ensure that it keeps abreast of new developments.

Recommendation 7.34

Monitoring and evaluation mechanisms be put in place to ensure that the set objectives are being achieved in a sustained manner.

Recommendation 7.35

The process of curriculum development and syllabus design be undertaken in broad consultation with communities, potential employers, and other stakeholders in education to ensure that it addresses the specific needs of children with special education needs and regional needs such as pastoralism and fishing.

7.7 Quality

- 7.7.1 Quality has been equated with high standards, namely a set of criteria against which an institution or system is judged. Even then, it is the endeavour for improvement that constitutes quality.
- 7.7.2 Among the determinants of quality in education are the availability of qualified and motivated teachers and other education personnel, a conducive environment for learning and teaching, including the curriculum, facilities, the resources available for their provision, and the tools used for evaluation. The challenge is that of sustained improvements in the provision of quality education at all levels.

(a) Human Resources

- 7.7.3 In order to enhance quality, it is imperative to have a well-qualified and highly motivated teaching force, capable of understanding the needs of learners and the curriculum, in order to implement it effectively.
- 7.7.4 Submissions were made to the Commission that the current admission criteria which allows candidates with a minimum qualification of D+ and even poorer grades in Mathematics and English to be admitted into Primary Teacher Training programmes has resulted in a weak teaching force at this level. Some teachers were said to be teaching subjects which they themselves had failed in.
- 7.7.5 Head-teachers who are well-versed in management are also essential for successful curriculum implementation, effective and efficient management and administration of schools. The Commission heard that many Head-teachers had not been trained in management and administration and were ineffective and lacking in accountability. Head-teachers should be the front-line inspectors of their own schools and should be well prepared for this role.
- 7.7.6 The Commission heard that poor terms and conditions of service have also led to poor morale. Some teachers who work in remote areas have no housing, or access to clean water and health facilities. They are also so far from their educational administrative offices that it may take them a week or more to pursue their salaries. This results in serious wastage of teaching time. In such districts, therefore, there is a high turnover of teachers as they are constantly seeking transfers to better environments.
- 7.7.7 Nepotism and corruption in the promotion of teachers was also said to have affected teachers' morale, and performance, by allowing non-performers to be promoted.

- 7.7.8 The Commission heard that the inspectorate system had become ineffective due to inadequacy of resources. "Lack of transport" was often cited by officers on the ground, a reason that the Commission found unconvincing. It is important that on-the-job supervisory services be urgently re-established, and the commitment and work ethic of supervisory staff be re-activated through improved selection mechanism, training and effective monitoring.
- 7.7.9 The heavy workload characterizing the 8+4+4 system of education was said to grossly affect the quality of learning and teaching due to lack of time for the application of what is taught. Lack of time was also blamed for the rampant rote-learning, with little effort being made for critical analysis and creative innovation by learners.
- 7.7.10 The pressure of examinations and ranking of schools' performance were also blamed for the lack of depth in the learning/teaching process.
- 7.7.11 The Commission was informed that the curriculum was not well coordinated or rationalized for the delivery of neat accumulation of knowledge per subject. Some thematic areas and concepts were too difficult for learners at lower levels and should be transferred to higher levels. It was also argued that some of the recommended textbooks were sub-standard.
- 7.7.12 Poor performance at examinations was blamed on poor teaching, absenteeism among learners and teachers, irrelevance of the curriculum, and the inadequacy of the examination system itself.

CASE ILLUSTRATION

The following case study in Laikipia District illustrates the effect of poor transport on learning in the arid areas and the difficult conditions under which some teachers have to work.

On the 29th of a given month, a teacher asks for permission to travel to Nanyuki for his/her paycheque. The teacher sleeps at Doldol, the nearest town, in order to await transport that *may* pass by early the following morning.

On the 30th, the teacher proceeds to Nanyuki town, but finds that the pay is not yet ready, and therefore spends the night in Nanyuki.

On the 1st, and 2nd, and 3rd of the following month, the teacher keeps checking and still finds that the salary has not yet been released.

On the 4th, the teacher is finally paid and takes the money to his/her home, which happens to be near Nanyuki town.

On the 5th, the teacher proceeds to Doldol, with his/her supplies, which were bought at Nanyuki, and again spends the night in Doldol.

On the 6th, the teacher walks the 15 kilometers to the school carrying half of the supplies.

On the 7th, 8th, and 9th the teacher walks to Doldol and back to bring the remaining half of the supplies.

On the 10th the teacher goes back to class, teaches for two weeks and then the above cycle is repeated.

The average number of school days (excluding weekends) per term in this region is 48 instead of about 68.

In view of these observations, the Commission recommends that:-

Recommendation 7.39

The admission criteria for teacher training be reviewed to ensure that only well qualified candidates, with subject specialization being provided for, are admitted

Recommendation 7.40

Effective measures be put into place to improve the working environment of teachers, especially those working in ASAL areas.

Recommendation 7.41

Appropriate steps be taken to boost the morale and commitment of teachers by offering them suitable terms of service.

Recommendation 7.42

Promotions of teachers be based on proven merit and experience.

Recommendation 7.43

In-service programmes be regularly organized for teachers to improve their pedagogical skills and that all Head-teachers undergo school management and administration training to enable them to be front-line quality control managers in their own schools.

Recommendation 7.44

The school ranking system be abolished forthwith and other more credible ways of encouraging schools to pursue excellence in academic and other areas be identified.

(b) Financial and Other Resources

- 7.7.14 The quality and adequacy of resources such as physical facilities, equipment, teaching and learning materials have a direct bearing on quality as they determine how effectively the curriculum is implemented. Lack of libraries was, for example, cited as the reason for declining standards in English, while lack of laboratory equipment has affected standards in the sciences. Dissemination of guidelines on minimum and affordable infrastructure provision necessary for quality delivery of the curriculum was proposed. The Commission observes that quality in education cannot be achieved and sustained if the resources and facilities are not available in sufficient quantity and quality.
- 7.7.15 The Commission noted serious disparities in the facilities and equipment available in schools which makes it difficult for some schools to offer the courses expected of them. It was suggested that, in future, schools be provided with adequate facilities and equipment to offer particular subjects, and that students should be informed in advance if the institutions they have applied to, or are posted to, do in fact have facilities and equipment for the subjects such students have opted for.

Recommendation 7.45

The Commission, therefore, recommends that all schools be provided with adequate physical facilities, teaching-learning resources and equipment to enhance quality learning.

7.8 Alternative Basic Education Programmes

- 7.8.1 The escalating rate of poverty at the household level, coupled with the Government's inability to provide free education combine with other factors to frustrate Kenya's desired goal of Basic Education For All. Currently, over 20% of all eligible primary school children are excluded, and the percentage rises as one moves to higher levels, due to rampant drop out. Fewer than 50% of children enrolled in Standard One reach Standard Eight. All the others drop out, for various reasons, before they achieve functional literacy and numeracy.

- 7.8.2 It is in response to the needs of these excluded learners that a number of Alternative Basic Education programmes have emerged. The majority of such programmes are managed by communities, religious organizations and NGOs. They are widely recognized as essential in meeting the basic learning needs of children who would otherwise have missed out in the achievement of a basic right.
- 7.8.3 Alternative Basic Education programmes are, therefore, crucial for increasing access and outreach, as well as bridging gaps in the learning process. While the Government must continue to strive to meet the challenge of providing BEFA through increasing access in formal education, Alternative Basic Education Programmes will continue to be essential for meeting the learning needs of those excluded for whatever reason, and those who miss out and wish to re-join the formal system.
- 7.8.4 Alternative Basic Education Programmes facilitate the meeting of the basic learning needs of children with limited or no access to formal schooling, provided they share the same standards of learning applied in schools, and are officially recognized. They should prepare learners for entry or re-entry into the formal system, like the shepherd's non-formal education programme already discussed, or equip them with basic knowledge and skills for a meaningful quality existence, like the Undugu Society Non-formal Education and training programmes for street children. Ideally, such programmes should not be a replacement for formal education; rather they are supplementing and complementing it. This status calls for close coordination between them and formal education.
- 7.8.5 A new education strategy, therefore, needs to recognize and strengthen Alternative Basic Education Programmes, encourage and support the creation of new ones, and ensure quality control that will make such programmes efficient in complementing formal education.
- 7.8.6 The Commission was informed that in addition to the over 50% Kenyan children who do not complete primary education, of those who do the Kenya Primary Certificate of Education Examination; some 60% do not get places in secondary schools. Considering that 10-12 years of education is now considered to be a basic right, these two groups require to be given an opportunity to go on learning to obtain what the Commission has defined as Basic Education.
- 7.8.7 The Commission noted that many children are denied formal education for reasons such as fees and various charges that poor parents cannot afford. Others suffer learning handicaps and chronic illnesses that cannot be accommodated within the conservative formal system. Children who have to work are also denied access because their working hours clash with formal school schedules. Girls are particularly vulnerable to these factors because of social-cultural attitudes and practices that militate against their education in the formal setting.
- 7.8.8 In ASAL areas, the Commission was impressed by the "Shepherds Project" which involves taking education to the potential learners. The teachers follow animal herders and ensure that they learn even as they continue herding. They also ensure that keen learners who wish to advance are enabled to "drop in" into the formal system at whatever level they qualify for. Their introduction to learning in the informal setting saves the older children the embarrassment of learning with younger children in the lower classes.

- 7.8.9 In one place, where girls are married off early, the Commission was introduced to yet another innovative programme where such girls were enabled to attend classes in the evening and allowed to bring their babies to "school".
- 7.8.10 The Mukuru "Schools" in Nairobi cater for well over 5,000 primary school age children from the poorest of the poor urban communities. By eliminating all costs - fees, uniforms, textbooks, etc., and including a feeding programme, the "schools" attract many children that would have easily drifted into street life.
- 7.8.11 These and other examples demonstrate that flexible, innovative and learner-friendly programmes can increase access to Basic Education and contribute significantly to reaching the unreached.
- 7.8.12 The Commission was informed that many of these programmes are not registered with any authority and, therefore, are not officially recognized. Some managers of such programmes complained that lack of recognition was discriminating children learning under these programmes, since they are unable to register for public examinations.
- 7.8.13 The Commission observed the lack of coordination of Alternative Education Programmes by the Ministry. As a consequence, many of them are lacking in quality assurance since they are not obliged to tailor their teaching to the formal education syllabus. The Commission was disturbed by the appalling conditions under which some of these programmes are organized. Our attention was drawn to a survey by the Ministry which had revealed institutions where hardly any learning took place.
- 7.8.14 The Commission is of the view that official recognition by the Ministry, in addition to efficient coordination of all such programmes would eliminate existing anomalies and provide supportive measures and supervisory services for quality improvement. The Non-Formal Education desk set up in 1994 is therefore, not adequate or efficient for this role.

In view of these observations, the Commission recommends that:-

Recommendation 7.46

The Ministry registers all Alternative Basic Education Programmes and provides guidelines and supervisory services, including their teachers in in-service training programmes, and providing funding support to those that meet the Ministry's quality standards.

Recommendation 7.47

The desired criteria for registration for public examinations be clearly articulated and disseminated and that children be not discriminated against in that regard as long as they meet the criteria.

7.9 Conclusion

- 7.9.1 The goal of industrialization in the 21st century calls for intensified and deliberate measures to increase access, reduce wastage, and improve relevance and quality at all levels and in all sectors of education and training. It also calls for greater focus on research and the development of efficient mechanisms for sustained monitoring and evaluation to ensure that our nation never again lapses in progressing towards desired goals.
- 7.9.2 The Government has mobilized partnerships with reliable stakeholders in education such as communities, religious organizations, NGOs and the private sector. It is imperative that these and other partners are challenged to also take up the responsibility of providing for increased, access, equity, quality and relevance of education. The Government must, however, assume its rightful place in the driving seat, effectively coordinating the work of all partners, monitoring progress, and providing essential guidance and support towards increased focus on Kenya's goals of education.

Chapter Eight

EDUCATION AND TRAINING FOR LEARNERS WITH SPECIAL EDUCATIONAL NEEDS

8.1 Preamble

- 8.1.1 *“There is nothing more unequal than the equal treatment of the unequals,”* said Thomas Jefferson. The goal of education is to provide equal opportunities for all children including those with special needs. However, the rapid growth in the education sector since independence has not been reflected in the special education category. For instance, there are only 479 special education programmes, which include 385 units and 94 schools including vocational and technical institutions. The number of children enrolled in these schools stands at 14,600 with 1,962 teachers, and 1,449 classrooms. Yet out of the 90,452 estimated physically handicapped children only 3,003 are in special education programmes. Among the visually impaired only 2,208 children out of the 220,000 are enrolled. These figures clearly demonstrate that special education has not received adequate attention to ensure equal access to education for the learners with special educational needs. The Commission in this chapter also recognizes the special category of gifted children and the need to create special programmes relevant for the development of such children. This chapter only highlights the major issues affecting the education of children with special needs as other issues have been dealt with in detail in other chapters of this Report.
- 8.1.2 The quality of the service for children with special needs in Kenya is adversely affected by acute shortage of specialized aids and equipment, specialist personnel, an inappropriate curriculum, insufficient institutions and programmes, lack of co-ordination and unity of purpose between and among service providers, inadequate support staff, an absence of a clear policy guidelines, and lack of legal status on special education provisions.

8.2 Definitions

- 8.2.1 Special education is a programme of instruction designed to meet the unique needs of a child with special educational needs. It includes classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and other designated institutions. The learners receiving special education have educational handicaps such as physical, hearing, visual, mental, emotional, language, learning disabilities and multiple handicaps. These handicaps interfere with regular education unless modifications and related services, equipment, and specially trained teachers are provided. Gifted and talented children are also included among children with special needs.
- 8.2.2 Gifted and talented children are those who at any educational level are identified as possessing demonstrated or potential abilities that give evidence of high performance capabilities in areas such as general intellectual ability, specific

academic aptitude, creative and productive thinking, leadership ability, visual and performing arts, and psychomotor ability.

- 8.2.3 Emotionally and behaviourally disturbed are children with psychosocial problems. They are also referred to as the psychosocially different. Their emotional condition is medically and/or psychologically determined to the extent that they cannot be adequately educated in regular classes without the provision of special services.
- 8.2.4 Children with specific learning disabilities are of normal or above normal intelligence but have specific learning difficulties involving the ability to process information related to understanding or using spoken or written language. Such learning difficulties are manifested in the tasks of listening, thinking, speaking, reading, writing, spelling, or doing mathematical calculations.
- 8.2.5 Hearing impaired children include deaf and hard of hearing. Deaf children are those whose hearing loss is either severe or profound after all necessary medical or surgical treatment, or after trying the use of hearing aids. The children have difficulty understanding normal conversation and this results in a delay in language and/or speech development, academic achievement among other educational handicaps. The hard of hearing are those whose hearing loss ranges from mild to moderately severe and interferes with listening, communication, thus affecting educational performance.
- 8.2.6 Children with visual impairments are those with limitations imposed by visual loss or reduction on a person's ability to interact with his/her environment which includes the total physical, social, economic, political, aesthetic and psychological environment within which a person with visual impairment lives.
- 8.2.7 Mentally handicapped children are those with significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behaviour and manifested during the development period.
- 8.2.8 The physically handicapped are those whose physical impairments and health problems interfere with normal functioning to the extent that they require technical equipment, specialized services and programmes, to effectively cope with the required academic, social and emotional standards of the school and the community.
- 8.2.9 Multiply handicapped are learners with additional handicap apart from their major handicap. Some of these learners have a combination of handicaps which require extraordinary programmes and/or services to meet their particular educational needs.
- 8.2.10 Children with communication disorders have abnormality of speech which adversely calls attention to itself, impairing communication, or causing maladjustment arising out of problems with articulation, rhythm, voice, and/or oral language.

8.3 Objectives of Special Education

8.3.1 The Kamunge Report stated that the goals of education are essentially similar for all children but that techniques required to help children with special educational needs differ. The Commission accepts the goals as given in the Kamunge Report with some modifications as follows:-

- a) To facilitate the development of children with special educational needs spiritually, mentally, socially, and physically.
- b) To develop in the children the potential for analytical and productive abilities so that they may excel in learning and in their future careers.
- c) To assist children acquire a suitable basic foundation for the world of work in the context of economic and manpower needs.
- d) To assist children develop positive self-concept and proper attitudes towards life, based on moral and religious values.
- e) To develop in children skills of coping and independent living aimed at rehabilitation and adjustment to the society.
- f) To properly identify, assess, place children and also provide for early intervention.
- g) To promote integration of mildly and moderately impaired children in regular schools and institutions with appropriate support and related services.
- h) To provide children with moderately severe impairments and the multiply handicapped with proper equipment, materials and accessible buildings.
- i) To educate the public about the needs and potentials of children with special needs and the methods of integrating them in the society.
- j) To provide comprehensive educational facilities, materials, equipment, and a cadre of trained teachers, professional and support staff.

8.4 General Considerations

Identification and assessment of children

8.4.1 Early identification and early intervention have long been accepted as the highest contributing factors for rehabilitating children with special educational needs.

8.4.2 In this connection, the Gachathi Report (1976) suggested several ways through which special education could be improved and expanded. These include: the co-ordination of diagnostic activities and public education aimed at encouraging and enabling the public to identify the various types of handicap and to seek the appropriate assistance; creation of an awareness on the

part of the public on the causes of physical disabilities with a view to facilitating prevention of their proliferation; and the collection of existing data, undertaking a survey and developing long-term research to evaluate and establish the extent and nature of handicaps and the needs for special education.

- 8.4.3 These recommendations were followed up in 1984 with the establishment of Education Assessment and Resource Services (EARS) a unit in the Ministry, Special Education Inspectorate. EARS is funded by the Danish Government through the Danish International Development Agency (DANIDA) and the Government of Kenya. The unit coordinates assessment centres in 44 districts. These centres assess and place children in special schools. They also refer children for in-depth assessment by doctors. The centres are an integral part of special education since they also serve as special education advisory centres.
- 8.4.4 The Commission was told that EARS has severe limitations. First, it was almost entirely dependent on DANIDA funding and expert guidance and has failed to build in mechanisms for alternative local financing. When DANIDA left after 1994, the programme deteriorated significantly to the extent that its services are now severely constrained. Second, the educational assessment instruments have not been revised or standardized since they were developed and are therefore grossly inadequate. Third, available places in special schools could not absorb all the children. This left 54,000 of our 75,000 assessed children on the waiting list.
- 8.4.5 In view of the declining role of EARS and given its importance in the identification through assessment and placement of children in special schools, the Commission recommends that :-

Recommendations 8.1

EARS be strengthened to continue offering educational assessment service with each assessment centre being manned by appropriately trained personnel.

Recommendation 8.2

KIE embarks on developing and standardising diagnostic assessment tools to facilitate proper identification and intervention.

Recommendation 8.3

EARS vehicles allocated to district educational assessment centres and currently being used by the District Education Officers be returned to the centres in order to facilitate and enhance their operations.

Training and deployment of staff

- 8.4.6 The Kamunge Report (1988) recommended that the Kenya Institute of Special Education should undertake research to design various types of equipment and materials that can be produced by the local industry to be used by handicapped persons. This recommendation has been hindered by lack of funds.

- 8.4.7 Teachers for children with special educational needs are trained at Kenya Institute of Special Education (KISE). This institute was opened in 1986 when various courses for teachers of the handicapped were moved from Kamwenja and Highridge teacher training colleges and consolidated at the KISE. The institute was a joint venture between the Danish and Kenya governments. It offers a two-year diploma course in special education to serving general primary school teachers and three months in-service courses to teachers already involved in special education programmes. The Commission, however, was told that the three months in-service course needs to be up graded to a one-year diploma course and that the current diploma course becomes a post-graduate diploma. Special education teachers are also trained at Kenyatta University. The problems related to teacher education for children with special needs have been covered under the chapter on training.

Recommendation 8.4

The Kenya Institute of Special Education be expanded and upgraded to a multi-level institute offering certificate, diploma and degree courses in special education, psychology, reading disabilities, testing and measurement, counselling, sign language, Braille, orientation and mobility, community based rehabilitation, education of the multiply handicapped, among others.

- 8.4.8 Support staff, known as teacher aides are equally important. These include medical personnel, and other cadres whose services allow the teachers to spend more time on curriculum implementation. It was observed that such teacher aides are very few. The Commission therefore recommends that:

Recommendation 8.5

KISE offers diploma courses for teacher aides, interpreters, technicians, and pre-primary teachers.

Recommendation 8.6

The current three months in-service course at KISE be upgraded to a one-year diploma course and be stretched over a period of time and that the current diploma be restructured to a post-graduate diploma for persons holding a general BA degree wishing to join special education.

Financing of Special Education

- 8.4.9 With regard to financing, the Commission received submissions that 70% of the children in special schools come from poor families where the prevalence of disability is higher. Also, family and societal attitudes are negative and encourage educating non-handicapped children first. As such, handicapped children report to school nearly one to two months late.
- 8.4.10 The Commission also observed that 95% of the special schools were built by churches and charitable organizations. This indicates that the Government's role has been restricted to the provision of teachers. The

Government's policy on cost-sharing has also adversely affected schools where drop-out has been high and the rate of expansion, both institutional and human resource capacity, adversely limited. For instance, since mid-1980s no special school has been set up.

- 8.4.11 During the visits to the districts and special schools, the Commission was informed that equipment and materials were seriously lacking in special schools. The Commission witnessed a case where students and teachers at Thika High School for the Blind were recycling Braille papers in order to re-use them. The Commission also visited workshops that make wheelchairs, callipers, optic glasses, ear moulds, etc.
- 8.4.12 During the Commission's visits, it was noted that at times, children are turned away from school. The Commission also learnt that over 54,000 children have been denied admission to schools due to the severity of their handicap and lack of space in special schools. In all these instances, and others, children with special education needs and their parents are helpless and have no recourse for redress.
- 8.4.13 In view of the high cost of special education, it is necessary to ensure that financial constraints of the Government do not hamper the development of special education. This therefore implies the need to establish a special education funding system. The

Commission therefore recommends that:

Recommendation 8.7

That cost sharing for the disabled be abolished and instead free and quality education be provided by the Government.

Recommendation 8.8

Arrangements be made to raise funds to establish a Special Education Trust Fund to make grants to finance special education programmes and support services.

Recommendation 8.9

Voluntary, and donor agencies and private sector be encouraged to intensify their participation contributing to the fund and in provision of facilities and equipment for special education.

Recommendation 8.10

Budgetary allocation to special education be increased.

8.5 Gifted and Talented Children

- 8.5.1 Many educators think that programmes for gifted students are not necessary because gifted children are assumed that they would succeed without them. There are four flaws in this argument. First is that about half of the students who could qualify for education are not recognized as gifted by their teachers. According to the 1995 World Bank Report on The Cost and Financing of Special Education the estimated number of gifted and talented children was 565, 324. Out of these only 219 had been identified and only 5 placed. Second is that gifted children would excel without special programmes. Research shows that many identified gifted children are unsuccessful both in their academic efforts and in their careers. Third is the belief that programmes for the gifted are elitist. This presents a barrier to special provisions for gifted and talented children. Fourth is that special education encourages snobbery in gifted students because in the regular classroom gifted students can often, with little effort, outperform most other students.
- 8.5.2 There are three compelling reasons why gifted children need special education, in spite of these flaws. These are:-
- (a) Effective education depends on matching the level and pace of instruction with the students' level and rate of achievement.
 - (b) Gifted students' advanced conceptualization level and rapid learning rate make most regular classroom instruction inappropriate to their educational needs.
 - (c) Specialized education for the gifted and talented provides instruction commensurate with their exceptional ability.
- 8.5.3 Giftedness can also be found in handicapped students with the exceptions of the mentally retarded and severely developmentally disabled. Special classes for the deaf, the visually impaired, the emotionally disturbed, the orthopedically handicapped, and the learning disabled very often have gifted learners.

Identification of Gifted and Talented Learners

- 8.5.4 Gifted and talented children are identified using a multiplicity of assessment tools or observations. These include evaluation by teachers, peers, classmates, parents, and other important people; self-evaluation; administration of educational achievement tests; administration of intelligence tests; among other instruments. These instruments need to be standardized to suit the culture for any given country or population.
- 8.5.5 In Kenya, standardized instruments to identify giftedness and talented children have not been developed although Prof. S. Bal of the Department for Educational Psychology at Kenyatta University has tried to develop an instrument to identify gifted and talented children.
- 8.5.6 In view of the importance of this emerging area of education for the gifted and talented children and the need to develop appropriate curricula and educational programmes, the Commission recommends that:

Recommendation 8.11

The Kenya Institute of Education, in collaboration with the Departments of Educational Psychology at Kenyatta University, University of Nairobi, Daystar University, Kenya Institute of Special Education, and others, embark as a matter of urgency, on developing instruments to identify gifted and talented children.

Educational Provision for Gifted and Talented Learners

- 8.5.6 Although the regular classroom teacher can, within the limits of class or ability, help gifted children meet their educational objectives, special programmes are essential in achieving maximum educational benefit for the gifted, bearing in mind programmes used in developed countries such as environment enrichment; classroom enrichment; use of consultant teacher and resource rooms; independent study; special classes; early admission to primary, secondary, colleges, and universities; grade telescoping; and advanced placement. Kenya has not made strides in this direction. In view of this the Commission recommends that:

Recommendation 8.12

The Ministry responsible for education designs appropriate educational programmes to facilitate learning of gifted and talented children.

Recommendation 8.13

The possibility of strengthening special schools and establishing units for the gifted and talented at university level be explored.

Curriculum Content for Gifted Learners

- 8.5.7 Curriculum content for gifted learners encompasses:
- a) Finding out what the students know before instruction; arranging to teach in a brief fashion the remaining concepts or skills; and providing a different set of experiences to enrich or advance the students.
 - b) Curriculum acceleration where students are moved through the traditional curriculum at a faster rate allowing them to master more complex sets of ideas. This is a popular strategy as it requires no additional curriculum materials.
 - c) Content enrichment where students are given the opportunity for a greater appreciation of the topic under study by expanding the material for study. This form of differentiated content is often used in the regular classroom because it requires no change in content, just additional assignments.

- d) Content sophistication which challenges gifted students to use higher levels of thinking to understand ideas that average students of the same age would find difficult or impossible. The objective is to encourage these children to understand important abstractions, scientific laws, or general principles that can be applied in many circumstances.
- e) Content novelty which introduces material that would not normally appear in the general curriculum because of time constraints or the abstract nature of the content. Its purpose is to help gifted students master important ideas; for example, use of computers.

8.5.8 In Kenya, the curriculum content for the gifted can be modified in any or all of the ways stated above. What is important is first to determine whether an individual who is gifted has a general high ability or is gifted in a specific area. Once this is decided, then curriculum can be modified to suit the particular special needs.

Recommendation 8.14

Kenya Institute of Education, in consultation with teachers, professional bodies, and universities comes up with a curriculum or curriculum guidelines for gifted and talented children in early childhood programmes, primary schools, special schools and secondary schools.

Recommendation 8.15

The Commission for Higher Education comes up with curriculum strategies for gifted and talented students in institutions of higher education.

Training of Teachers for Gifted and Talented Learners

8.5.9 The teacher is the key to effective learning in educational programmes. Many factors influence the learning of a student, but within the classroom situation, the teacher is of critical importance. The inquisitive nature of gifted children can be a constant source of irritation for an authoritarian teacher. Explanations which are accepted by most children may be questioned or rejected by gifted children. If a teacher shows resentment at a challenging question, he may destroy the child's curiosity. The teacher who is open to new ideas and experiences expands the dimensions of student interests. In order to improve the quality of teachers for the gifted and talented the Commission recommends:

Recommendation 8.16

Teachers for gifted and talented children be holders of university degrees.

8.5.10 Effective management of the talented and gifted children requires the teacher to be able to identify those kinds of children. After identification, the teacher also needs to be able to acknowledge that the children may potentially be better than the teacher in the long run. The teacher therefore needs to be well trained and to have the courage to encourage the gifted and talented children. In this connection the Commission recommends that:

Recommendation 8.17

Primary and diploma teacher colleges have a component on special education which emphasizes identification of gifted and talented children, their needs and the possible educational programmes.

Recommendation 8.18

In-service courses for education officers, inspectors of schools, curriculum developers, lecturers and examiners be organized.

Recommendation 8.19

Sufficient scholarships be provided for personnel to train in education of gifted and talented. Post graduate programmes be established to train counsellors for persons with special educational needs, including the gifted and talented.

8.6 Emotionally and Behaviourally Disturbed Children

- 8.6.1 The Kamunge Report recommended that regular teachers be trained in remedial teaching methodology and guidance and counselling to enable them to effectively teach the maladjusted children.
- 8.6.2 In Kenya, special education for the emotionally, socially, and behaviourally impaired has not been taken very seriously. Children manifesting behaviour and social problems have been referred to approved schools and remand homes, as stipulated by the 1963 Children and Young Persons Act, which needs to be reviewed urgently. The approved and juvenile remand homes currently fall under the Ministry of Home Affairs, National Heritage, Culture and Social Services.
- 8.6.3 In order to reorient education of the emotionally and behaviourally disturbed children to one that is not stigmatizing, the Commission recommends that:

Recommendation 8.20

Approved schools and remand/probation centres discard the image of jail-term schools and embrace the special education approach by discarding the term “approved”, “remand”, “probation”, and “juvenile” and that these institutions be referred to as special rehabilitation centres.

Recommendation 8.21

The curriculum for these institutions be standardized and follow the special education curriculum model of adopted, adapted, specialized, or specialist curriculum to suit the needs of learners with emotional/behavioural problems, and where necessary non-formal education curriculum be used.

Recommendation 8.22

Behaviour modification techniques be emphasized in the curriculum as intervention techniques by stressing guidance and counselling components in the Development and Survival Skills syllabus.

- 8.6.4 With regard to the curriculum, the Commission recommends that:

Recommendation 8.23

The curriculum for pre-school level, the subjects to be taught include Numeracy, Kiswahili alphabet, vowels and oral work, and English alphabet and oral work Development and Survival Skills.

Recommendation 8.24

Subjects to be taught and examined at primary school level include Mathematics, English, Kiswahili, Sciences, Geography, History, Civics, and Religious Education. Subjects to be taught but not examined include Art and Craft, Music, Physical Education Development and Survival Skills, Pastoral Care.

Recommendation 8.25

Subjects to be taught at secondary school level and a minimum of 5 subjects examined include Mathematics, English, Kiswahili, Geography, Biological Sciences, Home Science History and Government, Business Education and Commerce, Commerce Computer Science Music, French/German/Arabic/Sign language, Religious Education, Typing.

Recommendation 8.26

Vocational training be emphasized at craft and artisan levels in order to enable learners gain employable skills since some of the children may not be able to pursue a formal curriculum to higher levels.

8.7 Children with Learning Disabilities

- 8.7.1 Children with special learning disabilities may have perceptual handicaps, dyslexia, developmental aphasia, but are not a result of hearing, visual, physical, or mental handicap. Some children write backwards; some are not able to coordinate hand and pen in writing, among other problems.

Content and Examinations

In the view of the complexity of this emerging area, the Commission recommends that:

Recommendation 8.27

Kenya Institute of Education develops guidelines for teachers to assist children with specific learning disabilities in regular classrooms.

Recommendation 8.28

Content of music, perceptual training, and psychomotor development be developed to assist children with specific learning problems.

Recommendation 8.29

The Kenya National Examinations Council take cognizance of the children with specific learning disabilities and plan examination papers and schedules with these children in mind. Such examination papers could be audio set and children respond by recording their answers.

8.8 Children with Hearing Impairments

- 8.8.1 The Kamunge Report (1988) recommended that an appropriate curriculum be developed for the hearing impaired children based on the severity of their hearing loss, the age of onset and their learning needs; a special secondary school be established for the totally deaf pupils who cannot be integrated in regular secondary schools; the Kenya Institute of Special Education and Ministry of Health collaborate in designing and developing ear moulds for production by the local industry; and a local training programme for speech therapists be established as a matter of urgency

Method of Teaching Hearing Impaired Children

- 8.8.2 Deaf children have historically been taught using the oral method of instruction. However, in the 1980, the Hearing-Impaired Subject Panel at the Kenya Institute of Education found the method not to be achieving the desired outcome. In 1982, the Panel recommended that an effective method of teaching deaf children using a combination of speech, speech reading, and sign language be explored. However, there were some problems in implementing this new method due to various reasons; the topmost being lack of uniform sign language for deaf children. To solve this problem the Kamunge Report recommended that a uniform sign language be developed by Kenya Institute of Education, bearing in mind the varied Kenyan culture. In this regard, the Kenya Institute of Education developed a sign language textbook covering 1,500 signs. The book was approved by the KIE Academic Board in 1993. The book was revised in 1998 using a sign language panel consisting of 15 deaf persons who are leaders of the deaf community. The reason for using a panel consisting of deaf persons was mainly to ensure that the language reflected signs used by deaf persons in Kenya.

- 8.8.3 The Commission was informed that some local and international NGOs interfere with the development of sign language under the pretext that the language developed at KIE and used in schools for the deaf is not Kenyan Sign Language. This brings about controversies, thus leading to retardation of education of the deaf in Kenya. Considering that sign language was officially introduced in 1982 in schools for the deaf and is a mixture of Kenyan and borrowed signs, it has evolved in a similar pattern as Kiswahili, which is a mixture of Arabic and Bantu language. It is therefore impossible at this juncture to have pure Kenyan Sign Language. Some countries that have evolved a comprehensive sign language follow this pattern. Furthermore, avoidance of borrowing signs is next to impossible as we live in a global village. In view of this, the Commission recommends that:

Recommendation 8.30

The sign language used by deaf persons in Kenya and compiled by Kenya Institute of Education in consultation with deaf persons and other stakeholders be adopted as the Kenyan Sign Language; and that sign language continue to be used in schools for the deaf.

Recommendation 8.31

The Kenya Institute of Education develops sign language syllabuses for teaching sign language in pre-schools, primary schools, high schools, colleges, universities, and that interpreting materials be developed for institutions wishing to train interpreters who shall qualify to be members of a professional body.

Recommendation 8.32

Local, international, and other organizations interested in developing sign language aim at enriching the book by the Kenya Institute of Education in order to maintain the uniformity of the sign language to be used in schools, colleges, and universities.

Recommendation 8.33

Research in sign language and how it could be used to teach hearing impaired children using appropriate modes of instruction be encouraged and information shared with KIE for possible use in schools for the deaf.

Curriculum

- 8.8.4 The Commission was informed that in order to accomplish the goals of education for the deaf and hard of hearing children, the curriculum requires two vital additional subjects. These are Sign Language and Speechreading.
- 8.8.5 The Commission was also informed that Kiswahili is a difficult subject to teach deaf children. It was proposed that sign language should be taught to hearing impaired children and examined as a subject in place of Kiswahili. Furthermore, it was proposed that sign language be

offered as an examinable subject with equal loading as a foreign language to hearing students in secondary schools and as a subject or a course of study in colleges and universities.

- 8.8.6 With the regard to the pre-school level, the subjects to be taught are Mathematical concepts, Language concepts in sign language, Development and Survival Skills Music and Drama in sign language, and Speech reading.

Recommendation 8.34

The subjects to be taught and examined at primary school level are: English, Mathematics, Science, Geography, History and Citizenship, Religious Education Sign Language. The subjects not to be examined are Physical Education, Art and Craft, Music in Sign Language, Home Science, Speech Reading, Development and Survival Skills. The subjects to be adopted at primary school level are Mathematics, English and Music.

The subjects to be taught and examined at secondary school level include English, Mathematics, Sign Language, Geography, History and Government Sciences, Computer Science or Business Education and Commerce.

Recommendation 8.35

The subjects not to be examined secondary school level include: Development and Survival Skills.

Recommendation 18.36

Subjects to be taught at TVET are Computer Studies, Business Education and Commerce, Printing Technology, Motor Repair, Carpentry and Joinery, Metal Work, Leatherwork, Upholstery, and Masonry.

8.9 Children with Visual Impairments

- 8.9.1 The visually impaired consist of two groups: the blind and partially sighted or low visioned children. Blind children are those who have a visual acuity of 3/60 or a visual field of 20° or less in the better eye after correction. These children have vision which is so impaired that their visual acuity is 6/60 or less in the better eye after correction, can only read print with the help of special magnifiers, or those who can only read print enlargements of N18 and above. The partially sighted are those with enough vision that could be trained to read large print. These children are also referred to as low visioned.
- 8.9.2 The Kamunge Report recommended that young visually handicapped children of pre-primary school age be integrated in regular pre-primary schools; the partially sighted children be integrated in regular primary and secondary schools and be provided with the necessary facilities and equipment including low vision aids to enable them to learn effectively; the learning and examination needs of the visually handicapped students in the sciences and applied subjects be catered for in the

various curricula and examination; the Kenya National Examinations Council should provide for adequate transcribers and examiners to cater for the special needs of the visually handicapped candidates; and there be increased Government participation and co-ordination in the production and distribution of Braille materials

Methods of Teaching Visually Impaired Learners

- 8.9.3 The primary method of teaching visually impaired children is Braille. However, the Commission was informed that the quality of Braille has steadily declined over the years because non-experts were, and still are, in charge of its teaching and production.
- 8.9.4 Furthermore, senior managers at the Braille presses were said not to be proficient in Braille and therefore unable to monitor and ensure quality. At the same time, inspectors of schools, special education administrators, curriculum developers, examiners, lecturers, heads of schools, heads of programmes for blind children, and even the majority of teachers of visually impaired children, were said not to be proficient in Braille.
- 8.9.5 The Commission was informed that the majority of children in schools for the visually impaired use very crude outdated writing equipment. The Commission was further informed that typing using ordinary typewriters is a necessary skill that all visually impaired learners must learn so that they can communicate with the sighted world and also enable them to use computers in later life.
- 8.9.6 In addition, the inadequacy of reading materials which was already a felt problem in the old system was augmented many times over. Production of reading materials in a form usable by blind persons is at the best of times a slow and tedious costly business. Printed texts must be converted into Braille; maps must be converted into tactile forms; mathematical and scientific concepts must be represented in a way that maximizes communication through touch and hearing. The two Braille presses in Kenya are unable to cope with the demand for transcription of books into Braille.
- 8.9.7 Visually impaired persons also rely on audio-taped books and materials, but even these are completely inadequate, and, when they are available, they are of extremely poor quality because either readers are not auditioned or the recording equipment is of poor quality. In any case, apart from Kenyatta University Library, no other institution has a purpose developed audio-tape production service in Kenya. The Commission therefore recommends that:

Recommendation 8.37

A policy be put in place which requires that any person wishing to teach visually impaired children undergoes thorough training in reading and writing Braille and be certified as proficient prior to his/her appointment and that no person be appointed to any supervisory, administrative or inspectorate positions directly affecting the learning of visually impaired children unless he or she is certified proficient in Braille.

Recommendation 8.38

Mechanisms be put in place to regularly check to ensure that public and private Braille presses employ suitably qualified Brailleists and that their presses consistently produce high quality Braille.

Recommendation 8.39

A national Braille authority be established and be legally responsible for developing, adapting, and adopting Braille codes; ensuring that the set standards are adhered to by those who produce, teach and supervise the teaching of visually impaired person.

Recommendation 8.40

Braille be recognized as the main medium of reading for visually impaired children until other alternative modes are developed and made available and that visually impaired persons not to be denied the right to learn Braille even if such person shows sufficient partial sight for reading large prints.

Recommendation 8.41

Children be prepared for reading Braille through touch and finger sensitivity training at the earliest possible age so that by the end of their primary school education they have sufficient skill to read and write well.

Recommendation 8.42

Visually impaired learners be taught ordinary typing from class five.

Recommendation 8.43

Tape-recorded text be used to supplement brailled material and that visually impaired children be trained in the use of audio-taped materials from class five.

Recommendation 8.44

Government addresses the reading needs of out-of-school visually impaired people by requiring public libraries to stock general reading material in Braille and/or on tape.

Recommendation 8.45

Each visually impaired child be equipped at least with a mechanical Braille writer.

Curriculum

- 8.9.8 The introduction of the 8+4+4 structure of education in the 1980s singularly disadvantaged visually impaired learners who have all but been wiped out of college and university education because of admission requirements. The failure of the system to cater for these learners was a pointer to the need to always keep pace with changing curriculum needs. The question now is whether to fit the visually impaired learner into the educational programme or to fit the programme to the visually impaired learner.
- 8.9.9 The Commission was also told of the importance of compensatory skill for visually impaired learners. These are tactile skills, listening skills, orientation and mobility, and social skills. To implement curriculum that incorporates academic and compensatory skills, the Commission recommends.

Recommendation 8.46

The subjects for the blind and partially sighted children in pre-school to include Numeracy, Kiswahili alphabet, vowels and oral work; English alphabet and oral work; Play/Games/Singing; Development and Survival Skills, Basic Brailled alphabets and vowels.

Recommendation 8.47

Subjects to be taught and examined in primary school level to include Mathematics, English, Kiswahili, Sciences, Geography, History, Civics. Subjects not to be examined include Craft, Music, Development and Survival Skills, Braille reading and writing and Physical Education. Subjects to be adopted include Mathematics, Sciences and Craft.

Recommendation 8.48

In secondary education, the subjects to be taught, and a maximum of 5 to be examined, include Mathematics, English, Literature in English, Kiswahili, Fasihi, Geography, Biological Sciences, Home Science, History and Government, Business Education and Commerce, Computer Sciences, Music, French/German/Arabic/Sign Language, CRE/HRE/IRE, and Typing. The subjects to be taught and not to be examined in secondary school level include Development and Survival Skills, Braille, and Physical Education. Subjects to be adopted at secondary school level include Mathematics, Geography, Biological Science, Home Science.

Recommendation 8.49

Subjects to be taught at diploma and higher diploma include Telephone, Reception and Public Relations, Conference Organization and Management, Interpretation and translation, Music, Bilingual Secretarial Services, Computer Studies, Business Administration.

Recommendation 8.50

Subjects to be taught at Craft level include Business, General, Secretarial, Garment making, Carpentry and upholstery, Leatherwork, Beauty, Sciences, Jewellery.

Recommendation 8.51

Subjects to be taken at Artisan level include Shoemaking, Tailoring, Carpentry and Entrepreneurship.

8.10 Children with Mental Handicap

- 8.10.1 Mental handicap is classified into mild, moderate, severe, profound. These terms emphasize the level of intellectual functioning of the individual.
- 8.10.2 Educators have adapted a system where these children are classified as Educable Mentally Retarded (EMR) and Trainable Mentally Retarded (TMR). These terms emphasize the educational functioning of the children. The children described as EMR can learn some basic academic subjects. The curriculum for the TMR children concentrates more on functional academic subjects with emphasis on self-help and vocational skills.
- 8.10.3 The Kamunge Report recommended that mentally handicapped children be identified during early childhood and their education provided in appropriate schools and that special schools be utilized to cater only for the severe and profound mentally handicapped children.

Curriculum

- 8.10.4 The curriculum for mentally handicapped children needs to emphasize some academic subjects, self-help, community living, and vocational skills. The lesser the degree of retardation the more emphasis on academic skill, while the greater the degree of retardation the more emphasis on self-help, community living and vocational skills. The Commission therefore recommends that:

Recommendation 8.52

The subjects to be taught in pre-school include Number work, Social skills, Physical education, Art and Craft, Music and Movement, Perceptual training, and Development and Survival Skills.

Recommendation 8.53

The subjects to be taught in Lower Primary include Basic reading, Number work, Physical education, Art and Craft, Science, Agriculture, Homes science, Music and Movement, Perceptual training, Geography, History, Civics, Pastoral Care , and Development and Survival Skills.

Recommendation 8.54

The subjects to be taught in Middle Primary include Communication Skills, Mathematics, Physical Education, Art and Craft Science and Agriculture, Home Science, music, Pre-vocational Skills, Perceptual Training, Geography, History and Civics Pastoral Care, and Development and Survival Skills.

Recommendation 8.55

The subjects to be taught in pre-vocational include Development and Survival Skills, Mathematics, Physical Education, Art and Craft, Science and Agriculture, Home Science, Music and Movement, pre-vocational training, Vocational Training, Perceptual Training, Geography, History and Civics and Pastoral Care.

Recommendation 8.56

The subjects to be taught in Vocational programme include Ornament making, Metal Work, Pottery, Basketry, Leather Work, Agriculture, Carpentry, Tailoring, and Development and Survival Skills.

Examinations

- 8.10.10 The differences among the educable mentally retarded and trainable mentally retarded is quite pronounced. This in effect rules out the possibility of a centralized examination to assess their competencies. The Commission recommends that:

Recommendation 8.57

That mentally handicapped learners be internally examined by the schools and certificates of attendance be issued by the Kenya National Examinations Council.

8.11 Children with Physical Impairments

- 8.11.1 A general consensus is that the physically handicapped fall into three general categories; namely, those with neurological impairments; those with muscle-skeletal impairments; and those with other health impairment. Each of these categories includes groups of persons with various types of impairments that cause different handicapping conditions and which impact differently on educational needs.
- 8.11.2 The Kamunge Report recommended that educational institutions with physically handicapped children should provide facilities which ensure that children move and function safely, conveniently and without obstruction; and that special schools for the physically handicapped children be provided with facilities to make adaptive aids.

Curriculum

- 8.11.3 Special primary and secondary schools for the physically handicapped enrol learners with a view of registering them for Kenya National Examinations and subsequent entry into colleges and universities. This suggests that learners with physical handicaps have had to suit themselves to the demands of the regular curriculum. Unfortunately, the majority who qualify for this education are those with mild physical handicaps. The presence of the large numbers of learners with mild handicaps in special schools also meant that the schools do not, to a large extent, have legitimate reasons to demand for special curriculum. This position has led to a marginalizing of the learners with severe handicaps.
- 8.11.4 Available evidence shows that the severely impaired learners leave out large aspects of some subjects because of the inability to cope. This has far-reaching implications because it suggests lack of mastery of skills, experience and exposure to the subjects. It also undermines self-actualization and psychological disposition of the learners, leading to a big disadvantage in examination results.
- 8.11.5 The other consideration is that the heterogeneity of children demands specific curricula, for specific levels of education, from pre-school to tertiary and vocational training education. To implement the above curriculum, the Commission recommends that:

Recommendation 8.58

Subjects to be taught at Pre-primary school level include Arithmetic, Kiswahili (alphabet, vowels and oral work), English (alphabet and oral work), Writing Play/Games/Singing, Physiotherapy, and Development and Survival Skills.

Recommendation 8.59

Subjects to be taught and examined at primary school level include Mathematics, English, Kiswahili, Sciences, Geography, History, Civics, and Religious Education while subjects not to be examined include Art and Craft, Music and Movement, Physiotherapy and occupational therapy, Physical Education, Typing and Computer applications and Development and Survival Skills.

Recommendation 8.60

Subjects to be adapted for primary level include Mathematics, Sciences, Art and Craft, Physical Education Typing and Computer applications.

Recommendation 8.61

Subjects to be taught and examined at Secondary level include Mathematics, English Literature in English, Kiswahili, Fasihi Geography Biological Sciences, Home Science, History and Government, Computer Science, French/German/Arabic, Religious Education, while not to be examined include

Physiotherapy and Occupational Therapy, Typing, Physical Education Development and Survival Skills.

Recommendation 8.62

Subjects to be adapted at secondary school level include Mathematics, Geography, Biological Sciences, home Science, Typing and Computer applications.

TVET subjects to include Home Science (adapted) Music, Computer Science, Metalwork, Metalwork, Woodwork, and Development and Survival Skills.

Recommendation 8.63

Technical and vocational subjects in the area of design, electronics engineering and information technology be made more available to the physically handicapped in order to widen the scope from the traditional technical skills and to widen their job opportunities.

8.12 Multiply Handicapped Children

- 8.12.1 Multiply handicapped children have additional handicaps which may include one of the following: mental impairment, visual impairment, hearing impairment, physical impairment, psychological impairment, epilepsy, etc. Multiply handicapped learners differ from each other significantly depending on the combination of handicaps and abilities.
- 8.12.2 The Kamunge Report recommended that more special units for multiply handicapped children be established in the existing special schools and be provided with appropriate and adequate staff. The Commission recommends that:

Recommendation 8.64

Multiply-handicapped learner be not placed in an integrated programme but in separate institutions and/or programmes suited for each handicap mix.

Recommendation 8.65

The Ministry takes urgent measures to revive the collapsing Kabarnet School for the Deaf-Blind by appointing specialized administrative and support staff and by vigorously marketing the institution which is the only one south of the Sahara.

Recommendation 8.66

That curriculum for multiply handicapped children take on Individualized Educational Plans approach.

8.13 Children with Communication Disorders

- 8.13.1 At the moment, Kenya does not have special services or programmes for these children who are found primarily in early pre-school and lower primary school levels.

Curriculum

- 8.13.2 In view of the complexity of this emerging area, the Commission recommends that:

Recommendation 8.67

The children take the prescribed regular curriculum with speech therapy and counselling sessions added to the curriculum.

Recommendation 8.68

Music be offered as a practical and aesthetic subject at all levels to help the child practice the various sounds and develop psychological security and self-confidence.

Recommendation 8.69

Examinable and non-examinable subjects be determined by the severity of the language disorders and the accompanying handicaps.

Recommendation 8.70

Where applicable severely autistic children be given additional time in school before sitting for national examinations.

8.14 Infrastructure and other Requirements

The role of Kenya Institute of Education in Education of Children with special learning needs

- 8.14.1 The processes of curriculum development in special education takes on three approaches. The first is adoption of the regular curriculum. The second approach involves adaptation of the regular curriculum. The degree of adaptation depends on the content and the severity of the impairment. In most cases, adaptation involves less than 50% of the content being adapted and retaining the rest of the regular curriculum. The third approach is called specialized curriculum where over 50% of the regular curriculum is adapted. The fourth approach involves designing a wholly different curriculum which may be based on the regular curriculum or developed within the special education sector. This curriculum is called specialist curriculum and our intervention subjects such as Braille, sign language, orientation and mobility, etc., fall under the specialist curriculum.

- 8.14.2 The addition of specialist subjects to an existing regular curriculum, an adapted curriculum, or a specialized curriculum makes the curriculum used in special schools overloaded. This is because specialist subjects designed to assist children in cope with their special needs
- 8.14.3 Therefore, unlike regular education where a curriculum developer has to contend with one subject for class one, a curriculum developer in special education has to contend with several subjects or adaptations for a given category. For example, a class one textbook for English calls for nearly six adapted textbooks.
- 8.14.4 Due to the complexities involved in curriculum development for children with special educational needs and the human resources required, the Commission recommends that:-

Recommendation 8.71

The Kenya Institute of Education be strengthened with the establishment of a department of special education.

Recommendation 8.72

The curriculum for learners with special educational needs be developed or adapted to fit individual needs of each category and severity.

Recommendation 8.73

KIE develops and publishes print and media based learning and instructional materials for children with special needs.

Recommendation 8.74

KIE develop Development and Survival Skills curriculum for children with special educational needs.

The role of the Inspectorate in quality assurance in education of children with special educational needs

- 8.14.5 The Commission was informed in the field that special schools are rarely inspected and that some have ever seen an inspector of schools. This has resulted in the deterioration of standard of special education due to lack of guidance and direction.
- 8.14.6 In order to achieve quality assurance in special education and a *raison d'être* for learning and provision of special education takes root, the Commission recommends that:-

Recommendation 8.75

The section of Special Education at the inspectorate be upgraded to a department headed by a deputy chief inspector of schools with

appropriately trained personnel to ensure that the curriculum developed by Kenya Institute of Education is implemented in special schools.

Recommendation 8.76

The following periods are allocated to classes: (a) pre-school 20 minutes per lesson; (b) lower primary 30 minutes per lesson; middle and upper primary 35 minutes per lesson.

The role of Kenya National Examinations Council in the examination of children with special educational need

- 8.14.7 Regular examinations have been reviewed as not responsive to the needs of children with special needs. This has led to the calls for the examination papers to be analysed so that special and adapted examinations are developed or that specialized examination papers be set.
- 8.14.8 The Commission was also informed that there does not exist a department of special education at the Kenya National Examinations Council. This has resulted in the needs of learners with impairments not being taken care of.
- 8.14.9 Hearing impaired children are disadvantaged when required to do Kiswahili examinations since they are also learning English and sign language. Thus hearing impaired children are forced to learn more than two languages which are difficult since hearing impairment interferes with language development. Thus schools for the deaf suggested that sign language be offered as an examinable subject in the place of Kiswahili.
- 8.14.10 Visually impaired children have problems manipulating some subjects that are not within their power to manipulate such as identification of colours, imagining skyscrapers, etc. Furthermore, some practical subjects such as physical sciences, biology, geography, home science, etc., have been found difficult for the visually impaired.
- 8.14.11 Physically and visually impaired students have been found to be disadvantaged in certain or abstract subjects depending on their ability to manipulate examination papers and instruments. The visually impaired, for instance, have not been receiving quality or properly brailled papers.
- 8.14.12 Mentally handicapped children are not able to follow the regular school curriculum and hence national examinations. A preference is for these children to take development and survival skills, pre-vocational, and environmental manipulation subjects and at the end of their designated education cycle be awarded by KNEC a certificate of attendance.
- 8.14.13 Concerns were made that loopholes would be created if schools were allowed to have a leeway on whom to register for the national examinations.

- 8.14.14 Certain District Education Officers have tended to discourage special schools and/or children from registering for national examinations lest they affect the district's national standing. This has resulted in some special schools registering their children as private candidates. This means that, in terms of selection to high schools, these children are overlooked. Furthermore, the fees paid by private candidates are twice what is paid by regular candidates.
- 8.14.15 Time allocated for the children to complete examination papers needs to be looked into with a view to giving the children an extra hour for each paper, or adapting the papers. In view of the importance of providing an equitable, judicious, and fair practice to children with special educational needs, the Commission recommends that:

Recommendation 8.77

A department of special education be established at Kenya National Examinations Council to cater for the needs of children with special needs.

Recommendation 8.78

Examination papers for handicapped learners be adapted to suit the individual needs as dictated by the severity of handicap and the ability of the child to manipulate examination instruments and that subject matter teachers trained in special education be used to set and mark examination papers.

Recommendation 8.79

Time allocated for examinations for the handicapped learners be dictated by the nature and degree of the handicap and an extra hour for all examination papers, whether regular, adapted, or specialized.

Recommendation 8.80

Children in integrated programmes be given the option of taking regular examination papers or modified ones.

Recommendation 8.81

KNEC provides leaving certificates to the mentally handicapped learners who follow a functional or vocational oriented course.

Recommendation 8.82

That audio and visual media based examination materials for examining sign language, sign language interpreting, and Braille be developed.

Recommendation 8.83

That physical infrastructure such as mobility, desks, examination equipment, the mode of instruction in case of Braille and sign language based papers, the mode of manipulating the examination papers and instruments, and the candidate's health status, be taken into consideration so that no child is required to meet additional costs associated with their handicap or impairment.

Recommendation 8.84

That no teacher, head teacher, or education officer refuses to register or influence in the refusal to register an otherwise qualified and competent child with special educational needs for national examinations.

Maintenance of Professional Standards

- 8.14.16 It was gleaned from reports from special schools that the majority of teachers are not competent in practical subjects which are essential to teaching and managing children. These include Braille, sign language, interpreting, orientation and mobility, use of behaviour modification. In view of the importance of these skills which are what make children learn, and that makes special education a unique and dynamic field of its own, the Commission recommends that:

Recommendation 8.85

Teachers be required to pass proficiency and competency tests in the methodology subjects such as sign language and interpreting for teachers of the hearing impaired; Braille for teachers of the visually impaired; practical skills for teachers of the physically, mentally, and multiply handicapped; and behaviour modification for teachers of the emotionally and behaviourally disturbed. Any teacher posted in a special school not excelling in these skills after six months leave the school.

Recommendation 8.86

Professional associations for teachers and administrators of special schools be established and the associations have in their constitutional means of maintaining standards, discipline, suspension, and criteria for membership, similar professional association should be established for special education administrators who shall include headmasters, deputy headmasters, inspectors, and others in administrative and supervisory positions.

Recommendation 8.87

A professional body of interpreters for the deaf be established and that qualified interpreters be registered by a competent registration board.

Recommendation 8.88

A blind persons literacy board be established to deal with all aspects of a blind person's reading and writing needs which cannot be satisfied through standard print and to enforce quality of Braille, Braille texts, audio-books, computer translation software, large print texts, etc., for visually impaired persons.

Educational Programming

- 8.14.17 Handicapped children are educated through three main approaches. The first is the traditional segregated school for the handicapped, and offers boarding facilities.
- 8.14.18 The second is units which are classrooms provided by regular schools where handicapped children learn separately and may be socially integrated. In most cases, units are up to 3 or 4 classes.
- 8.14.19 Third is the itinerant resource-centre based integrated programme which offer only minimal specialist assistance to the child, and for the most part encourage the child to mix with able peers both academically and socially.
- 8.14.20 The fourth is the residential facility or annex which provides a small or large home for the children attending regular school. The children are integrated academically but not socially depending on the orientation of the school.
- 8.14.21 At the core of special education is the debate on whether all handicapped children can best receive education through the integrated system or traditional standard residential.
- 8.14.22 Segregated residential schools are sometimes viewed as disadvantageous for the handicapped child for a number of reasons. One of these is the argument that the removal of a handicapped child from the community deprives a child of parental love and community acceptance. This may indeed be the case, but then non-disabled children attending boarding school suffer the same disadvantages.
- 8.14.23 Proponents of integration claim that integration is less costly in that parents are spared the expense of constructing physical facilities and maintaining children in school. This argument overlooks the personal anguish that the handicapped child experiences without basic learning aids, equipment, materials, appropriately trained professionals, and a hostile environment which is structurally unfriendly to the physically and visually impaired.
- 8.14.24 The present level of development in Kenya's education services for the handicapped is that full integration of handicapped children into regular schools is impossible for the majority of the children. First, support services such as trained teachers, books, readers, interpreters, reading and writing equipment are lacking. Secondly, itinerant teacher programmes experience severe difficulties because of distances covered by the teacher, poor communication and other infrastructure, inadequate resource support and severe transport constraints. Thirdly, integrated education for handicapped children is almost totally reliant on donor funding and expertise which cannot be assured in future.

- 8.14.25 Fourth is the unmet need of educating multiply-handicapped children. A few of these children are assisted in special classes in schools for specific handicaps.
- 8.14.26 A handicapped child's access to education is limited by several factors. These include poverty where poor parents faced with the inability to take all their children to school will choose to take the ones without disability thus placing the handicapped sibling in double jeopardy. Limited mobility of children with disabilities makes it difficult for them to attend day schools especially where those are far away from their homes. There is also the belief among many parents that no benefits accrue from educating a child with disabilities.
- 8.14.27 The Government, over the years has also not invested adequately in the establishment of special schools. In addition the cost-sharing policy which has made it difficult for parents to pay for their children's education has equally affected their ability to support those with disabilities. This was clearly brought out in Mombasa where a group of fishermen said, that although they would like all their children both handicapped and non-handicapped to be in school, the cost-sharing policy had not made this possible.
- 8.14.28 The Commission has observed that (see Table 8A)
- a) The type of special schools existing in Kenya are too small to sustain the increased number of children needing special education;
 - b) The ratio of teacher to children is too small in certain categories and schools;
 - c) There are too many units spread out throughout the country utilizing many classrooms and teachers, where, if combined, would result in additional school; and
- 8.14.29 In light of these and other observations, the Commission recommends that:

Recommendation 8.89

There be a move to establish comprehensive schools comprising of pre-school, primary school, secondary school, and vocational education wings in order to enhance higher enrolment and sharing of resources.

Recommendation 8.90

The Government set aside approximately 50 acres of land for construction of comprehensive special schools at appropriate setting conducive to learning, health, and mobility of children with special educational needs.

Recommendation 8.91

The following schools be merged and expanded to become comprehensive schools and centres of excellence:

- a) Mumias Primary School for the Deaf, Mumias Vocational School for Deaf Girls, Mumias Secondary Unit for Deaf Girls and Mumias Unit for the Deaf-Blind in Mumias/Butere District.
- b) Nyangoma Primary School for the Deaf, and Nyangoma Technical School for the Deaf, in Bondo District.
- c) Kuja Primary School for the Deaf, and Kuja Secondary School for the Deaf, in Migori District.
- d) Kapsabet School for the Deaf, Kapsabet and Kapsabet Vocational Unit for the Deaf, in Nandi District.
- e) St. Oda School for the Blind and Sr. Oda Vocational Unit for the Blind in Siaya District.
- f) Joyland School for the Physically Handicapped in Kisumu District.
- g) Kibos School for the Blind in Kisumu District.
- h) Kambui School for the Deaf and Kambui Vocational Unit for the Deaf in Kiambu District.
- i) Thika Primary School for the Blind, Thika High School for the Blind and Thika Vocational Unit for the Blind in Thika District.
- j) Joytown Primary School for the Physically Handicapped, Joytown Secondary School for the Physically Handicapped, and Joytown Unit for the Physically Handicapped in Thika district.
- k) Joytown Unit for the Physically Handicapped in Thika district.
- l) Kerugoya Primary School for the Deaf and Kerugoya Vocational Unit for the Deaf in Kirinyaga District.
- m) St. Lucy's Primary School for the Blind and St. Lucy's Vocational Unit for the Blind in Chuka District.
- n) Kaaga Primary School for the Deaf and Kaaga Unit for the Deaf in Meru Central District.
- o) Machakos School for the Deaf and Machakos Vocational Unit for the Deaf in Machakos District.
- p) Mombasa Secondary School for the Physically Handicapped in Mombasa District.

- q) Machakos Trade Centre for the Blind be upgraded to offer certificate, craft and diploma courses and become Machakos Technical Training Institute for the Blind.

Recommendation 8.92

That the plans and specifications for every special school have a statement of educational objectives and their intended functions; and that their architectural plans and specifications be approved by the Ministry.

Recommendation 8.93

Other comprehensive schools be built bearing in mind regional population requirements and that pre-primary and primary wings be built every year and the secondary and vocational wings be built every third or fourth year or as may be appropriately and judiciously planned.

Recommendation 8.94

Schools for the mentally handicapped have wings for pre-vocational and vocational workshops and that vocational workshops also serve as sheltered workshops.

Recommendation 8.95

Selection of children for integration programmes be based on proper educational assessment to determine the ability of such children to cope with the rigours of integration; only those children who require minimal specialist assistance be integrated with appropriate trained personnel, assistive learning/teaching aids and equipment, school support structures and prior sensitization of the integrating school are assured.

Recommendation 8.96

Regular schools, colleges, universities, and all Government buildings be constructed with accessibility of learners with special educational needs in mind.

Recommendation 8.97

The Garissa Rehabilitation Centre established in 1982 but yet unoccupied be converted to a comprehensive school for the deaf and be used by deaf children at Jaribu Unit for the Deaf presently located at Jaribu Primary School; cost sharing for the disabled be abolished and instead free and quality education be provided by the government to the handicapped.

Recommendation 8.98

In the next 5 years the teacher-pupil ratio in primary schools be increased from 12 to 20 for the hearing impaired, visually impaired, and the physically handicapped, and up to 25 in secondary schools, and that thereafter the ration

decrease to 12 in primary schools and 20 in secondary schools when expansion of facilities have taken place.

Recommendation 8.99

Land for special universities such as one for the gifted and the other for the deaf be given 100 - 200 acres and in quieter environments.

Recommendation 8.100

Land allocation be in such a way that primary schools, secondary schools, and vocational/technical schools are situated next to each other for the purpose of sharing resources and evolving into a comprehensive school.

Recommendation 8.101

ASAL regions be given priority in the provision of special schools and facilities as the children from these areas live nearly 400 kilometres from the nearest special school, and in particular Garissa Rehabilitation Centre be converted into a school for the deaf since the centre has not been in use since its establishment in 1982.

Recommendation 8.102

Special schools and programmers for exceptional children who are currently not catered for such as the gifted and talented, the learning disabled, the emotionally disturbed, the speech and language impaired, and the multi-handicapped should be established.

Table 8a

Enrolment in Special Education Programmes

DISABILITY	PROGRAMME		ENROLMENT		TOTAL	%	AVERAGE NUMBER OF CHILDREN IN PROGRAMME	CLASSES	CLASS AVERAGE	TEACHERS	RATIO
	UNITS	SCHOOL	BOYS	GIRLS							
Hearing Impaired	37	32	1575	1749	3324	23	48	275	12	454	1:7
Visually Handicapped	38	8	1032	738	1770	12	38	345	5	400	1:4
Physically Handicapped	42	17	1324	846	2170	15	37	184	12	310	1:7
Mentally Handicapped	258	25	3146	2114	5260	36	19	552	10	775	1:7
Behaviorally Impaired	8	11	1573	433	2006	14	106	ND	ID	ND	ID
Multiply Handicapped	2	1	44	34	78	0.5	26	17	5	23	1:3
TOTAL	385	94	8694	5914	14600	100	30	1449	10	1962	1:7

ND =No Data

ID =Insufficient Data

8.15 The Structure of the Education System

- 8.15.1 It should be recognized that education of children with special educational needs involves more than the processes of teaching and learning. The students in special schools have special needs that may directly and indirectly affect their learning. These needs entail a broader curriculum which comprises regular curriculum, adapted curriculum, specialized curriculum, and compensatory skill curriculum. Thus the structure of the special education cannot precisely follow the structure of the regular system. Therefore the duration of primary and secondary education vary from that of the non-handicapped children, depending on the severity of the handicap and the ability of the child to follow the regular school curriculum or adapted curriculum among other factors. In view of this, the Commission recommends that:

Recommendation 8.103

The system for mildly handicapped children and the linguistically able deaf have a 2 years early childhood education; 7 years of primary education; and 4 years of high school education. These children can best function in integrated programmes with support of special education teachers and related services.

Recommendation 8.104

An appropriate structure be used for the moderate to moderately severe handicapped children who follow an adapted curriculum.

Recommendation 8.105

A structure with an orientation towards pre-vocational and vocational curriculum with less emphasis on academic subjects be used with severely to profoundly impaired children, including the mentally handicapped.

Recommendation 8.106

An individually designed system be used with children with severe to profound impairments that require specialized, specialist, and functional curriculum geared towards self-care.

Recommendation 8.107

An accelerated system for gifted and talented children be used to allow them to skip certain grades and have early admission to, or exit from, the next level of education, including university education.

8.16 Cost Benefit and Cost Effectiveness

- 8.16.1 The Commission has observed a number of issues related to cost effectiveness of special education such as arbitrary mushrooming of special education units; programmes that are not rationalized prior to their establishment and staffing; selection of subjects in secondary schools that do not

bear in mind the pupils handicap; type of equipment and laboratories required; and the calibre of teachers; duplication of resources; and the training of teachers which the World Bank Report put at Ksh. 250,000 for one teacher at KISE. With other expenses included, it costs Ksh. 350,000. This is more than is used to educate a handicapped child and is more than what a regular university student pays for.

- 8.16.2 Training teachers in special education is not only expensive but takes long for one to qualify. For instance, under the 7+4+2+3 system, trainees were expected to have one principal and two subsidiary passes in KACE, plus P1 certificate and two to three years teaching experience to get a diploma. They are currently expected to have C+ in KCSE and P1 qualifications, two to five years teaching experience. Those pursuing a BEd degree in special education at Kenyatta University are expected to have the foregoing qualifications in order to do a 4 year course. This means that students take 8 years to complete a special education course up to BEd level. In developed countries, these are enough for one to be awarded a PhD degree.
- 8.16.3 Another development in the Kenyan scene is the reverse integration approach where non-handicapped students attend special schools. This has happened in secondary schools for the deaf, the blind, and the physically handicapped. The primary argument is that non-handicapped students would bring challenging and stimulating environment thus fostering challenging a spirit in the handicapped learners. Unfortunately, a hidden agenda is the economic factor where schools are looking for income from the non-handicapped learners to the extent that some schools have an enrolment nearly 70% non-handicapped learners as found at Rev. Charles Muhoro Secondary School for the Deaf.

The Commission recommends that:

Recommendation 8.108

Remuneration package for lecturers be looked into with the enhanced status of KISE in order to stem exodus of lecturers to universities and other institutions.

Recommendation 8.109

The issue of long-term sustainability of KISE be addressed with a view to making it generate its own income, with KISE being expanded to admit 200-500 students instead of the current 80 every 2 years.

Recommendation 8.110

Special secondary schools be fully supported by the Government in order to stem the emerging but disastrous income generating activity in the name of “reverse integration”, where the reverse integration has to take place, 30% of the student population be non-handicapped, and no separate stream for the non-handicapped should be established in special schools.

- 8.16.4 The Commission was further informed and indeed physically visited some schools and noted that the land allocated to special schools are in marginal areas where it is steep or is next to a sewer.

8.17 Enhancing Operation and Management of Special Education

- 8.17.1 The importance of administration of special education should not be underestimated. This is because special education covers all areas and levels of education. Special education cannot successfully grow and expand into a qualitative and dynamic area if it is suffocated under another department, section, or unit. Furthermore, persons managing special education need to be trained in special education and possess the necessary practical skills such as Braille, sign language, orientation and mobility, physiotherapy, and other intervention skills in order for them to practically understand what makes special education tick.
- 8.17.2 During the Commission's sitting, it was informed that the last time special education had a person trained in special education as head was in 1978. Since then, persons not trained in special education have been posted at the Ministry headquarters.
- 8.17.3 Suggestions were made to the Commission that the section dealing with special education at the policy making and administrative level be independent of other departments and sections dealing with regular education. It was also suggested that there be an advisory council for special education which would advise the Ministry. The Commission also noted that special education is under a deputy director in charge of informal education. This certainly hinders the growth and expansion of special education. The Commission therefore recommends that:

Recommendation 8.111

The Special Education Section at the Ministry Headquarters be upgraded into a fully-fledged department and headed by persons of the rank of Senior Deputy Director since department deals with special education matters related to pre-school up to University level.

Recommendation 8.112

All officers and heads of divisions departments, and sections dealing with special education be trained in special education, with appropriate knowledge in their areas of specialization, preferably at Masters or PhD level.

Recommendation 8.113

Special education inspectorate and administration be decentralized to district and provincial levels, depending on the number of educational programmes.

Recommendation 8.114

Head-teachers of special schools be required to have appropriate level of education and training commensurate with the posts. The head-teachers

of primary schools be holders of degree certificates in special education while head-teachers of secondary schools should have Master of Education degree in special education and educational administration.

Recommendation 8.115

The Board of Governors of special schools be strengthened and given mandate to run their schools, raise funds, discipline teachers, maintain standards, etc., and that board members be given an allowance as an incentive to ensure their commitment to their work.

Recommendation 8.116

A national special education advisory board be established under the special education act and that the composition of members of the board consist key stakeholders, professionals, parents, and leaders in the disability movement.

Recommendation 8.117

That the principal of a comprehensive school be a holder of a Master of Education degree in special education and educational administration and be of a Job Group of a deputy director of education assisted by three deputy principals for (a) pre-primary and primary education; (b) secondary education, and (c) vocational and technical education.

Inter-District Co-operation

- 8.17.4 It has been observed that not every district is able to construct special education facilities for all types of exceptionalities under its jurisdiction. This calls for proper planning, research, and determination of the number of children with each learning need prior to embarking on construction of special schools and/or assignment of classrooms in regular schools to serve as units.
- 8.17.5 The Commission also observed that the quality of services should be of paramount concern in the provision of special education rather than the quantity of classes, units, or schools. The Commission therefore recommends that:

Recommendation 8.118

Co-operation between districts be established and that it be incorporated in the Special Education Act which shall describe the mode of their operation.

Equipment and Materials for Children with Special Educational Needs

- 8.17.6 Children with special needs often need specialized aids to move about, to read and write or to hear. For example children with severe paralysis of the lower limbs require wheelchairs, those who are visually impaired require Braille machines and spectacles and white canes while those with hearing impairments require hearing

aids where necessary. Such equipment is often expensive and as it is usually imported and duty is levied on them.

- 8.17.7 In light of the proposals from the field and observations, the Commission recommends that:

Recommendation 8.119

A special education section be established under the School Equipment and Production Unit of the Ministry whose functions shall be delineated under the Special Education Act.

Recommendation 8.120

The Government exempts levies imposed on special education equipment.

Recommendation 8.121

The Ministry explores the possibility of awarding contracts to institutions and workshops that develop educational materials and equipment such as (i) Bombolulu Workshop for the Physically Handicapped in Mombasa which makes wheelchairs and clutches; (ii) Kenya Institute of Special Education which makes teaching aids, ear moulds, and white canes; (iii) Karen Technical Training Institute for the Deaf, Kambui School for the Deaf, and Giant's Hearing Centre in Nairobi which make ear moulds; (iv) Variety Village Workshop which makes optic lens and shoes for the physically handicapped; (v) Kenya Institute for the Blind and Africa Braille Centre which transcribe books into Braille and also taped materials; (vi) Pan Paper which makes quality paper for braille; and Kenya Institute of Education which would make audiotapes and videotape recordings for schools.

8.18 Continuing Education

- 8.18.1 Special education must be seen as a life-learning process. As such, there is need to explore the avenues for life-long learning for persons with disabilities whatever their level of academic achievement, or their career orientation.
- 8.18.2 With Kenya geared toward industrialization and technological advancement by the year 2020, there is need to critically analyse whether the career preparation and training accorded learners with special educational needs in the past commensurate with current market demands.
- 8.18.3 A large bulk of teachers in special schools needs to be re-trained to cope with knowledge evolution and teaching techniques in special education. Furthermore, the demand that the minimum qualification for primary school teachers be a university degree calls for a strong distance education programme in special education.

The Commission recommends that:

Recommendation 8.122

Computer literacy be an integral part of special education for learners with special educational needs, and that a website on special education be designed in Kenya.

Recommendation 8.123

Handicapped persons desiring continuing education be given opportunity to do so and that vocational and technical schools provide mechanisms for them to upgrade their skills, or enter a new trade course.

Recommendation 8.124

Distance education for the handicapped be put in place where students could learn and acquire certificates, and diplomas, and degree.

Recommendation 8.125

KISE, in an upgraded and strengthened status, offers diploma for pre-school and teacher aides, undergraduate and postgraduate degree courses in special education with other universities being encouraged to explore the possibility of offering degree courses in special education through the internet, alone or in conjunction with international universities.

Recommendation 8.126

A hospital based school system be introduced to give continued learning for those who could not attend regular classes or want change in their careers due to handicapping conditions.

Recommendation 8.127

Headteachers and Boards of Governors be held accountable for the performance of their schools with headteachers of non-performing schools being replaced or removed from special schools.

Recommendation 8.128

Special schools aim at preparing children for the next level of education and functioning, for accountability, as regular schools.

Recommendation 8.129

Qualified handicapped persons be given preference in recruitment as headteachers, teachers, teacher aides, education officers, and support

personnel since they have a better understanding of handicapped children and also to act as role models to handicapped learners.

8.19 University Education

- 8.19.1 Dynamic, integrative, and multidisciplinary approaches into training professionals in psychology, special education, and allied disciplines has not been undertaken. Rather, dependence is still in the traditional approach of the four key disciplines of special education; namely, hearing impaired, visually impaired, mentally handicapped, and physically handicapped.
- 8.19.2 The Joint Admissions Board cluster system has decreased the number of visually impaired students enrolled at Kenyatta University although the university has a library with basic resources to assist visually handicapped learners.
- 8.19.3 The physically handicapped and the hearing impaired have not had specific resources put in place for them in any university in Kenya. In particular the physically handicapped have been left to cope with the undesirable structures and barriers that inhibit their movements. Classrooms are not put in place to suit their needs, thus denying them accessibility and equalization of opportunities. There are no interpreters and note-takers for the deaf and no university has practically considered the needs of the deaf resulting in deaf students in integrated programmes in universities dropping out.
- 8.19.4 The gifted and talented children have not been taken into account as the education system is rigid, impersonal, examination oriented, and lacks flexibility to allow gifted and talented children to skip grades, have an accelerated and enriched curriculum, or allow for early sitting of national examination.
- 8.19.5 The unique problems of children with specific learning disabilities who are also intellectually normal have not been taken into account in the universities although their problems deal with one area of disability.
- 8.19.6 The hearing impaired tend to exhibit and require unique learning styles, teaching methodology. Furthermore, better understanding of the psychological and learning texture of the hearing impaired necessitates that a degree offering college for the deaf which will grow with the demand of higher education of the hearing impaired in Africa. Proposals from several schools for the deaf, and organizations of and for the deaf recommended that a degree offering college for the deaf be established. The Commission therefore recommends that:

Recommendation 8.130

Universities develop strategies to meet the needs of learners with special educational needs.

Recommendation 8.131

Universities offer dynamic, integrative, interdisciplinary courses in special education that borrows heavily from educational psychology, educational

measurement, learning disabilities, speech and language development, psychology of personality, paramedical, apart from their specific areas of orientation.

Recommendation 8.132

Universities offer specific courses in psychology, counselling, special education administration, child development, communication disorders, measurement and evaluation, among others at postgraduate level as these courses are essential for special education to have an inclusive manpower.

Recommendation 8.133

The emerging self-directed and research oriented PhD programmes in special education areas be controlled in favour of classroom oriented instruction plus thesis and examinations since Kenya has few lecturers with commensurate education to supervise the candidates.

Recommendation 8.134

Universities put in place services of interpreters, note-takers, Braille readers, and special equipment such as electronics talking computers or voice to printed computers for the visually impaired as well as put in mechanisms to make university friendly to physically handicapped learners.

Recommendation 8.135

Learners with special educational needs automatically be awarded bursaries and also loans from the HELB.

Recommendation 8.136

Congruent and non-discriminatory JAB clusters for learners with special educational needs must be put in place.

Recommendation 8.137

The Ministry provides existing college facilities or facilitates the establishment of a degree offering college for the deaf.

Recommendation 8.138

A university for the gifted be established.

8.20 Research in Special Education

- 8.20.1 Research in special education has largely been neglected resulting in the development or use of inadequate assessment tools for comprehensive assessment and diagnosis of degree of handicap or other social factors and hence failure to develop appropriate intervention programmes.
- 8.20.2 In addition education authorities have largely been unable to cope with changing curricula or emphasis in the education system because they lack in-depth understanding of the needs of exceptional learners. This has led to the provision of poor quality education services leading to lower performance level by children with special needs in the national examinations and in later life.
- 8.20.3 Lack of research has also led to the continued exposure of children and young persons with handicaps to outdated technical, vocational and pre-vocational programmes which hardly assist them get employment or even be self employed. The Commission recommends that:

Recommendation 8.139

Institutions of higher learning be encouraged and supported to carry out research into all aspects of special education and their findings be used to inform policy formulation and programme development and implementation.

Recommendation 8.140

A research coordinating mechanism be legislated to regulate and assure quality of researchers and research findings.

8.21 Scheme of Service

- 8.21.1 Special education teachers work with children some of whom have severe profound impairments. Some children require the physical support of the teacher. The learning pace of the children is also slow, frustrating, and requires a lot of patience. Due to specialized and interdisciplinary nature of the teacher training curriculum at all levels, teachers in special schools require a special scheme of service. This issue is addressed further in the section of scheme of service for personnel in special education.
- 8.21.2 The Kamunge Report recommended that teachers trained in special education be assigned to work in special education programmes; special schools be provided with support staff including teachers' aides, technicians and other specialized staff to cater for specific needs of handicapped children; district medical staff be assigned to work in schools with handicapped children on part time basis; all extension workers be trained in the methodology of rehabilitation of disabled persons; all people, media and national programmes be utilized more intensively to create awareness of the needs of the handicapped persons including their need for employment; and inspectors for special education be deployed at the district level and other personnel involved in the supervision of education be given in-service training on the needs of handicapped children.

- 8.21.3 The Commission was told a 30% allowance based on a teacher's basic salary would be ideal compared to the current 10%. Furthermore, responsibility allowance for the headteachers was pointed out to be inadequate. In order to attract and retain the best calibre of personnel, the Commission recommends that:

Recommendation 8.141

Diploma teachers in special education be of the rank of Lecturer.

Recommendation 8.142

B.Ed. in special education teachers be of the rank of Senior Lecturer.

Recommendation 8.143

M.Ed. in special education teachers in the classroom be of the rank of Principal Lecturer.

Recommendation 8.144

Headteacher of a comprehensive school be of the rank of a Chief Principal and the responsibility allowance be pegged to approved boarding secondary school triple stream and similar harmonization or upgrading be made for personnel in special education at KIE, KISE, and MINISTRY.

Recommendation 8.145

Deputy Headteacher of a comprehensive school be a Principal in rank and the responsibility allowance be pegged to approved boarding secondary school triple stream.

Chapter Nine

CHALLENGES OF FURTHER EDUCATION AND TRAINING

9.1 Preamble

9.1.1 This chapter deals with the segment of the Kenyan educational system which lies between the secondary and university levels of education and which is distinguished by its feature of career focused programmes of education and training depending on the purpose and the priorities of each institution and its career training level. The common name ascribed to the institutions involved is **middle-level colleges** which cater for a variety of post-secondary career courses leading to certificate, diploma and or higher diploma awards. Included among this array of institutions are: Teachers Training Colleges, Polytechnics, Institutes of Technology, Technical Training Institutes, Agricultural institutes, Medical Training Colleges and Institutes for Computer and Commercial Studies. These tertiary institutions serve a vital role as the major national institutions for technically skilled middle level human resource development. With an increase in the number of secondary school leavers who possess requisite entry qualifications for career training at middle-level grade in various occupations, Kenya has great human capital potential for industrial take off.

9.1.2 The role of the middle level colleges are as follows:

- a) To train the middle level manpower required for national economic, technological and industrial development.
- b) to relieve the universities of the pressure on student admission by absorbing a sizeable number of youths completing secondary education.
- c) to develop vocational and entrepreneurial skills as a basis for further training and employment.
- d) to inculcate skills which are applicable to various trades, vocations and professions; and
- e) to develop an appreciation for the dignity of manual and technical work.

9.2 Definition

9.2.1 Further education and training refers to all formal education and training offered after the Basic Education cycle. Under this definition, further education, therefore, will include all middle-level institutions. Within the scope of this definition, and in the context of this Report, further education and

training refer to courses offered, after Basic Education cycle, in institutions commonly referred to as middle-level colleges.

These institutions include but not limited to the following:

- a) Teacher training colleges;
- b) All public institutions offering Technical and Vocational Education and Training;
- c) All sectoral colleges within the various Government ministries;
- d) All private institutions offering commercial and business training;
- e) Para-professional training colleges and institutes in the public sector; and
- f) Any other institution offering middle level education and training.

Definition of Terms

9.2.2 **TVET** is an internationally recognized acronym for technical and vocational education and training.

9.2.3 The following are terms in common usage in TVET. The definitions provided are based on the Kenyan context.

a) Technical Education

Refers to a range of programmes that impart skills, knowledge and attitudes to individuals preparing to take middle level professional positions in the world of work particularly in engineering and scientific disciplines.

b) Vocational Education

Refers to those programmes that impart specific occupational skills and knowledge required in the world of work particularly in engineering and scientific disciplines.

The difference between technical and vocational education lies in the amount of analytical knowledge and practical skills that are imparted in each. Vocational education programmes are generally composed of more practical skills than technical education programmes which are more analytical.

c) Apprenticeship Training

This is a mode of training where the learner acquires specific occupational skills by working alongside an experienced skilled person. There are two types of apprenticeships in Kenya, namely the formal and informal apprenticeships.

The formal apprenticeship is closely controlled by the Industrial Training Act through the Directorate of Industrial Training. Informal Apprenticeship is often on-the-job training that is not strictly controlled within the formal sector and in the informal sector (Jua Kali). Individuals can obtain recognition of their competencies by taking the trade test examination.

d) Industrial Education

Is a general form of education about industry that imparts knowledge and, skills on, and attitudes towards the processes of industry. It is usually provided in Kenya at the secondary level.

e) Artisan

An artisan is a skilled person with a thorough knowledge of techniques which are needed to do a job with efficiency in a specific trade.

f) Craftsman

This is a skilled person in a specific trade who has the ability to do a practical job or work at a high level of efficiency. He/she possesses more relevant scientific and technological knowledge than the artisan, to enable him/her to perform at higher level of efficiency.

g) Technician

This is a person who has the ability to perform a wide range of skilled and analytical tasks at a high level of competence. He/she is required to interpret, design and supervise other employees below him/her

h) Technologist

This is a person who has the ability to perform a wide range of assigned tasks at a high level of competence. He/she has the ability to design systems. The technologist possesses a high level of educational training in science and technology. He/she is essentially a manager in the work set up.

9.3 Co-Ordination of Training and Human Resource Development

- 9.3.1 The Commission observed that lack of effective co-ordination of training policies and the disproportionate production of skilled personnel across the entire economy has resulted in the mismanagement of human and other scarce resources; that is, duplication of effort; conflict of jurisdiction; under-utilization of available training facilities; wasteful and unnecessary competition, as well as the implementation of costly and irrelevant training programmes. In short, the existing coordinating agencies have failed to provide the much-needed harmonized co-ordination of training and human resource development activities.

- 9.3.2 Presentations were made to the Commission to the effect that presently, there are several government departments, parastatals, private organizations, private companies and individuals that are involved in one way or the other in the management of middle level colleges through an established legal system which allows them to enjoy a considerable amount of autonomy. These legal instruments empower these institutions and sponsors to be in charge of planning the physical, human and financial requirements of their respective institutions. Each institution is, therefore, legally empowered to work independently, thus leading to different admissions requirements for similar courses, different curricula for similar programmes, different duration's for similar qualifications, different qualifications for teaching staff and different examinations. Due to different institutionally based standards, students' entry requirements, teaching-learning materials, the teachers' quality, the mode of assessment and quality assurance and control have been difficult to maintain.
- 9.3.3 The Commission observed that the government assigned CHE, when it was established under the Universities Act, 1985, the responsibility of coordinating training in middle-level colleges. It was, however, evident to the Commission that the various legal instruments which prescribes, the governance and management of middle level colleges, with no reference to the role of CHE, has hampered meaningful participation of CHE, as an advisory body to the Government, in the activities, academic and professional programmes of these colleges.

Recommendation 9.1

In view of the above, the Commission recommends that the relevant laws relating to further and higher education be harmonized to enable proper and effective coordination and accreditation of education and training in middle-level institutions.

- 9.3.4 It was pointed out to the Commission that the curricula of the middle level colleges have been developed by various bodies such as:
- a) Kenya Institute of Education;
 - b) Foreign professional examining bodies;
 - c) Individual institutions; and
 - d) Government departments.
- 9.3.5 However, for the majority of middle level colleges, the curricula are developed and approved by KIE and examined by the Kenya National Examinations Council, (KNEC). It was submitted that due to limitations of the Universities Act, 1985, the Commission for Higher Education has been unable to accredit middle level colleges. In order, therefore, to facilitate CHE's co-ordinating and accreditation roles, the Commission recommends that:

Recommendation 9.2

Legal provisions be made to enable the creation of accrediting processes in order to ensure that courses offered in middle institutions are relevant, and that proper standards are not only established but also maintained.

Recommendation 9.3

In order to create meaningful linkage between Basic and Higher Education cycles, mechanisms be found for representation in the body or bodies responsible for education curriculum matters in these cycles.

- 9.3.6 There was concern at the current inequitable distribution of these colleges in the country. Proposals were made for equitable distribution of these institutions so as to meet regional needs. The Commission under-scores the need to bring such national institutions offering a variety of courses closer to the people and, therefore, recommends that:

Recommendation 9.4

The middle level colleges be equitably distributed in the country to meet regional needs within the national context and make them accessible, and that in planning such institutions, environmental factors, locality, strength and weakness in terms of resources or course offering be taken into account.

9.4 Technical and Vocational Education and Training (TVET)

Background

- 9.4.1 The history of TVET in Kenya is as long as that of formal education which began at the dawn of the century.
- 9.4.2 Previously, the field was referred to variously as technical education, vocational education or such as the combination of Technical and Vocational Education (TVE), or Vocational and Technical Education (VOCTEC). UNESCO has for some time used TVE. In this role, UNESCO guided the provision of TVE in schools and in tertiary institutions. The International Labour Organization (ILO) on its part concentrated on training that immediately related to work within the rapidly changing work environment. The boundary between “education” and “training” has become increasingly blurred. Therefore, UNESCO members at its congress in Seoul in April 1999 unanimously voted to incorporate the term “training” into TVE to form TVET.
- 9.4.3 But TVET could be considered to have preceded formal education because early education for the indigenous population was purely vocational. The British government used the first form of education to produce critical human resource needed to develop the then Kenya colony. The country needed

construction workers, home and office furniture, and agricultural workers. Thus early indigenous education placed emphasis on the development of masonry, carpentry and agricultural skills in primary school students. Unfortunately, few of the primary school leavers of the time took up careers in the trade subjects they had mastered at school. Most of them took up clerical work that provided better wages and prestige. The Jeanes School was the first comprehensive post primary vocational training programme started by the colonial government in 1924. The policy of the colonial government to mandate vocational education only in segregated African schools did much damage to the perception of careers in the trades. Africans noted that the European and Indian schools did not offer such education and reached the conclusion that perhaps vocational education was not such a good thing.

- 9.4.1 Although TVET has undergone several changes to arrive at what it is today, this perception of TVET being less than other forms of occupation persists to this day. It is perpetuated by the practice where individuals with TVET qualifications tend to earn less than others with the same length of training at comparable levels.
- 9.4.2 At independence in 1963, the nationalist Government inherited a TVET system which mostly composed of two year training after primary education in Trade Schools. At this level, the students rigorously prepared to enter various technical occupations in the private sector and government departments. The students took government trade tests during their training in order to define their level of competence and improve their job prospects. At post-secondary level, the Royal Technical College, Kenya Polytechnic and Mombasa Institute of Muslim Education (MIOME) offered limited opportunities for higher technical training.
- 9.4.3 Following the recommendations of the Ominde Report (1964) the Government converted the then trade schools into technical secondary schools. The objective of technical secondary schools was to prepare its graduates to enter into technician training at the end of the secondary cycle.
- 9.4.4 In the 1970s, however, the post-secondary TVET environment witnessed a phenomenal growth in the number of institutions that were started in various parts of the country to provide post-secondary technical training. These institutions were all started on community (Harambee) basis. At its zenith, almost a dozen Harambee institutes of technology had been started. The quality of training and their ability to sustain themselves were nearly as varied as the number of institutions.
- 9.4.5 Concurrent with events in the formal education sector there were critical developments in industrial training in the 1970s. An Industrial Training Act was passed with the main objective of controlling the quality of apprenticeship training that was taking place mostly on the job. The Act mandated the payment of a training levy from industries that were used for the purpose of reimbursing companies that participated in the training of apprentices.

- 9.4.6 The Commission has noted that in the formal school system, TVET was discontinued shortly after independence at the primary school level. However, at the secondary level, more prominence was granted to TVET. In addition to the TVET in specialized technical secondary schools, general industrial education was developed to be offered as an elective in a few academic secondary schools. The main objective of industrial education was to familiarize the students with industry.

Current Status of TVET

- 9.4.7 The Mackay Report (1981) made important recommendations that affected TVET in Kenya substantially. Some of these recommendations were similar to what had been proposed earlier by the Gachathi Report of 1976. The most telling was the expansion of middle level training facilities, which culminated in the conversion of technical secondary schools into technical training institutes. Another recommendation was to mandate the provision of TVET in the formal school system, both in the primary and secondary cycles. The technical secondary schools were set aside to offer post-school training programs. These institutes offer a wide variety of technician diploma programmes. Currently, there are about 40 public middle level colleges offering TVET programmes. In addition, there are several post-secondary training institutions offering specialized programs under various ministries and in the private sector.
- 9.4.8 In the TVET sector, syllabi were rapidly developed to implement the relevant recommendations of the report. In the post-school TVET, an attempt was made to ensure open linkages to facilitate upward mobility of students to the highest level of their ability. The major objective of vocationalizing formal education was to impart knowledge and skills that would make graduates at each level employable or able to enter self-employment at the end of the cycle.
- 9.4.9 Later recommendations that aimed at improving the effectiveness of TVET were made in the Kamunge Report (1988) and the Mungai Report (1995). The Kamunge Report recommended the streamlining of TVET management under one authority, and the introduction of Entrepreneurship Education to facilitate ease of entry into self-employment. Some of the recommendations made in the Mungai Report were aimed at strengthening the role of Youth Polytechnics and the development of linkages to ensure vertical mobility for Youth Polytechnic graduates. The Mungai Report also recommended greater autonomy for polytechnics, the introduction of the Bachelor of Technology degree programme and closer linkage between formal TVET and the *Jua Kali* sector to improve the quality of products produced by artisans in the sector.

The Future of TVET

- 9.4.10 The Commission has observed that, as the nation enters the new millennium, TVET faces new challenges. In Sessional Paper No. 2 of 1996 on “Industrial Transformation and Development”, the Government has set the target of achieving Newly Industrialized Country (NIC) status by the year 2020. Because TVET is essential for achieving this objective, it is an important pillar

for facilitating industrial transformation in this country. Industrialization is certainly not a new goal for Kenya. The country has been on this road for the last three decades. Thus in renewing the country's commitment to this goal, there is need to review why past efforts have not led us to its attainment. TVET needs to re-invent itself in order to play a more positive role towards the achievement of the NIC status in the stated time-frame.

- 9.4.11 In examining the future role of TVET, the Commission has taken global trends into consideration. We live in a rapidly changing scientific and technological era. As we enter the new millennium, information technology and globalization has brought all nations to each other's door-step and we cannot, therefore, ignore their presence. While we have one foot in the slow evolving peasant economy, the other foot is placed in the fast tract of the rapidly evolving technological era. Thus, as we try to embrace new technologies and new ways of manufacturing, we must also try to accelerate the development of the other component of our society that lives and conducts itself in the relatively slow pace of the past. Our TVET programmes must reflect this dichotomy to ensure that while we teach our children how to browse on the internet, we also teach them how to solve problems in an environment where electricity and power tools are non-existent.
- 9.4.12 Recent global trends in TVET have attempted to introduce innovations in the curriculum, teaching and programme offering that address problems brought about by technological changes and global competition among nations. In developing countries such as those of Africa, other problems are lack of employment opportunities, retrenchment due to industries closing down or restructuring, and a rapidly growing informal sector. Rapid technological developments render skills obsolete quickly, demand higher levels of initiative, innovativeness and more frequent retraining. In some of the advanced technological nations, workers now face the challenges of job and career changes within their life-time.
- 9.4.13 Among TVET professionals and policy makers, debate has been raging for some time as to what mode of TVET would best prepare individuals to cope with the uncertainty of the changing work-place. The consensus that seems to emerge suggests that sound basic education is considered a pre-requisite foundation for TVET. Also important is a core of generic skills that would aid the graduates to better communicate, work in teams with less supervision, use information technology to access new ways of doing things, and entrepreneurship education that has become invaluable to those in paid employment or in self-employment.
- 9.4.14 From the implementation point of view, TVET will need to re-assess its mode of delivery, partnership with its stakeholders and funding. Because of frequent retraining to meet the demands of the changing work place, programme administration and curricula must allow flexible entry and exit opportunities throughout life. Some proposals to facilitate this approach include designing courses in modular format, competency based assessment, self-paced learning

to meet individual learning styles, distance learning, and giving recognition to experience, knowledge and skills already possessed by trainees.

- 9.4.15 Partnership with all stakeholders is key to ensuring continued support, timely response and relevance of the programme. In Kenya this not only constitutes giving a bigger role to traditional industry but to the informal sector, which now provides more than 60% of all jobs outside of peasant economy. The role would need to be more than a token gesture, and to cut across major issues such as planning and implementing of TVET systems.
- 9.4.16 Providing quality TVET under ordinary circumstances is a very expensive undertaking. However, providing TVET in a rapidly changing workplace is extremely expensive to attain even for the richest nations. Strategic partnerships with the workplace could, however help reduce cost of TVET programmes. Workplace contribution could come in the form of donations, providing work experience placing, and collaborative efforts with TVET instructors. Other sources of funding for TVET could come from efficiently managed income generating projects while the Government would continue to act as bed-rock of TVET funding, through the remuneration of TVET teachers. Better management of available resources, transparency and timely maintenance are also important in ensuring long-term sustainability of TVET institutions.

Vision of TVET

- 9.4.17 The Commission's view is that TVET for the Third Millennium should equip the learner with the knowledge, skills and disciplined attitude to conserve our environment on sustained basis. This must be coupled with the ability to learn throughout life, undertake work tasks independently, or in teams, and the ability to be creative, innovative as well as intrinsic the initiative for problem-solving.
- 9.4.18 The objectives of TVET are:
- a) To lay the foundation in knowledge and skills required for socio-economic development.
 - b) To expose students to scientific and technological trends, skills and ideas.
 - c) To provide education and training opportunities for school leavers to enable them to be self-supporting.
 - d) To develop vocational entrepreneurship skills as a basis for further training and development.
 - e) To increase opportunities that enable more youth to access education and training.
 - f) To develop appropriate vocational disciplined attitudes, initiative and creativity.

- g) To develop skills and disciplined attitudes that will lead to income generating activities through self-employment in urban and rural areas.
 - h) To provide practical education and training that are responsive and relevant to the country's sustainable economic and industrial development.
 - i) To produce the necessary human resources needed by the country in order to enhance the pace of industrial transformation.
- 9.4.19 Proposals were given that there is need to re-examine these objectives and re-formulate them so that they focus on the planned goal of industrialization by the year 2020. The Commission is of the same view, and therefore, recommends that:

Recommendation 9.5

The objectives of the middle level colleges be re-formulated and programmed to reflect the envisaged economic and industrial take-off by the year 2020 and that these objectives be guided by the country's science and technology policy.

9.5 TVET Institutions

Youth Polytechnics

- 9.5.1 Youth polytechnics, originally known as village polytechnics, were first established by the NCK in 1968. The main purpose of youth polytechnics was to provide primary school leavers with knowledge, skills and attitudes which would prepare them for gainful employment.
- 9.5.2 In 1971, the Government, through the Ministry of Culture and Social Services, started supporting the programme with partial provision of tools and equipment, and grants for salaries. Initially, all Youth Polytechnics were taken under the Ministry of Culture and Social Services. They were later taken over by the Ministry of Research and Applied Technology in 1988. 67 of these Youth Polytechnics were selected to offer artisan courses.
- 9.5.3 From their inception in 1968 up to 1990, the Youth Polytechnics followed curricula prepared by the Directorate of Industrial Training (DIT) leading to Government Trade Test 3 conducted by the DIT. By 1990, the Kenya Institute of Education (KIE) had developed 19 Artisan programmes and 70 selected Youth Polytechnics implemented about a dozen of these. These 70 Youth Polytechnics sat for both Trade Tests and Artisan courses.
- 9.5.4 A centre for Research and Training was set up at Karen in Nairobi in 1975 to back up the technical and pedagogical needs of the Youth Development Unit, by organizing and running short courses for youth officers, Youth Polytechnic instructors and Youth Polytechnic managers. Since 1977, the Kenya Technical

Teachers College (KTTC) has been offering instructor training programmes to Youth Polytechnic instructors on pedagogical skills.

Previous Recommendations

9.5.5 The Kamunge Report of 1988 recommended that:-

- a) Youth Polytechnics be formalized into the mainstream of technical education and be made to use a national curriculum to form the base for TVET programmes.
- b) Youth Polytechnics be professionally supervised and guided by the Ministry responsible for technical training.
- c) Youth Polytechnics be provided with basic facilities and equipment to enable them to give quality training at Artisan level.
- d) Youth polytechnics Instructors be trained in pedagogy and their terms and conditions of service be improved.

9.5.6 The Ndegwa Report (1991) recommended that these institutions be expanded from the existing number of about 600 to 1400, to cater for at least 150,000 youth each year who fail to get form I places, and create employment in the rural areas. The report added that the success of these would depend on the support the Government of Kenya gave to the development of small-scale enterprises directly and through developing markets for them.

9.5.7 The Mungai Report of 1995 recommended that:-

- a) Youth Polytechnics management be strengthened, that local authorities give full support, and the facilities of Youth Polytechnics be improved.
- b) There should be closer collaboration between Youth Polytechnics and Jua Kali for giving quality training to the latter, to improve quality of products.
- c) There is need to revise curricula to make them relevant to the needs of the communities and that Artisan holders should be encouraged and guided to enrol for craft courses.
- d) To improve on image, admission to Youth Polytechnics be done at the time selection into form I is being done, to show that Youth Polytechnics do not take failures as perceived.

9.5.8 Despite the above previous recommendations, the Commission noted the following:

- a) Youth Polytechnics are still operating without clear legal provision.

- b) Syllabi for 19 courses have been prepared to-date, but only a dozen have been implemented in selected Youth Polytechnics.
- c) The majority of Youth Polytechnics still present their trainees for Trade Tests and a few opt for the TEP Artisan Examinations.
- d) The majority of instructors of Youth Polytechnics are not trained in pedagogy and are also inadequately trained in technical trade areas.
- e) All managers and instructors of Youth Polytechnics have no scheme of service and are paid extremely low wages.
- f) The morale of Youth Polytechnic Managers and instructors is consequently very low.
- g) Most Youth Polytechnics are ill-prepared for training, as their physical facilities are very poor with inadequate and outmoded equipment.
- h) Consequently, the image of Youth Polytechnics is very low since they are seen as inferior institutions for Std.VIII failures. Youth Polytechnic graduates are not getting employment or embarking on self-employment because they lack both appropriate skills and resources.
- i) Church sponsored and managed Youth Polytechnics and institutions of similar status such as CITC's , Don Bosco Centres, Kolpin Centres etc. have full enrolment and their graduates are in great demand. These institutions have better facilities, equipment, funding and management. They also take advantage of contracts from church projects.
- j) The Youth Polytechnics have not been adequately supervised due to insufficient funds, limited number of inspectors and lack of transport facilities.

In view of the above observations, the Commission recommends that:

Recommendation 9.6

The Youth Polytechnics be renamed Vocational Training Centres (VTCs) to avoid confusion between them and the national polytechnics.

Recommendation 9.7

The Artisan syllabi be restructured to allow for easy implementation in flexible modular format, facilitating examination and certification of each module independently.

Recommendation 9.8

The Vocational Training Centres be encouraged to offer courses according to the needs of their localities such as short, tailor-made courses for upgrading skills for farmers, business community, Jua Kali operators and health workers for the surrounding community.

Recommendation 9.9

Communities, including the Jua Kali Associations, be encouraged to support the Vocational Training Centres through provision of physical facilities.

Recommendation 9.10

The Vocational Training Centres be registered and managed in accordance with the appropriate legislation.

Recommendation 9.11

Vocational Training Centres be staffed with properly trained and qualified instructors.

Recommendation 9.12

A survey be conducted to determine the capacity of existing VTCs and that a model VTC be established in each district.

Technical Institutes

- 9.5.9 The Commission noted that “Technical Training Institutes” and “Institutes of Technology” both offer craft certificate and Diploma level courses which are classified differently. This tends to confuse the public.
- 9.5.10 The Commission was informed that there was more theoretical teaching at the expense of practical skill training due to lack of tools, equipment and materials for practical training.
- 9.5.11 The Commission was also informed that the institutes took too long to complete some courses in comparison to the time taken by private sector institutions. Secretarial, Accounting, Computer Science and Catering courses are such examples.
- 9.5.12 The Commission observed that most of the service equipment such as machines and workshop tools were lying idle in some of the institutions, due to low enrolment. The Commission also noted that there were a lot of equipment and facilities that were broken down or poorly maintained due to neglect, lack of adequate funds for maintenance and ineffective supervision by the TVET authority.

- 9.5.13 The Commission was informed that the extent and quality of supervision by the TVET authority was lacking because TVET inspectors were too thinly spread for efficient quality assurance. Lack of transport and operating funds further aggravated the situation.
- 9.5.14 The Commission was also informed that there was very low morale among the teaching staff due to lack of career mobility, as a consequence of non-implementation of the scheme of service for technical teachers. Given that a scheme of service for graduate and non-graduate teachers, who serve predominantly in primary and secondary schools under the Ministry does operate, the technical teachers now believe the Government has very little interest in the promotion of technical education.
- 9.5.15 The Commission further noted that the principals of technical institutes have equally suffered promotional disadvantages. There are Principals still serving at Senior Lecturer grade, while there are only five Chief Principals in all technical institutions, including the polytechnics. The scenario, therefore, is that Heads of secondary schools are at higher grades than Principals of these post secondary technical institutions.
- 9.5.16 The Commission noted that there exists a wide diversity in terms of enrolment, equipment, staff, facilities and quality of programmes among the technical institutes.
- 9.5.17 The Commission noted that enrolment in business oriented courses and applied sciences far exceeded technical disciplines, thus defeating the original objective of establishment of technical institutes. The proportion of technologists, technicians, and artisans continues to be lop-sided contrary to the originally recommended proportion of 1: 5:30. The Mungai Report (1995) observed that in Kenya the proportion was 1:1.5.
- 9.5.18 The Commission noted that there is a lot of duplication of courses offered in the institutes even in those institutions which are close to each other.
- 9.5.19 It was submitted that some institutes offer courses for which they have no adequate equipment and staff thus greatly affecting the quality of training and risking public confidence in TVET.
- 9.5.20 With the exception of a few institutes, there is little collaboration between them and the world of work as a result of which the institutes are experiencing problems in placing their students on industrial attachment. The institutes were also experiencing problems in supervising students on industrial attachment due to lack of funds.
- 9.5.21 In order to restore the original objectives for which these institutes were established, the Commission recommends that:

Recommendation 9.13

All institutions offering Craft and Diploma Courses be referred to as “Technical Institutes”.

Recommendation 9.14

All Technical Institutes be rehabilitated to ensure that they are equipped and staffed to acceptable and comparable standards for the courses they offer.

Recommendation 9.15

Admission to all Technical Institutes be centrally co-ordinated to ensure equity, access and optimum utilization of resources.

Recommendation 9.16

The institutes be encouraged to specialize in disciplines that they have comparative advantage in terms of equipment, staff and location to ensure quality training and optimum utilization of scarce resources, and a comprehensive stock-taking and rehabilitation of available institutions to consolidate areas where they have facilities and equipment should be carried out to ensure a proper balance of technical courses as compared to business courses.

Recommendation 9.17

The capacity of the directorate of technical training to inspect, guide and supervise TVET institutions be enhanced through provision of adequate operational funds, vehicles and sufficient qualified staff.

Recommendation 9.18

Field officers, principals and senior teachers from Senior Lecturer grade and above be mandated and used to perform inspection tasks.

Recommendation 9.19

Technical Institutes offer life-long learning opportunities to communities within their vicinity.

Recommendation 9.20

Technical Institutes develop linkages with the world of work to solicit support of industry in the enhancement of practical training through donating equipment, staff exchange programmes and placement of students and staff on work experience attachment.

Recommendation 9.21

The Scheme of Service for technical teachers be implemented and staff development programmes for the same worked out to uplift the low morale of TVET staff.

The National Polytechnics

- 9.5.22 These are the highest TVET institutions of learning. At the moment there are four national polytechnics. This is in line with past recommendations that the number of this level of training institutions be increased to take care of school leavers who aspire to obtain higher TVET qualifications.
- 9.5.23 At the moment, the polytechnics are mostly offering technician diploma, and higher diploma to a small extent. It is noted that the MacKay Report of 1981 recommended that the higher diploma be replaced with a technological degree (Bachelor of Technology). The recommendation has not yet been implemented.
- 9.5.24 The Commission noted that these institutions especially Kenya, Mombasa and Eldoret Polytechnics have the potential for providing very high level of knowledge and skills in TVET. However, due to the reduced number of qualified and experienced teaching staff, the polytechnics have not attained this objective.
- 9.5.25 The Commission noted that, in spite of the elevation of Kisumu Technical Training Institute to national polytechnic status, very little has been done on the ground to improve the equipment, staff and funding commensurate with the new status. Consequently, Kisumu Polytechnic is still offering Craft and Diploma programmes just like technical institutes.
- 9.5.26 It was further noted that there was need to upgrade the equipment (provide modern equipment) to meet the challenges of preparing workers for the rapidly evolving workplace.
- 9.5.27 The Commission was informed that the failure rate of students has been alarmingly high especially at the Kenya Polytechnic.
- 9.5.28 The Commission noted the absence of adequate response to the development of the informal sector, innovativeness as well as inadequate collaboration with the industry in applied research and product development. For example, the polytechnics have been low in developing short and long term intervention programmes to assist industry in meeting the challenges of a rapidly changing work place.
- 9.5.29 The Commission also noted that all the polytechnics offered similar specializations with no attempt to take advantage of the regional needs of their location e.g. lack of marine and shipping programmes in Mombasa Polytechnic.

In view of the above observations, the Commission recommends that:

Recommendation 9.22

The name “national polytechnics” be changed to “polytechnics” and that they concentrate on providing higher TVET courses in order to create a natural progression for students from technical institutes.

Recommendation 9.23

The polytechnics continue to offer diploma and certificate level courses especially where specialized equipment and staff are unavailable in the technical institutes.

Recommendation 9.24

The polytechnics be adequately funded, and to this end the Industrial Training Levy fund be utilized for upgrading equipment and providing training materials at the polytechnics, with the levy being extended towards improvement of the management of work experience and staff development programmes.

Recommendation 9.25

The polytechnics work in collaboration with the universities to offer joint TVET programmes for higher qualifications such as Bachelor of Technology, and in carrying out research that aims at providing problem solving data in the industry and work place.

Recommendation 9.26

Mechanisms be instituted to ensure continuous and effective pro-active collaboration with the world of work in order to make polytechnic programmes relevant and demand driven.

Recommendation 9.27

In order to attract and retain qualified staff and even recruit from industry, the polytechnics have autonomy in recruitment, deployment and remuneration of staff.

Recommendation 9.28

The polytechnic programmes be centrally coordinated to avoid unnecessary duplication of efforts, and to enhance capacity utilization and exploitation of regional advantage in order to optimize resources.

Recommendation 9.29

The expansion of polytechnics and departments therein be carefully controlled to ensure that their programmes have the necessary support mechanisms to ensure their ability to deliver, sustain and provide quality training.

9.6 Directorate of Industrial Training (DIT)

9.6.1 The Commission noted that the present role of the DIT is the management of industrial training which incorporates the following activities:-

- a) Implementation of industrial training policy formulated by the National Industrial Training Council.
- b) Administration of the Industrial Training Levy Scheme.
- c) Development of industrial training curricula which are competency based, testing and certification.
- d) Conducting proficiency courses in the three Industrial Training Centres and Textile training Institute.

9.6.2 The Commission also noted that although the DIT receives substantial funds through the Industrial Training Levy, this fund benefits a very small number of trainees (837 as compared to over 16,000 in other technical training institutions in 1995).

9.6.3 The Commission further noted that the DIT is fully funded by the government and occasionally gets donor support for equipment and physical facilities.

9.6.4 The Commission also learnt that the three DIT centres and the textile institute are very well equipped but are under-utilized.

9.6.5 The Commission further learnt that the DIT sponsors technician apprentices in the National Polytechnics only.

9.6.6 The Commission noted that DIT now spends a substantial portion of the levy fund on management courses. In the Commission's opinion, this is a deviation from the original intentions. It is our view that the levy collected is more than sufficient to support the training of middle level manpower in technical and managerial disciplines.

The Commission, therefore, recommends that:

Recommendation 9.30

The role of the DIT be expanded to include facilitation of practical training, including management of industrial attachment in all technical training institutions.

Recommendation 9.31

The Industrial Training Act be reviewed to make the Training Levy funds available to finance several aspects of practical training including provision of equipment, staff development, practical examinations assessment, and management of industrial attachment.

Recommendation 9.32

The craft apprenticeship programmes being offered at the DIT Industrial Training Centres be upgraded to follow the craft programmes developed under TVET programmes and that DIT sponsors apprentices in any of the TVET institutions.

9.7 Financing Technical And Vocational Education And Training

Inadequate Funding and Quality of TVET

- 9.7.1 The Commission noted that most of the TVET institutions are not adequately funded and, to a large extent, the quality of TVET programmes was proportional to funding of various institutions and departments. Some of the best programmes were in institutions receiving substantial donor funding such as JKUAT, National Youth Service Engineering Institute (NYSEI), Eldoret Polytechnic, KTTC, KITC, CITC's, Don Bosco and Gilgil Youth Polytechnics. Unfortunately this situation tends to deteriorate drastically soon after external support dwindles or ceases.

Cost Sharing for TVET Funding

- 9.7.2 In general, and for a long time, TVET funding has always been shared by the Government, local community, parents, religious organizations, private organizations, donors and private business.
- 9.7.3 To date, the government pays salaries for all teachers in the Polytechnics and Technical Institutes. The Government also gives some grants for recurrent expenditure. The polytechnics receive 80% of this fund while the remaining 20% is shared between Technical Training Institutes and Former Harambee Institutes of Technology with the latter receiving only some symbolic support. Parents have continued to meet most of the cost of recurrent expenditure through payment of fees.

Training Levy

- 9.7.4 Another source of funding for TVET is the Industrial Training Levy. This levy is administered by DIT under Industrial Training Act, Cap 237. It was however noted that disbursement of the Training Levy funds is restricted to industry and does not fund public TVET institutions.
- 9.7.5 It was also noted that collection of this levy should be improved and if possible taken over by KRA as is the case with the Catering Levy.

Recommendation 9.33

The Commission recommends that the Industrial Training Levy fund be made available to finance part of public TVET programmes.

Production Units

- 9.7.6 The Commission noted that some TVET institutions such as KIST have successful income generating activities which not only contribute funds for the institution but also serve as work experience outlets.

Recommendation 9.34

The Commission recommends that income generating activities be run as commercial concerns and that the proceeds be used to improve training programmes.

Donations

- 9.7.7 The Commission was informed that training equipment such as boarded motor vehicles were lying in District and Provincial Headquarters. As we move towards 21st Century, we note that a lot of IT equipment will be available in Government and the private sector. Such idle equipment should be donated to TVET institutions for training.

Recommendation 9.35

The Commission recommends that both the Government and the private sector be encouraged to donate equipment to TVET institutions for training purposes.

Student Loans

- 9.7.8 The cost of TVET training, particularly at National Polytechnic level, is becoming prohibitive for an ordinary student without sponsorship. There was

representation that National Polytechnics and Technical Institute Trainees be eligible for loan from HELB.

The Commission recommends that:

Recommendation 9.36

The students' loan facility be made available to students of polytechnics, technical institutes and other middle-level institutions.

9.8 Management and Co-Ordination Of TVET

- 9.8.1 The Commission was informed that institutions offering TVET programmes were spread over several government ministries, parastatal organizations, non-governmental organizations and the private sector.
- 9.8.2 The Commission was also informed that the Ministry of Research and Technology registers TVET institutions under other ministries and organizations, but is restricted to the management of Polytechnics and Technical Institutes which are directly under the Ministry.
- 9.8.3 For TVET institutions to function effectively it is necessary to have industry, world of work and other stake-holders represented adequately in the Boards of Governors.
- 9.8.4 The Commission observed that Institutes of Technology have Boards of Governors and Boards of Trustees operating under different legal instruments, such as Company Act, Land/ Succession Act and Education Act.
- 9.8.5 The Commission was further informed that in some cases, conflict between the two boards has been part of the reason for management difficulties in certain institutions.
- 9.8.6 The Commission noted that some Boards of Governors are appointed with parochial and political inclinations and that some management problems arise from that.

Recommendation 9.37

The Commission recommends that the Education Act be reviewed to take into account the special nature of these institutions, and also to take cognizance of the existence of the BOT'S and BOG'S and make provision for a conflict free management arrangement including streamlining the appointment of BOGs, now renamed Boards of Management.

Management Staff

- 9.8.7 The Commission noted that managers and administrators in training institutions are more often than not appointed to positions without prior training on management and administration. These include Principals, Deputy Principals, Registrars, Deans of Students, Education Officers, and Inspectors.

Recommendation 9.38

The Commission, therefore, recommends that management and administration courses for potential managers of TVET be introduced and made conditional for appointment, with a deliberate effort being made to identify and develop technically qualified staff for future managers and administrators of TVET institutions.

9.9 Promoting the Status of TVET and Maintaining of National Training Standards

- 9.9.1 The Commission noted that presently, the Kenya Institute of Education develops TVET curricula and the Kenya National Examinations Council is responsible for examination and certification. Both organs are under the Ministry.
- 9.9.2 The Commission learnt that matters concerning TVET have in most cases received second rate treatment, resulting in delayed implementation of TVET decisions in these institutions.
- 9.9.3 The Commission further observed with appreciation that a professional body such as KASNEB has proved to be efficient, and has developed professional qualifications such as CPA/CPS which have received overwhelming recognition. In view of the above observations, the Commission recommends that:
- 9.9.4 The Commission was informed that a professional association, the Kenya Association of Technical Training Institutions (KATTI) was launched in 1998 by the Minister for Research and Technology. The Commission noted that the absence of such a body for a long time has denied the institutions and their professional staff opportunities of coordinating professional activities and sharing experiences.

In view of the above observations, the Commission recommends that:

Recommendation 9.40

A professional body be established and mandated to manage professional aspects of TVET. Specifically, the body/bodies so established should:-

- a) Take charge of developing TVET curricula;**
- b) Develop and administer TVET examinations;**
- c) Issue professional certificates; and**

- d) **Control the quality of TVET and maintain training standards through accreditation of TVET institutions, for purposes of undertaking training in any TVET field.**

Recommendation 9.45

The Kenya Association of Technical Training Institutions (KATTI) takes an active role in the promotion of TVET through organization of various professional activities, and facilitating both local and international linkages.

9.10 Access to TVET

- 9.10.1 The Commission learnt that the enrolment of women in TVET programmes is very low compared to that of men. In some of the traditional technical courses, participation of women is usually nil.
- 9.10.2 The Commission also observed that access to TVET in the public TVET institutions for those with mental, visual, audio and physical disabilities is almost non-existent.
- 9.10.3 The Commission further learnt that awareness of TVET programmes is still relatively low. Part of the problem was attributed to the fact that the Ministry responsible for TVET was not adequately represented at the district level.

The Commission, therefore, recommends that:

Recommendation 9.41

Concerted effort be made to encourage and attract women to join all TVET programmes.

Recommendation 9.42

At least one TVET institution per province be equipped and staffed to facilitate access to TVET for learners with special needs.

Recommendation 9.43

Efforts be made to establish scholarships high achievers in TVET and also have loans accessible to students pursuing TVET courses.

Recommendation 9.44

As a long-term strategy, every district has a Technical Institute and every province to have a Polytechnic by upgrading Technical Institutes with sufficient facilities and equipment to polytechnic status.

9.11 The Role of the Private Sector in TVET

- 9.11.1 The Commission was informed that the very successful industrialized countries such as Germany and Japan have benefited a great deal from formal collaboration between the Government, TVET institutions and industry in financing, development, management and promotion of TVET.
- 9.11.2 The Commission noted that in this country the private sector has rarely been proactive in matters of public TVET and it quite prepared to engage in more relevant collaborative initiatives where specific policies are in place.

Recommendation 9.45

The Commission recommends that the Government, training institutions and KATTI devise means of attracting the private sector to effectively participate in the management and promotion of TVET.

Recommendations 9.46

The private sector be persuaded of the prestige and immense benefits that may accrue as a result of strategic participation in the promotion of TVET.

9.12 Teacher Education

- 9.12.1 The quality of education depends largely on the quality of teachers; that is, level of academic qualification and professional training, commitment, dedication, conducive working environment, and appropriate Terms of Service. Teachers are equally central to any successful implementation of education change. Kenya is presently experiencing very rapid societal changes and as society changes, so does its needs and aspirations. These often impinge on the education system. Schools are, therefore, expected to be prepared, not only to cope with such changes, but also to initiate education change in relation to the changing needs of society. Schools can only accomplish this if teachers are professionally trained and continuously in-service to improve their knowledge, pedagogical skills and competence. In this way, teachers will, at all times, be responsive and adaptable to change.
- 9.12.2 The quality of teachers is, therefore, important, not only for improving and sustaining the quality of teaching and education in general, but even more importantly, for successful implementation of education change. It is in recognition of this fact that the following paragraphs address the issues of identification, selection, training and continued training of teachers at all levels of the education system.

Categories of Teachers

9.12.3 It was presented to the Commission that currently, the categories in the teaching force as established from the 1998 head-count of teachers are as follows:-

a) **Primary Teachers**

Untrained Teachers

- Untrained teachers with Kenya African Primary Education (KAPE)/Kenya Primary Education (KPE), Certificate of Primary Education (CPE), and Kenya Certificate of Primary Education (KCPE). This category of teachers are expected to prepare candidates up to Std. '8', the same level of their highest education qualification.
- Untrained teachers with Kenya Certificate of Secondary Education.
- Untrained teachers with Kenya Advanced Certificate of Education ('A' Level). The majority of these teachers are based at the primary school level and are expected to handle the current curriculum, with hardly any in-service training. The Commission was informed that the majority of these untrained teachers were hired in 1985 to handle the additional load of the 8+4+4 system of education. Many of them were not given in-service training, and did not go through the system. No additional programmes were put in place to equip and prepare them to handle the demands of the new system.

b) **Trained Teachers**

Currently the following cadres of trained teachers exist.

- Trained P4 Teachers were in the service until 1992/93
- Trained P3 Teachers
- Trained P2 Teachers
- Trained P1 Teachers
- Trained S1/Diploma in Education
- Trained Graduate Teachers

9.12.4 The Commission was informed that many of these teachers, though trained, cannot cope with the 8+4+4 system as the majority of them had failed in Mathematics and Sciences. Yet they are expected to teach the current curriculum which has a heavy dose of practical subjects, mathematics and science.

9.12.5 Some of the SI/Diploma certificate holders were trained to teach two subjects at the secondary school level. On re-deployment to Primary Education, they are expected to teach all those subjects in which they had either failed or not studied at 'O' level, or had not been prepared to teach.

- 9.12.6 It was pointed out to the Commission that the Ministry, due to inadequate resources, has not put in place a comprehensive teacher in-servicing programme to prepare such teachers to cope with the changes and challenges in teaching. The Commission has also noted that some of these teachers have been promoted on merit to the level of Approved Teacher/Graduate Status without any additional academic advancement. Some of them are expected to serve at various levels of education management in schools and education offices. Obviously, their capacity does not measure up to the demands of their responsibility

c) Secondary School Teachers

- 9.12.7 The following are the categories of teachers at the Secondary school level:

- Untrained teacher with ‘A’ level certificate
- Untrained Technical teachers
- Untrained University Graduate teachers
- Trained P1 teachers in Special Subjects, i.e. Music and Kiswahili
- SI/Diploma Certificate holders
- Technical trained teachers
- Trained University Graduate teacher

- 9.12.8 The Commission has noted the following:

- The untrained teachers have been taking responsibility which they have not been adequately prepared for, such as in handling subjects that they were not prepared for during their studies.
- Among the trained teachers, the majority were not trained at pre-service level to handle the practical aspects of the current curriculum.
- Many trained teachers took their teaching career as the last and only available option. Others were not trained or selected to join teaching as an area of their interest, but as a field where vacancies existed. They are, therefore, teachers in default.
- Some of the teacher trainers at the university level are not professionals and yet they are charged with the responsibility of preparing teachers to be professionals unlike other professions, such as medicine, where one must have professional training to undertake this responsibility.

- Professionally, a teacher under-goes two years' probation after which the headteacher/TSC agent should give a comprehensive report about his or her performance, with a view to confirming or de-registering him/her. However, this has not been adhered to.
- Local universities have made attempts to provide access for degree programmes to P1 and diploma teachers.

In view of the above observations, the Commission recommends that:

Recommendation 9.47

The concept of a teacher as a professional be defined within acceptable academic and professional principles, and a comprehensive criteria for professionalizing the teaching career in Kenya be established.

Recommendation 9.48

Primary school teachers specialize in a particular area such as early childhood, lower primary, upper primary education and special education; all teachers under-go a vigorous methodology course which should cover among other courses professional ethics, Guidance and Counselling as well as ability to identify and accommodate pupils with special needs and talents; the training period at Diploma level for primary school teachers be extended to three years, with one full year being devoted to teaching practice under the supervision of experienced field education personnel, and that practicing students be paid maintenance allowance by the employer.

Recommendation 9.49

Attempts be made to all untrained teachers in, or otherwise phase them out of, the education system.

Recommendation 9.50

Budgetary allocation for regular in-service training be provided for, so that in-servicing of teachers can be strengthened within the Ministry and that in-servicing in academic and pedagogy be regularized and certified.

Recommendation 9.51

The Ministry designs an appropriate appraisal instrument for teachers and school administrators, and that the promotion of teachers be based on relevant qualification and professional achievement, in addition to performance appraisal.

Recruitment and Training

9.12.9 The current recruitment procedures for teachers at the various levels are as follows:

a) Early Childhood Care, Development and Education (ECCDE)

- The academic competence of the teacher recruited for ECCDE is low since the minimum requirement is 15 points in the Kenya Certificate of Primary Education.
- Training is not coordinated and harmonized because of multiplicity of the providers i.e. the Local Authorities, NGOs, Communities, Ministry and Private Providers.
- Lack of proper mechanism of identifying, at community level, those to be trained.
- Disparity in remuneration among the practitioners, thus lowering the morale and attracting those without the required competence.

In order to streamline and strengthen the recruitment and training of ECCDE teachers, the Commission recommends that:

Recommendation 9.52

Primary Teachers Colleges develop capacity to train pre-school teachers alongside primary school teachers.

Recommendation 9.53

Specialized training for ECCDE teachers at University level be expanded.

b) Primary Teacher Education

9.12.10 Currently the policy on recruitment and training is as follows:

- Basic academic requirement of D+ at KCSE regardless of the performance by subjects.
- Identification is localized and based on the existing vacancies in the zones, divisions, and district. This disregards the interest of individuals and higher qualifications elsewhere.
- Training is very broad and general, and is wanting in depth and specialization.
- Cost-sharing in teacher training has a diluting effect on its quality as materials are not adequately provided or availed.

- Recruitment was found to be wanting because no due consideration was given to interest, character and conduct of the potential teacher.
- In practice, Principals do not participate fully in the selection process as they are merely required to copy the names of those already selected at the headquarters.
- Presently 80% of the final teachers' examinations is based on external examination and only 20% is internal, an arrangement which does not reinforce professional preparation of teachers.

9.12.11 In addition, the Commission noted the following issues:

- Lecturers in Teachers Colleges are greatly demoralized and demotivated due to a stagnated upward progression. There is therefore, high attrition rate to secondary schools where prospects for promotion happen to be high.
- Principals of TTCs felt that their status has been lowered because headteachers of secondary schools have assumed the title 'Principal'. Titles are, therefore, mixed up and earlier distinctions have disappeared.
- Posting of inexperienced teachers to Teachers' Colleges appear to be on the increase.

9.12.12 Most teacher trainers in Primary Teachers' Colleges are graduates with neither experience nor qualification in Primary education.

- There is no professional body to address various professional issues affecting teachers.

c) **Secondary Teacher Education**

9.12.13 The current policy on recruitment and training of secondary school teachers is as follows:

- Minimum mean score of C- for Diploma training and C+ for Bachelor of Education training.
- The untrained graduates take one year Post Graduate Diploma in Education (PGDE) in teacher education.
- The untrained technical teachers take one year in pedagogical skills at the Kenya Technical Training College.
- The pre-service diploma teacher training is based on the needs and quota system per District.
- The Bachelor of Education teacher trainees are of lower academic qualification in regard to university clusters, in comparison with other

professions. Besides, the majority have little or no interest in teaching as a career.

- The Commission notes that currently the probation period for graduate teachers is two years, but no performance appraisal takes place.

9.12.14 In order to strengthen and improve the quality of teacher education at both primary and secondary levels, the Commission recommends that:

Recommendation 9.54

The recruitment to the teaching career at all levels, be based on interest as expressed in career guidelines in addition to academic qualifications, and that the Commission for Higher Education ensure that those responsible for training graduate teachers at the university are experts in education methodology.

Recommendation 9.55

Guidelines be provided on cluster subjects for training teachers at the primary level.

Recommendation 9.56

The curriculum be reviewed to reflect the current needs of the society as well as reducing content, and the number of subjects offered.

Recommendation 9.57

The distribution of selected students to colleges be done by CHE taking into account national needs.

Recommendation 9.58

In order to enhance professional preparation of teachers, both external and internal examinations be harmonized at 50%.

Recommendation 9.59

Appropriate incentives be given to lecturers to attract and retain suitably qualified staff.

Recommendation 9.60

Title ‘Principal’ be confined to Heads of these Colleges and similar institutions.

Recommendation 9.61

Only qualified graduate teachers, with proven experience, be posted to teacher training colleges.

Recommendation 9.62

All secondary school teachers be professionally qualified graduates, with potential graduate teachers being those with academic degrees and a Post-graduate Diploma in Education, and that universities co-ordinate their Teacher Education Programmes to ensure that identified areas of need are adequately covered.

Recommendation 9.63

That the probationary period be reduced to one year, and that during this period, appropriate appraisal mechanisms be designed and enforced as a basis for confirmation.

Recommendation 9.64

The Current Diploma in Education Programmes be gradually phased out and the colleges be converted to the provision of specialized Diploma programmes in areas of educational needs.

Recommendation 9.65

The identification and recruitment of university trainers in the faculties of education be reviewed and harmonized by CHE.

Recommendation 9.66

Teachers be given opportunities to further their academic and pedagogical skills, and specialize in such areas as Education Psychology, Guidance and Counselling, Information Technology and Special Education and that their achievement be recognized by the employer and be appropriately rewarded.

9.13 Issues on Technical Teacher Education

- 9.13.1 Prior to 1969, no formal teacher training was offered to technical instructors. Skilled training was offered by skilled artisans recruited from the world of work and the military. The first attempt to provide training to technical teachers was at the Kenya Polytechnic where a group of students was admitted in 1969. A dual approach was adopted. The first involved admitting successful graduates of secondary education for an initial technician training that included appropriate work experience during and after the technician training. Those who were successful were then given pedagogical training that took another year. This integrated approach took approximately five years to complete. The second approach involved recruiting trainers from the world of work who

had already completed their technician training and acquired at least two years' work experience, into the one-year pedagogical training.

- 9.13.2 The fundamental characteristics of this original technical teacher training programme was the recognition that effective teachers need to be confident and proficient in communication skills. Therefore, demonstration and evidence of above average performance at secondary school level, evidence of technological proficiency and proven work experiences, were embedded in the recruitment policy. However, it is important to note that, the basic technical qualification for the technical teacher grade, - Ordinary Diploma or Technician Part II certificate - was considered the bare minimum for teaching in a technical secondary school.
- 9.13.3 The Commission learnt that due to the increasing need for TVET teachers, the Government entered into an agreement with the Canadian Government that culminated in the building of the Kenya Technical Teachers College (KTTC) 1976 in Nairobi. The assistance programme included the construction of the college and the provision of equipment and teaching staff. An aggressive staff development programme was also incorporated to train Kenyans to eventually take over from the Canadian expatriate staff. To-date the KTTC has produced the bulk of TVET teachers in secondary schools, middle level colleges and trainers in industry.
- 9.13.4 In 1989, the Moi University admitted the first group of students to train for the Bachelor of Education in Technology degree. The original objective of the programme was to increase the pool of teachers needed to implement the 8+4+4 curriculum, with its emphasis on practical subjects, at the secondary school level. Due to lack of adequate progress in the implementation of the 8+4+4 industrial education programme, the need for TVET teachers in secondary schools has dwindled considerably, with most of the Moi University BEd Technology graduates going to middle level colleges or going to secondary schools to teach mathematics and science subjects only.

Current Status

- 9.13.5 With the conversion of former technical secondary schools to technical training institutes, former Harambee institutes of technology producing graduates at Craft III and Diploma levels, the polytechnics opening their doors to non-sponsored students, the KTTC moved away from conducting technical courses at Craft and Technician levels. This move was obvious and logical for a number of reasons:-
- a) There were more than enough candidates to recruit from.
 - b) It was apparent that there was going to be a greater demand for technical teachers and a speedy way of producing them was necessary.
 - c) For the image and credibility of the KTTC, it would avoid competing with its clientele by recruiting from the same target group.

- d) The equipment would be freed for skill upgrading courses for the trainees, in-servicing serving teachers and conducting higher technician courses such as Technician III and Higher Diploma.

9.13.6 To-date, the KTTC runs **One Year** and **Two Year** Teacher Training programmes and produces teachers at three levels as follows:

- a) Certificate Technical Teachers
- b) Diploma Technical Teachers
- c) Higher Diploma Technical Teachers

9.13.7 At the same time, the KTTC offers Higher Diploma Courses in Entrepreneurship Education and Electrical Engineering. These courses mainly target serving teachers.

9.13.8 However, because the teachers have to pay from their pockets, it has not accelerated staff development since the number joining the programmes is limited.

9.13.9 The weakness that has been noted, however, is that proven work experience of the One and Two year entrants is questionable. The Commission has learnt that some teachers have graduated without proven work experience.

Observations

9.13.10 Teachers previously and currently trained at the KTTC lack sufficient practical skills because of insufficient industrial exposure.

9.13.11 The KTTC teacher training programmes were geared towards training teachers for secondary schools and have not been re-oriented for the training of trainers for TVET at tertiary level.

9.13.12 The former secondary school teachers inherited by the technical institutes were never, and have not been re-oriented and upgraded for training at tertiary level.

9.13.13 Many of the teachers have Diploma, Technician II or Craft III certificate levels of technical education. These teachers are teaching the same courses they went through without any additional advantage, except age and classroom experience.

Problems Faced by TVET Teachers

9.13.14 Most TVET teachers are now teaching physics and mathematics.

9.13.15 Lack of staff development, specifically further studies and short in-service courses, to upgrade knowledge and skills and work experience. We, however, has noted that Moi University has already developed a programme

that awards credits to work covered by TVET Diploma teachers who will be able to earn a degree in 2 years.

- 9.13.16 The Commission note that opportunities for staff development for the TVET teachers are lacking.
- 9.13.17 The Commission also noted that currently most TVET teachers in the middle level technical institutions teach at a similar level to the qualifications they possess.

In view of the above observations, the Commission recommends that:

Recommendations 9.67

All teachers of Craft Certificate and Diploma level courses be given opportunity upgrade their academic qualifications to first degree level, with those who may not be up-graded being appropriately deployed.

Recommendations 9.68

All entrants into TVET Teacher Education programmes be required to have a minimum of three years verifiable work experience to ensure the teachers' competence in handling practical subjects, with the KTTC intensifying recruitment of Higher Diploma Holders into the one year Teacher Training programme.

Recommendations 9.69

Entrants into the BEd Technology teachers programme at Moi University be recruited from graduates of technician diploma to ensure that such teachers have sufficient practical skills competence with post-graduate pedagogical programmes being implemented for those who already have a first degree.

Recommendations 9.70

Short-term courses in skills development and management be enhanced for teachers in tertiary institutions.

Recommendations 9.71

Serving teachers joining the degree and higher diploma programmes benefit from the HELB scheme.

Continuous Development in the Teaching Career

- 9.13.18 It was submitted to the Commission that the intention of the Ministry to continuously in-service train and develop teachers has been hampered by

inadequate funding. Once teachers have completed the pre-service training, there are limited opportunities to enhance their professional growth and development. Even in cases where donors have given support, sustainability of the same has been a problem.

In view of the above, the Commission recommends that:

Recommendation 9.72

Capacity of the Kenya Education Staff Institute be enhanced and strengthened to enable it to train education managers including all head-teachers from induction to senior management level.

Recommendation 9.73

Universities provide opportunities for teachers' academic and professional advancement.

Code of Ethics/Regulatory Requirements

9.13.19 The Teachers Service Commission as the employer has a Code of Regulations governing the teaching profession. However, there is no code of ethics to strengthen its operations.

9.13.20 A Code of Ethics is a solemn oath of allegiance that dictates professional practices. This means that a professional is bound by his/her conscience to do the right thing. This is different from a code of regulations which is a list of rules and regulations governing employment. The existing TSC Code of Regulations has so far served well. However, there is a need to review and strengthen it to be responsive to the current developments and challenges in education and the society. In addition, it should be complemented by a comprehensive Code of Ethics such as:

- instruments for protecting the teaching profession from undue abuse.
- a means of protecting the profession from those members who may be academically qualified to practice, but who may be employing methods not acceptable to the profession, or whose behaviour does not measure up to the standard set by the profession.
- a way of placing strong emphasis on commitment to service and of restoring the dignity of the teaching profession.

In view of the above observations, the Commission recommends that:

Recommendation 9.74

The current TSC Code of Regulations for teachers be reviewed to be responsive to the current challenges facing the profession and the Kenyan society at large.

Recommendation 9.75

A comprehensive Code of Ethics for the teaching profession be drawn and put in place to govern the profession.

Registration/Membership Criteria

- 9.13.20 The policy on teacher registration is that any teacher in the teaching profession must be registered by the Teachers Service Commission. Supervision and monitoring of registration has not been effective and has led to the recruitment of people who do not meet basic requirements to be teachers, particularly, in private schools. It was also pointed out to the Commission that teachers lack a professional association to ensure their professional enrichment and advancement through avenues such as continuing education seminars and conferences. All these given a negative picture of the teaching profession.

In view of this, the Commission recommends that:

Recommendation 9.76

A professional board be established to work out mechanisms of registering qualified teachers.

Recommendation 9.77

A professional association of teachers be established to ensure teachers' professional enrichment and advancement.

Conclusion

- 9.13.22 The teaching profession being a noble occupation is expected to give professional service to the client who is the learner. This implies that the practitioners be accessible, highly valued and respected by students, colleagues and the society at large. The practitioners are, therefore, expected to be anxious to keep professional contact and touch, to enhance their marketability locally, regionally and internationally. Besides, the practitioners promote and exhibit professional standards for rendering services to the community.
- 9.13.23 Reclaiming this nobility has been difficult to attain because of the openness of the profession, as it lacks uniqueness. To safeguard and restore its nobility, there is a need for registration and licensing renewal to revitalize and reactivate the career to professionalism. In addition, a professional body for examinations and certification and re-certification should be established, for encouraging professional networking and deliberate creation of an enabling environment for good teaching practices.

- 9.13.24 The challenges of the 21st century will be highly demanding for the teacher. The teacher will be handling learners and members of the society who are well informed and knowledgeable of their rights and obligations. The teacher will, therefore, be expected to be deeply grounded in academic, pedagogical and other related areas such as law and information technology.
- 9.13.25 It is inevitable that the teaching career be professionalized to enable the teacher to face the challenges of the next millennium with confidence.
- 9.13.26 When teaching is professionalized the teacher will be expected to more efficient and effective in the delivery of educational services to the learner to enable him/her to develop the knowledge and skills that will be demanded in the 21st Century and beyond.

Chapter Ten

CHALLENGES OF UNIVERSITY EDUCATION AND TRAINING

10.1 Preamble

- 10.1.1 Over the past 36 years of Kenya's independence, there has been a big increase in the expansion of university-level education and training in terms of both physical facilities and enrolment.
- 10.1.2 University level education is the apex of academic pursuit and a backbone from which all new knowledge radiates. The institution of university level education and training, therefore, is expected to play a leading and critical role in national growth and development. The Commission observed that the various components of this institution were actively attempting to meet this expectation through:-
- a) Initiation and sustenance of appropriate research in all areas relevant to national development.
 - b) Production of appropriately trained work-force by developing and mounting relevant academic programmes.
 - c) Production, conservation and dissemination of knowledge.
- 10.1.3 The Commission, however, observed that the institution of university level training was experiencing critical challenges in its endeavour to effectively play the above stated leadership roles. These challenges are related to the current global influences and international socio-economic trends. They must, therefore, be seriously and urgently addressed as this country prepares to find its niche in the globalized market economy of the next century.
- 10.1.4 To meet these challenges, the Commission envisaged a Kenyan university level education and training based on relevance and equity, especially for women and other disadvantaged groups, including learners with special needs, and one that is aimed at producing highly motivated graduates, capable of self employment and creation of employment nationally and internationally. This chapter enumerates the challenges of university level education and training as observed by the Commission, and makes specific recommendations on the way forward.
- 10.1.5 The Commission noted that each public university is currently operating under a separate Act of Parliament, while each of the private universities operates through a Government Charter. In addition each university, whether public or private, is governed by a set of Statutes. Furthermore, each university is meant to excel and expand in a given specific direction in order to create, at this level, centres of excellence that complement one another in the formation of an effective national institution of university level education and training.

10.2 Definition

- 10.2.1 The Challenges of university education and training has been interpreted in relation to problems being experienced by public universities as a result of rapid expansion of enrolments. The growth of universities has outstripped available resources.
- 10.2.2 In Kenya, the institution of university level education and training currently encompasses the five public universities with their constituent or affiliated colleges, the Government chartered private universities and a number of other colleges and research institutes where advanced research and training is undertaken.

10.3 Objectives of University Education

- 10.3.1 The aims of university level education as the national “think tank” in shaping and propelling national growth and development are as follows:
- a) To develop in students and scholars the ability to think independently, critically and creatively.
 - b) To adapt, develop, advance, preserve and disseminate knowledge and desirable values, and to stimulate intellectual life.
 - c) To educate and train the high level human capital needed for accelerated development through industrialization of the economy.
 - d) To nurture the internalization of universal knowledge, including key technological advances, with a view to harnessing these for national development.
 - e) To provide, through basic and applied research, knowledge, skills and services that help solve the problems facing the society.
 - f) To help create a society in which both merit, based on diverse talents, and equity in development are recognized and nurtured.
 - g) To inculcate entrepreneurial skills among the graduates, thereby enabling them to create employment for themselves and for others.

10.4 Financing

- 10.4.1 The Commission has observed that, since independence, the Government has, at appropriate intervals, appointed Commissions, Committees and Working Parties, to study specific aspects of the country’s education system, including university level education. As a result of numerous recommendations generated by these groups, several changes and developments have been effected on our education system during the past thirty five years. The Commission noted

that, one strong recommendation arising from these previous reviews, is that “The growth in university student enrolment be matched with commensurate provision of appropriate resources, in order to maintain high standards, quality and relevance of university education training, research and scholarship” (Mungai Report, 1995).

- 10.4.2 In considering the challenges currently facing university education, the Commission observed that most of these are related to the country's inability to match the growth in university student numbers, with the provision of appropriate resources to cater for the increased population of students at this level of education and training. However, the Commission also noted that, although the recent expansion of university level education as a result of rapidly increasing public demand, forms the main source of the challenges currently facing these institutions, other global issues of socio-economic nature, have also affected the universities and related institutions.
- 10.4.3 The Commission observed further that, before the introduction of the concept of “cost- sharing” in 1992, all funding for university education came from the Government. However, since the 1991/92 financial year, cost-sharing and cost-saving strategies have been put in place. Currently, each university student pays an annual fee of KES 50,000.00. The Government then pays KES 70,000.00 per year per student to top up the full cost of university education, amounting to KES 120,000 per student per year. The commission was informed by the universities that this amount was no longer sufficient to cover the cost of educating a student for one academic year. Many members of the public also pointed out that these fees were unaffordable for the majority of Kenyans. They, therefore, proposed that full loans should be availed to all needy students. It was further reported that, since not all students qualified for loans from the Higher Education Loans Board, many students found it difficult to raise the KES 50,000.
- 10.4.4 It was, therefore, noted by the Commission that, although both the cost-sharing and the Loan systems were initiated in order to guarantee availability of funds to the universities, besides alleviating financial difficulties for the students, these goals have not been fully achieved. Presentations were made to the Commission to the effect that there was an urgent need to review the two systems in order to ensure improved accessibility, academic quality and sustainability in the universities.
- 10.4.5 The Commission noted that, in order to determine the cost of educating a single student for one academic year more accurately, the universities had embarked on calculations aimed at deriving the “Unit cost”. This will be different for various programmes due to differences in the cost of specialized equipment and training tools necessary for some programmes. The aim of working out the unit cost for each programme is to advise the Government, more accurately, on the cost of sponsoring students to pursue various programmes at university level. This in addition will enable the Government to plan on human capital development more precisely, and to effectively budget for university level education in accordance with the country’s needs. Indeed the unit cost arrived

at by CHE for the various programmes is much higher than the current expenditure per student. Mechanisms for bridging this gap have to be found.

- 10.4.6 As a result of the above factors affecting financing of university level education, and the consequent frustration of operations by insufficient funding, the Commission observed numerous stalled physical facilities in these institutions. It was, therefore, noted that the completion of such facilities, which will greatly improve the congestion within the affected institutions, ought to be given priority. The Commission feared that, both the sight of numerous uncompleted buildings and the poorly maintained physical and academic infrastructural facilities within most of the university institutions visited may only be outward indications of other serious shortcomings, particularly those of academic and administrative nature. It was, therefore, observed that the issue of financing of university level education and training should be urgently and effectively addressed.

In view of these observations, the Commission recommends that:

Recommendation 10.1

Unit cost for the various university programmes be obtained and harmonized regularly, with a view to advising the Government on the total cost of sponsoring students for these programmes in any one given year.

Recommendation 10.2

The Government determines on a yearly basis the number of students it wishes to sponsor for various university level training programmes and makes financial provisions and disbursement to the relevant universities.

Recommendation 10.3

The Government, through the relevant Ministries, creates short and long term projections of the country's human resource capital needs, in order to achieve more effective regulation of human resource development and maximization of resources utilization for university level training.

Recommendation 10.4

Urgent sourcing of funds need to be undertaken to enable respective institutions to complete the stalled facilities in public universities.

10.5 Student Matters

- 10.5.1 The Commission observed that the Higher Education Loans Board, created in 1995, with a view to assisting needy students to obtain university level education following the introduction of cost sharing in 1992, is yet to operate efficiently. The "means testing" procedures employed by the Board to determine the financial ability of the applying students need to be improved to

make them more effective. The Commission observed further that the Board has not had sufficient funds to cater for all the needy students studying in higher education institutions. Consequently, many students in these institutions are learning under extreme financial constraints.

- 10.5.2 The Commission observed that, as a result of insufficient financing, particularly for expansion of physical facilities, coupled with the increased student population due to the high demand for university education, student accommodation poses a major challenge to most of these institutions. Consequently, student halls in most university campuses are congested. This, the Commission noted, may be one of the contributing factors towards student unrest and frequent interruption of academic programmes in the universities. The Commission also observed that students learning outside their campuses had very poor accommodation, which is not an appropriate environment for learning or social development.
- 10.5.3 The Commission was informed that one of the considered approaches for addressing the problem of student accommodation was to de-link the management and financing of catering and accommodation from that of academic programmes so that the principal responsibility of the universities would be academic programmes and students negotiate separately for their own accommodation. Several drawbacks, were however, cited concerning this approach, including the need for students to live near the campuses due to lack of reliable transportation systems from residential estates, and the shortage of suitable and affordable private accommodation.
- 10.5.4 The Commission was further informed that, excessive alcohol consumption, drug abuse and elements of occultist-practices, were a major contributing factor to student unrest in the universities and other institutions of higher learning. Some members of the public made presentations to the effect that some graduates did not reflect the kind of personalities and social behaviour that one would associate with university learners. The Commission noted that these problems were also affecting lower educational institutions such as secondary schools and the middle level colleges. Consequently, the problems encountered at the university level may have started much earlier in the education and training of the affected students.
- 10.5.5 The Commission was also informed that the problems related to HIV/AIDS were seriously affecting the student population in these institutions of higher learning. There were attempts to avail guidance and counselling services to students in all universities through the Deans of students, however, the Commission noted that these were not effective and needed to be strengthened. It was further noted that lack of role models specifically among members of staff in the institutions and generally among members of the public, was negatively affecting the morals of the youth to-day.

In view of all the above observations, the Commission recommends that:

Recommendation 10.5

Each individual university finds ways of facilitating habitable and affordable accommodation for its student population.

Recommendation 10.6

Sufficient funding be made available to facilitate financial assistance to all Kenyan students who qualify to join university-level training and who need to obtain loans to cater for their academic pursuit.

Recommendation 10.7

The actual disbursement of educational loans to students be decentralized to individual institutions with a view to improving efficiency and accurate determination of student needs.

Recommendation 10.8

Guidance and Counselling in all institutions of higher learning be formally established and or strengthened in order to ensure that students do receive preventive counselling, as opposed to the mere creation of offices where students with problems may wish to report.

- 10.5.6 The Commission was also informed that there were reported incidences of student harassment particularly affecting the female students. Such harassment is bound to have serious effects on student academic performance. The Commission observed that, though in some of the institutions there were specific policies dealing with the issues of student harassment either by fellow students or by members of staff, this was not true in all the universities.

Recommendation 10.9

Noting that some forms of harassment are tantamount to violation of the individual's basic human right, the Commission recommends that universities work out deterrent policies for effective monitoring of cases of student harassment and for ensuring that appropriate disciplinary measures are taken against proven offenders.

- 10.5.7 The Commission was further informed by the student community that university administration is uncooperative especially when it comes to developing policies affecting the student welfare, both socially and academically. It was felt that the university administration was not accommodative and would not allow any contribution from the student bodies. The Commission observed that unless student organizations are involved in most of the decisions made by the various university faculties and departments, there was going to be no change in the student unrest being witnessed regularly.

Student unrest is one of the challenges faced in delivering good quality education as this has led to frequent interruption of academic programmes. Some of the students blamed these to lack of effective communication channels between them and the administration. The Commission, therefore, felt that the universities need to put in place and adopt institutional administration styles that will effectively minimize or eradicate this problem. Student participation is vital in smooth running of universities.

Recommendation 10.10

The Commission recommends that effective channels of communication between the student organization and the university administration be created.

10.6 Research and its Applications

- 10.6.1 The Commission observed that one of the areas most seriously affected by the current shortage of funding was the role of universities as research centres. It was noted that, whereas the cost of carrying out quality research had sharply risen in recent years, the process of securing donor research funds from the global market had also become highly competitive. This, coupled with the prevailing economic constraints on local academicians, has led to a serious decline in the level of research activities within the universities.
- 10.6.2 The Commission noted that, due to the prevailing circumstances in which fewer scholarships are available internationally, and limited Government funding to the universities, postgraduate studies has also suffered. With students pursuing postgraduate studies, and the insufficiency of research funding cited above, the total amount of research in our universities has, therefore, declined further.
- 10.6.3 The Commission also noted that, due to shortage of funds, it was no longer possible for the universities to sponsor many scholars to international conferences and academic symposia. Yet it is in such fora that academic members of staff get an opportunity to up-date their knowledge and skills as well as to interact with scholars from other parts of the world. The Commission, therefore, noted that this was another way in which insufficient funding of university level education could adversely affect the quality of training in these institutions.
- 10.6.4 With respect to linkages between public universities and national research institutes, the Commission observed that, one area that needs strengthening is collaborative research. Such linkages would both maximize the utilization of research resources on the one hand, and increase research facilities for the university teaching staff on the other. In addition, the Commission observed that there were only limited linkages between the universities and the industrial sector. It was noted that linkages with the industrial sector would create facilities for student industrial attachment and also for healthy interaction between the academicians and industrialists. It would also be possible to generate additional funds for universities through such research collaboration.

- 10.6.5 The Commission observed that one of the most serious shortcomings in the area of research was the lack of mechanisms for utilization of research findings for the purposes of national growth and development. It was noted that, there were numerous Masters, Doctoral and other regular research projects undertaken within the universities annually. The findings from these research projects are not regularly utilized even though some of the findings would have far reaching implications in terms of industrial development, economic value and even socio-political direction. There is need, therefore, to put in place mechanisms to ensure that research findings are disseminated to relevant potential users such as communities, various Government Ministries, and the private sector.
- 10.6.6 The Commission further looked at the mechanisms in place for protection of research findings and of national intellectual property and observed that, although there has been much improvement of the legal framework in this area in recent years, the mechanisms were still weak and insufficient. The Commission observed several recent examples of research findings from the universities being freely utilized by other countries. In view of these observations concerning research activities in Kenyan universities, the commission recommends that:

Recommendation 10.11

The Government strengthens the National Council for Science and Technology for purposes of sourcing and disbursing research funds to institutions as well as to individual researchers, and to facilitate effective utilization of research findings by creating an enabling environment for the innovators to pursue their innovations to the application stages.

Recommendation 10.12

Appropriate legal framework be worked out to facilitate strong linkages between universities and the national research institutions, industries and the informal sector in order to improve the quality of research activities in both the universities as well as the research institutes.

Recommendation 10.13

The necessary legal framework for protection of intellectual property and innovations be strengthened further to protect research findings from the country's universities and research institutes.

10.7 Role of Universities in TVET

- 10.7.1 The universities in Kenya need to place a more significant role in supporting TVET than they have hitherto done. It has been extremely difficult to convince our local universities to provide credits to TVET graduates wishing to continue with education, yet TVET graduates with appropriate qualifications have been

admitted to foreign universities. Consequently, TVET graduates wishing to follow this route have been forced to enter the university programmes alongside fresh secondary school graduates. This has been both frustrating to the individuals and wasteful to the nation at large. However, in foreign universities, diploma holders have received credits towards their undergraduate degrees, while higher diploma holders have been admitted into Masters degree programmes.

- 10.7.2 The Commission noted with appreciation the recent attempts to provide access to TVET graduates at Moi University. The credits offered are still too limited but it is worth noting that a critical psychological barrier has been broken. This flexibility is an affirmation of the possible learning pathways in career advancement based on one's initial training.

The Commission, therefore, recommends that:

Recommendation 10.14

Realistic scrutiny of the diploma programmes be undertaken with a view to determining commensurate credits to be awarded to TVET entrants to degree programmes and that CHE facilitates the evaluation of diploma and higher diploma for the purpose of awarding appropriate credits.

Recommendation 10.15

Diploma programmes that are collaboratively designed by both university and polytechnics be encouraged, with adoption of an arrangement where a student is registered for a degree programme at a university, but the delivery of part of the programme is by the polytechnic for the award of the university degree.

Recommendation 10.16

Collaboration between TVET institutions and universities be encouraged in applied research, design and development and the promotion of innovative activities within the Jua Kali sector.

Recommendation 10.17

Universities and TVET institutions collaborate in professional activities to enhance the image and role of TVET in the industrial transformation of Kenya.

10.8 Privately Funded Degree Programmes

- 10.8.1 The Commission was informed that, the concept of privately funded degree programmes had been introduced in most of the public universities. In this concept, the universities are able to mount degree courses for self-sponsoring students, who qualify for these programmes, yet are not selected for them due to numerical limitations or due to limitations on Government sponsorship.

- 10.8.2 It was reported to the Commission that, currently, there were approximately thirty thousand Kenyan students pursuing university level education abroad and costing this country approximately KES 10 billion annually. The Commission noted that the annual budget for the local public universities, which currently caters for approximately forty thousand students, was KES 4 billion. The Commission was informed that one purpose for the privately funded degree programmes was to attract these students who would otherwise go abroad for their degree programmes.
- 10.8.3 The Commission noted, however, that there were philosophical and ethical implications in mounting privately funded degree programmes, aimed at only those in the society, who could afford such programmes. The Commission, therefore, observed the need for the universities to ensure that these were not programmes just for the rich and able, while the fate of the poor and less privileged was ignored, thus increasing inequalities.
- 10.8.4 The Commission further observed that, since the students in the privately funded degree programmes were making direct payments for their studies, and since their presence in these institutions creates a financial boost to the institution, there was the possibility that these students would be given preferential treatment in comparison to the regular students, especially if the programmes are not effectively integrated with the regular ones. The Commission, therefore, felt that there was need for the universities to put in place effective mechanisms for ensuring equity, quality control and quality assurance in respect of the privately funded degree programmes. One of the surest ways of ensuring quality would be to create a teaching schedule to enable all students to register for courses offered at their preferred time irrespective of who pays for those students.

Recommendation 10.18

The Commission, therefore, recommends that effective mechanisms be put in place to ensure equity, quality control and quality assurance in all academic programmes.

10.9 Faculty and Staff Development

- 10.9.1 The Commission was informed by the universities that another major challenge facing these institutions was that of attracting and retaining highly qualified academic staff. The main source of the problem was cited as unattractive terms of service associated with local universities, compared to those found in other universities within the continent. Consequently, many Kenyan professionals have moved to both within and outside Africa. The Commission recognizes that, although the Mwakio Report (1997) recommended an improvement of the terms, the minimal in implementation of these recommendations has long been overtaken by recent increases in the cost of living.

- 10.9.2 It was also reported to the Commission that a recent problem of “moonlighting” has adversely affecting the quality of teaching in the public universities. This is the phenomenon whereby the regular teaching members of staff spend a large proportion of their time engaged in other income generating, activities, like part-time teaching in the private universities in order to supplement the low university salaries.
- 10.9.3 The Commission observed that, since there was a shortage of highly qualified teaching staff in some of the academic disciplines, a system could be worked out to allow appropriate sharing of the available staff among the institutions, with commensurate remuneration packages for such members of staff. The Commission observed that this was already happening to some extent, but noted that it needs to be strengthened.
- 10.9.4 The Commission also noted that, as a result of low staff morale due to the relatively poor terms of service, there was a decline in the generation of quality research knowledge by scholars in the public universities. This is because the authorship culture had been affected negatively by the unfavourable working conditions and the need to engage in alternative income-generating activities by these scholars. The universities would, therefore, need to work out appropriate mechanisms for enabling members of staff to engage in research and development activities as one of their contributions to the country's development.
- 10.9.5 It was clear to the Commission than the factors cited above, particularly the low morale and excessive engagement with alternative income-generating activities by the teaching staff, may have seriously affected the desire for these members of staff to have continued education and training. Lack of continued education and desire for-life-long learning among university teaching staff, is therefore, a major challenge facing these institutions of higher learning. The Commission observed the need for these institutions to urgently establish and implement ways of rekindling the lost culture of scholarship among their teaching staff, so that these will in turn inspire their students to pursue knowledge and learning. In view of the above observations concerning staff matters within Kenyan universities, the Commission recommends that:

Recommendation 10.19

Urgent and appropriate measures be taken by the Government and the public universities to improve the terms and conditions of service of teaching staff in these institutions, in order to stop the brain-drain currently affecting the quality of university education in the country.

Recommendation 10.20

Universities work out modalities for sharing among them highly qualified staff in specialized disciplines in order to maximize on available expertise and in so doing, arrange to appropriately remunerate such individuals.

Recommendation 10.21

Universities design innovative ways for encouraging members of staff to continue learning and to generate high quality research whose findings are published for the purposes of disseminating knowledge, and also for sustaining the culture of scholarship.

10.10 Accessibility

- 10.10.1 The Commission observed that another major challenge currently facing the university level institutions is that of improving accessibility, particularly to disadvantaged groups. Whereas university education should be available to all who qualify for such education, the Commission observed that rigid admission regulations and practices made it difficult for many qualified persons to have access to this level of education. For instance, many members of the public decried the practise whereby if qualifying students miss university entry in a given year, they find it extremely difficult to be considered under the prevailing admission practices, when they are ready to take their offers of admission.
- 10.10.2 The Commission observed further that, although the situation was much better in the private universities, gender imbalance was still a problem within the public universities where the number of female students is much lower than that of male students. On the average, the gender ratio is 30:70 in favour of male students. Similarly, of the small number of female students in the local universities the number of women from the arid and semi-arid lands (ASAL) is even smaller. There is need, therefore, to initiate some affirmative actions towards improving accessibility of university education for these two groups. A further major problem is that there are markedly lower proportions of women in such highly competitive courses as medicine, engineering and architecture, as compared to humanities and social sciences.

Recommendation 10.22

The Commission recommends that universities initiate deliberate strategies for increasing women's participation in university education with particular emphasis on women from ASAL areas and in faculties where women are very few such as engineering. Such strategies should include AA, crash remedial programmes and outreach to secondary and tertiary institutions.

- 10.10.3 The Commission also observed that the issue of accessibility of university level education to persons with various forms of disabilities and who have special needs has not been seriously addressed before. Although a number of students with visual handicap and some with slight physical disabilities have gone through the public universities, over the years, the numbers have been low and there are no arrangements in these institutions to cater for learners with special needs. This issue has been dealt with in more detail in Chapter Eight.

The Commission, therefore, recommends that:

Recommendation 10.23

A legal requirement be put in place to enforce the creation of barrier-free environment within university campuses, in order to facilitate free movement by physically handicapped students.

Recommendation 10.24

In order to improve accessibility to university level education, particularly for learners with special needs, the Government looks into the possibility of creating a special education unit in one of the public universities.

- 10.10.4 In connection with accessibility of university education to persons pursuing technical and vocational training and to persons graduating from middle level and other colleges, the Commission observed that, currently, there were no clearly defined mechanisms to facilitate such entry to public universities. This issue had also been highlighted by the Mungai Report (1995) which had recommended increased opportunities for graduates of middle level Colleges to advance their training to university level. The Commission noted that, an education system based on units and one that allowed transfer of credit hours from one level to another, would be the most preferable in attempting to improve accessibility to the public universities. For such a system to work smoothly, however, the universities need to participate in the curriculum design and development for the programmes offered at the lower levels. In view of this, the Commission recommends that:

Recommendation 10.25

Universities urgently review their admission regulations with a view to making them more flexible in order to allow qualifying persons to easily enter into this level of education and to pursue their areas of academic interest.

Recommendation 10.26

The public universities work out a credit transfer system that will enable graduates from other accredited institutions to gain entry into university level education and to pursue programmes of study leading to the award of degrees by the crediting university.

- 10.10.5 Numerous submissions from Kenyans were also given to the Commission expressing the opinion that the Joint Admissions Board should be decentralized in order to improve efficiency, and to increase accessibility, as each university would process its own admissions. The Commission has, however, also received submissions to the effect that the Joint Admissions Board was the only way to ensure equity, transparency and accountability in university admissions. There is need, therefore, for the universities to review the whole issue of

admissions, in order to improve both efficiency and accessibility, and also to assure the public that the process is fair and just.

- 10.10.6 The Commission has also received strong views from the public and from the existing universities to the effect that the only way to cope with the ever increasing demand for university level education, and to overcome the limitations of space and time, is to create an open university. This is envisaged to operate mainly through distance education methods, and to serve not just Kenya, but to be open to other countries within the continent. The Commission observes that, following recent technological advances in the field of information technology, the idea of an open university is considered to be viable.

Recommendation 10.27

The Commission recommends that the Government facilitates, the creation of an Open University, that will offer degree programmes to national and international students through distance education methods.

- 10.10.7 Members of the public registered their concern on the inequitable distribution of university institutions, arguing that most of these are currently concentrated in a few parts of the country. Proposals were, therefore, made that university level institutions should be regionally distributed taking into consideration natural local resources such as the Indian Ocean, Lake Victoria and ASAL as had been recommended by the Kiano Report of 1984. Such institutions would then become centres of excellence in their relevant fields. For instance a university at the Coast would specialize on fisheries, oceanography and other marine studies, and tourism. In this connection, the Mungai Report (1995) recommended the coordinated development of Bandari College, Mombasa Polytechnics, Shanzu Teachers Training College, Kenya Marine and Fisheries Institute, and Kilifi College of Agriculture in relation to the need to exploit marine resources. Some of the programmes can, in time, be elevated to university level. Institutions in the North Eastern Province would mount programmes on Arid Lands Farming, Pastoralism, and Solar Power exploitation. Institutions around Lake Victoria would help to conserve the ecology of the lake in order to sustain the fishing industry.

10.11 Relevance and Quality

- 10.11.1 The Commission notes that, as a result of the rapidly changing global market, university level training of a work-force that is relevant and suitable for the contemporary market has become a major challenge. The unstable global market, and the dynamic nature of the current international socio-economic factors, dictate the adoption of effective short and long term strategies in designing academic programmes. This calls for university training which equips graduates with marketable multi-functional skills and imbues them with the capacity for teamwork, innovation and critical thinking. The Commission, therefore, notes that this is a challenge the universities must face in order to

produce individuals who are adequately prepared for the changing world of work.

- 10.11.2 The Commission further noted that the number of unemployed university graduates had markedly risen in recent years. In addition, several submissions were received from the public indicating that the many unemployed university graduates currently in urban centres are likely to engage in anti-social activities. The Commission notes that it is potentially dangerous to expose the youth to university education and not have employment for them at the end of their training.
- 10.11.3 The Commission further notes that the fact that there were many university graduates in urban centres without meaningful employment may be indicative of the quality and lack of relevance in the programmes in which they have been trained. The Commission observed that even though prevailing global socio-economic factors have adversely affected many national economies and the availability of employment, these graduates should be equipped with sufficient entrepreneurial skills to enable them create employment for themselves. Once that is done, there should be a mechanism for creating an enabling environment and for empowering them to create self-employment
- 10.11.4 The Commission received many submissions from the public to the effect that university programmes must be market-driven and that those which are not relevant to the prevailing market forces should be scrapped. Submissions from the universities however, pointed out that there were programmes such as humanities and social sciences which, though they may appear irrelevant to the technical market, are extremely important for holistic society. The Commission therefore, observes that the problem lies in the achievement of a proper balance, by the universities, between programmes that are purely market-driven, and those of purely academic and social value. In this connection, it is also important to remember that accelerating technological and industrial development will require personnel who are highly trained in management.
- 10.11.5 The Commission noted with concern that due to shortage of funding and to lack of linkages between the universities and the relevant industry, student industrial attachment and field courses have suffered. This would seriously affect the quality and relevance of training in these institutions of higher learning. There is need, therefore, for the universities to find the means, and to facilitate sufficient field courses and industrial attachments.
- 10.11.6 The other challenge to the universities which was said to affect the quality of education at this level is the inability of these institutions to maintain up-to-date libraries and journal subscriptions. The Commission was informed that due to insufficient funding, these institutions were no longer able to sustain quality in institutional libraries, particularly the acquisition of the latest and relevant journals.
- 10.11.7 Following the Commission's visits to several university engineering and technological departments, it was observed that many of the workshops had out-dated equipment and tools. If this country hopes to become newly

industrialized by the year 2020, the training of the industrial technocrats must be done using the most modern equipment and tools. The Commission was informed that most of the equipment in these training institutions had been donated by industries undergoing technological modernization. The Commission observes that training at university level should be taken more seriously and that the highest level of quality should be adhered to.

- 10.11.8 Members of the public submitted to the Commission that they expected more interaction between the universities and the general public. Community service programmes through which members of the universities would offer such services as the travelling theatre, public lectures, community health care activities, should be strengthened.
- 10.11.9 The Commission noted that, it is through such interactions that the universities will have opportunities to infuse a learning culture into the Kenyan society and to positively influence the national social values. These interactions will also be useful as a forum for educating the public, particularly on the application of relevant research findings.

The Commission, therefore, recommended that:

Recommendation 10.28

Universities take urgent and effective measures to ensure that appropriate balance is maintained between market-driven training programmes and purely academic programmes.

Recommendation 10.29

Efforts be made to ensure that university level training is made relevant by using up-to-date equipment and tools, and that training includes sufficient field work and industrial attachment.

Recommendation 10.30

Entrepreneurial skills be taught to all university students regardless of their field of study, in order to inspire them to create employment for self and for others, and that a special Fund be established for graduates with the necessary skills to access loans to establish production units.

Recommendation 10.31

The universities consider introduction of a Community Service attachment for graduates, who would then be deployed to the districts to work with various communities as well as in various Government departments.

10.12 Academic Programmes

- 10.12.1 The Commission noted that many of the academic programmes were duplicated in almost all public universities. The Commission also received submissions from members of the public calling for a degree of specialization and creation of centres of excellence. However, the universities argued that in the current world of competitive marketing, duplication of programmes was a source of healthy competition leading to perfection. The Commission observes that while competition is healthy, with the meagre resources currently available in terms of teaching staff, physical facilities, and cost of mounting quality programmes, the concept of specialization may be more cost-effective. It is, therefore, the view of the Commission that each public university re-examines its academic programmes with a view to re-affirming its original Mission and Vision.
- 10.12.2 The Commission observed that there were still a number of foreign examinations being administered to Kenyan students. These are prepared by examination syndicates based in universities abroad. Examinations such as the London GCE, Cambridge School Certificate and many other professional examinations are still being taken by Kenyan students. The Commission wondered why the Kenya universities could not create local examinations syndicates to provide similar services locally
- 10.12.3 Many members of the university faculty decried the lack of curricular linkages between the universities and the lower levels in particular the Secondary education. In this regard, the Commission further observed that the universities could play a major leadership role in shaping the country's curriculum development by participating in curriculum design at the lower levels of education. The need to regularly review the curricula in the university teaching departments in order to keep abreast with the rapidly changing knowledge, has been stated elsewhere. As a result of the above observations, the Commission recommends that:

Recommendation 10.32

The public universities and the Commission for Higher Education, review the expansion of academic programmes offered in the various universities in order to minimize duplication and to maximize on resources at the level of education and training.

Recommendation 10.33

The public universities consider the formation of Examination Syndicates which would offer academic and professional examination services for learners at Higher Education Cycle and for continuing and life-long learning.

Recommendation 10.34

The universities forge strong curricular linkages with other levels of education.

- 10.12.4 The Commission observed that in an attempt to ensure that high academic standards are maintained, the universities have continued to invite External Examiners from other countries, often committing large proportions of their annual budgets to this item. It is the feeling of the Commission that more emphasis should be placed on creating Internal mechanisms for ensuring that the content for the different programmes is constantly reviewed and effectively executed. Then for the purposes of moderation and in order to maintain a link between theory and practice, a prominent practitioner from the relevant field, may be invited from within the country to participate in the assessment of the students.
- 10.12.5 In the area of examination and certification, The commission observed that since the universities formed the highest seat in education and excellence, these institutions should play a leading role in the assessment of students at the lower levels, particularly, the Middle level Colleges. It was therefore the feeling of the Commission that the Universities should form Examination Syndicates, which would then offer examinations for various levels and fields.

Recommendation 10.35

That universities revisit the issue of External Examiners with a view to making use of prominent practitioners in the country, who are experienced in the specific fields in order to bridge the gap between theory and practice in the assessment of students in a given field of study.

10.13 Management

- 10.13.1 The Commission received numerous submissions both from the public and from the universities to the effect that institutional management at this level needs to be based more on management training than on political appointment. It was noted that the main thrust of this contention was that the most senior management positions in the public universities, are usually filled through political appointments. It was strongly felt that under this practice, individuals who are not necessarily the most capable managers, may be appointed to manage these institutions. Whenever that happens, the consequences are that the institutions are not efficiently managed. It was, therefore, suggested both by the public and by the universities, that appointment of top managers of public universities be carried out in the normal manner by the individual institutions, and further that any such appointments be based on proven merit, qualifications, experience and management capability through training.
- 10.13.2 The second area that the Commission observed as a challenge to the public universities was the role of the Commission for Higher Education on the management of these institutions. While the Commission for Higher Education was directly involved in accrediting the operations and management of private universities, its role over the public universities remains unclear. There is need, therefore, to re-examine the legal framework under which the Commission for

Higher Education operates, with a view to clearly stating its role in the public universities.

- 10.13.3 The Commission noted further that, since most members of the universities' management team, including Chairmen of Departments, Deans, Principals and Vice Chancellors are academicians, there is need for them to undergo training in management skills. Each university, therefore, should prepare training schedules for its managerial personnel. It is the view of the Commission that the universities, being the top-most educational Institutions, ought to model the highest quality of management, for other institutions both private and public to emulate.
- 10.13.4 The third area that the Commission received submissions from the public was that of resource management within public universities. It was pointed out to the Commission that, although there are shortages of resources, the public universities have not maximally utilized the available resources in the past. The Commission observed for instance, that the public universities spend a large proportion of their annual budget on travel and accommodation of External Examiners coming from other countries, mostly abroad. Since the universities invite one External Examiner for each academic discipline, the total expenditure can be quite high. The Commission observed that, now that the country has acquired several university level institutions, it might be more cost-effective to invite External Examiners from within the country. It was also observed that there was an over-employment of support staff which added to the institutions' financial constraints.
- 10.13.5 The last area of management that the Commission observed as posing a challenge to the public universities, is the whole issue of student management. As students' numbers increase, particularly with the introduction of the parallel degree programmes, there will be need for the universities to shift to modern technology in keeping student records, managing student welfare matters, and in managing examination and certification. The Commission observed that in most public universities, these processes were still being handled manually using out-dated procedures. The Commission, therefore, recommends that:-

Recommendation 10.36

Top managerial positions in the public universities be filled and each university be allowed to source for the most capable individuals for the various positions.

Recommendation 10.37

The Commission of Higher Education be strengthened and empowered to monitor the general operations and management of both private and public universities, without interfering with internal affairs of these institutions.

Recommendation 10.38

Public universities work out modalities to expedite utilization of modern technology in the management of student records and other managerial matters which have until now been handled manually.

Chapter Eleven

ALTERNATIVE AND CONTINUING EDUCATION

11.1 Preamble

- 11.1.1 The Kenya Government is committed to the provision of Basic Education For All. However, as we have indicated earlier, a number of constraints continue to hinder the achievement of this goal. The consequence is that some children do not enrol in formal education while of those enrolled, some drop out before completing the Basic Education cycle.
- 11.1.2 The illiteracy rate in the country currently stands at 40 per cent, the majority of whom are women. The development goals that the nation has set for itself cannot be achieved without the achievement of Basic Education for All and especially the eradication of illiteracy.
- 11.1.3 This Commission recognizes Education as a life-long process. However, the delivery of education, the current structure, and the over-emphasis on passing examinations do not promote this concept of life-long learning. This is why many school leavers abandon their books because learning is viewed as a process that ends after one has completed a given cycle. There is, therefore, need to inculcate the culture of life-long learning early in life.
- 11.1.4 The Commission is aware of a limited number of Alternative and Continuing Education Programmes in the country. Among them is the popularly known Adult Education Programme, part-time courses run by professional organizations and the Extra-Mural programmes managed by the public universities. The latter are mostly confined to urban areas and, therefore, exclude the majority population while the former, run, under the auspices of the Ministry of Culture and Social Services, has almost come to a standstill. However, the External Degree Programme offered by the University of Nairobi is an example of a successful Alternative and Continuing Education programme that can be nationally accessed by eligible learners throughout the country.
- 11.1.5 The Commission has already made recommendations for the achievement of Basic Education for all school-age children and youth elsewhere in this Report. This Chapter will, therefore, deal with Alternative and Continuing Education Programmes, focusing on learners of age 18 years and over.
- 11.1.6 Alternative and Continuing Education Programmes should share the same standards as the formal systems, and should facilitate entry or re-entry of learners to the formal system, or ensure that the learners are able to accumulate credits that qualify them for formal recognition. In this way, they can replace participation in formal education for those unable to enrol for whatever reason.
- 11.1.7 An effective Alternative and Continuing Education System must create an environment that motivates self-advancement in education and learning throughout life. Such system absorbs what Kenyans have so far known as

Adult Education because they broaden the common connotation of Adult Education as mere literacy, and incorporate the entire body of on-going learning processes that enable individuals to continuously develop their abilities, enrich their knowledge, and improve their technical and professional qualifications and competencies in a sustainable manner.

- 11.1.8 Alternative and Continuing Education Programmes adopt a multi-media strategy and utilize a combination of approaches, including learning within a formal setting, learning through correspondence, the use of print and electronic media, especially the radio and audio-tapes, folk media through music and drama, and more recently through the new technologies. The programmes are characterized by flexibility in time schedules and modes of payment, and other demands in order to meet the needs of learners.

11.2 Definition

- 11.2.1 Alternative and Continuing Education Programmes are a variety of programmes that address the learning needs of learners outside of the mainstream formal education. They provide education for those excluded from the formal system and those who wish to pursue further learning and training through non-conventional delivery systems. Age, social and economic circumstances are not prohibitive factors since learning is tailored to meet the needs of specifically identified groups and individuals.

11.3 Current Status

- 11.3.1 The Ominde Report (1964) recommended that adult and continuing education be established and developed under the Ministry. This recommendation led to the establishment of the Board of Adult Education by an Act of Parliament in 1966 whose role is mainly advisory and policy making. Further, it was recommended that the mass media, specifically the radio, considering the high production cost of educational television, be utilized as a medium for adult education. This recommendation was partially realized through the establishment of distance education programmes of the now College of Education and External Studies, some of which use a combination of radio and print media.
- 11.3.2 The Gachathi Report (1976) recommended the achievement of universal literacy in the country and expressed the need to treat literacy as a serious national objective, based on strong political will, along with massive mobilization of people and funds, through a strengthened Board of Adult Education. It was considered necessary to teach literacy in vernacular, in view of the difficulties expressed in attempts to teach using a new language like Kiswahili.
- 11.3.3 The Report recommended that secondary school education should be integrated more fully into an overall pattern of formal and non-formal opportunity for

school-leavers, with the aim of providing work skills of different types and incorporating the National Youth Service, Christian Industrial Training Centres, National Industrial and Vocational Training Centres, and Youth Polytechnics into the system.

- 11.3.4 The provision of alternative educational programmes is of particular application to rural areas. The Report therefore, recommended the creation of learning conditions conducive to accelerated development in rural areas. This would in turn help to enhance the capacity of the local communities so that they could also be involved in the various processes of educational development, and management of learning institutions.
- 11.3.5 The Report recommended that the education of the public be intensified with a view to facilitating their ability to use the technical materials produced by the Village (Youth) Polytechnics in order to enhance rural productivity. The Report further recommended that post-primary education be developed as a diverse network of skills providing facilities designed to meet a range of individual needs and abilities with secondary schools, Village (Youth) Polytechnics, National Industrial and Vocational Training Centres, Co-operatives and Vocational Training Centres, Co-operatives and the National Youth Service, all of which would emphasize non-formal, extension and adult education. This would involve re-defining the meaning of terms used in vocational education and rationalization of the names given to different types of institutions and courses.
- 11.3.6 The Report also recommended the establishment of correspondence course units in the national polytechnics to provide training leading to technical qualifications. The Report further recommended that training institutions be encouraged to develop their own co-operative enterprises to extend and fortify the principle of on-the-job training.
- 11.3.7 The Report further recommended that provincial and district facilities and institutions be developed for University teaching so as to give students more work experience and on-the-job training.
- 11.3.8 The Kamunge Report of 1988 recommended that the Board of Adult Education intensifies efforts in the promotion and co-ordination of Adult Education. The Report also recommended that the BAE strengthen its coordinating and regulatory role in order to synchronize adult education and literacy activities among providing agencies. The Commission found no evidence that this recommendation was implemented.
- 11.3.9 The Report also recommended that concerted efforts should be made to expand and strengthen the national campaign for the eradication of illiteracy through the development of reading materials in various languages, and that the number of teachers for Adult literacy programmes be increased through the recruitment, and in-service training of school teachers, university students, secondary school leavers and other suitable persons. Although the Department of Adult Education has made good progress in developing reading materials in various

languages including Kiswahili, the recommendation on increasing the number of adult literacy teachers has not been realized.

- 11.3.10 In the development of learning and teaching materials, besides the 22 primers developed in local languages in 1982, other reading materials developed since 1988 include 10 GOBI materials, books on Malaria and HIV/AIDS, 46 course materials for teacher training and many others developed by NGOs.
- 11.3.11 The Report had recommended that facilities for printing and recording of educational materials at the College of Adult and Distance Education be updated and expanded to cope with the growing demand for adult education through distance teaching; but as a result of the double intake at the College of Education and External Studies to cater for the 8+4+4 graduands in 1988, the printing of adult education materials was discontinued. The responsibility was passed on to the DAE, which uses commercial firms and to a limited extent, the existing departmental facilities that lack most essential equipment
- 11.3.12 In an attempt to further address the issue of functional literacy, integration of adult education into community development projects is currently being piloted within the framework of a Post-Literacy Project (PLP) It is envisaged that with a participatory integrated approach based on communities, adult education and literacy will be demand-driven. Relevant reading materials, some of which are learner-generated, are also being developed to address the needs of learners.
- 11.3.13 In the implementation of the Post-Literacy Project (PLP), attempts have been made to strengthen the basic literacy level and streamline the entire Adult and Continuing Education Programme so that there is progression along a continuum from the basic level to a standard equivalent to standard 8 of the current formal education system.
- 11.3.14 The curriculum design for post-literacy project is on-going and the guiding principles are informality, flexibility, learner participation, and contextualization in order to respond to local learning needs of the heterogeneous groups of learners. Earlier, it had been recommended that the DAE be funded to review materials it developed in 1982, and to produce more of these in other ethnic languages that had not been covered. Materials should be gender sensitive and preferably learner generated. In addition, previous Reports had recommended that a survey be undertaken to establish the extent of adult illiteracy in Kenya.
- 11.3.15 The Central Bureau of Statistics (CBS) has carried out two literacy surveys, one in 1988 which covered 30 districts and another in 1994 for all the 47 districts then existing. Reading and writing tests were carried out in 1988, but none were done in 1994. A comparison of the illiteracy rates for the two years is as follows:

11.3.16.1	Illiteracy Rate (Age 10 and above)	1988 (Age 15 and above)	1994
a)	Average rate	46%	25.2%
b)	Male	38%	17.2%
c)	Female	62%	32%
d)	Average in high potential area	26%	11%
e)	Average in low potential area	71%	76%
- 11.3.17 Whereas in 1988 there were 5.54 million illiterate adults compared to 3.4 million in 1994, it was observed that the illiterate population in the country was predominantly female. Although illiteracy rates were reduced over the years, the rate increased in low potential areas. Regional and gender disparities were also observed, hence inequity in access.
- 11.3.18 Three shortcomings were also observed in CBS survey techniques, which made it difficult to plan for or target illiterate populations:
- a) The sampling technique overlooked local differences and ignored the regional and gender disparity.
 - b) The different ages used to start counting adults at 10 and 15 years in 1988 and 1994 respectively did not give realistic comparison in illiteracy rates between the two years.
 - c) The fact that no reading and writing tests were done in 1994 to determine literacy rates indicate that the figures should be quoted with caution. It should be noted that research shows that those who drop out of primary school at Std.6 and below relapse into illiteracy after a few years due to non-use of literacy skills.
- 11.3.19 The Mungai Report (1995) recommended that the establishment of an open university similar to the ones operating in Britain, Hong Kong and Tanzania, be considered as a way of extending university education to as many Kenyans as possible. The Report, however, cautioned against basing the open university on the current restrictive system practiced in the public universities. It should be based on innovative strategies aimed at meeting the needs of as many Kenyans as possible who desire for university education. In the case of public universities, the Mungai Report recommended that short courses be established at each public university for purposes of skills improvement and as a source of generating income for the universities.

11.4 Standards and Quality Assurance

- 11.4.1 The Commission observed a variety of on-going Alternative and Continuing Education Programmes. These included Adult Literacy Programmes, integrated systems, distance education, peer teaching, professional and vocational skills up-grading, and the external degree programme.

- 11.4.2 The Commission also noted the large number of providers and managers of Alternative and Continuing Education Programmes. These include the Department of Adult Education in the Ministry of Home Affairs, Culture and Social Services, other Government Ministries, NGOs, Religious Organizations, women's groups, professional organizations, universities and other public and private tertiary institutions, and the media.
- 11.4.3 The Commission observed the variation in the quality of Alternative and Continuing Education Programmes. While some are innovative, well targeted to meet specific needs of learners and result oriented, others were managed in a haphazard manner, are poorly equipped and staffed, directed at learners of different ages and abilities, and organized in uncondusive learning environments.
- 11.4.4 The Commission was informed that lack of coordination of these programmes by the Ministry responsible for Education results in lack of quality assurance as some providers need guidance, monitoring and other quality oriented support measures.

The Commission recommends that:

Recommendation 11.1

The Ministry undertakes a survey of all Alternative and Continuing Education Programmes and register them with the view to providing them with guidance and appropriate support for quality assurance.

Recommendation 11.2

The Ministry establishes through legislation an effective Board of Adult, Alternative and Continuing Education for the coordination of all Adult, Alternative and Continuing Education Programmes in the country and ensuring the development of and adherence to the standards set nationally.

- 11.4.5 The Commission noted the glaring shortage of Alternative and Continuing Education Programmes, with some rural populations having no access to such programmes. It was said that evening classes would serve urban workers as well as rural farmers who wish to continue with their education but cannot do so during the day, due to the nature of their work. The Commission heard repeated appeals for education and training programmes whose expansion should involve both public and private institutions.
- 11.4.6 Enhancement of Alternative and Continuing Education Programmes calls for creative and flexible use of available facilities and resources under different settings.
- 11.4.7 Among such settings are the extensive facilities belonging to religious organizations which for the most part remain unused except during services and prayer time. Religious leaders have strong rapport and bond with their followers. They have the credibility necessary for tackling wide-ranging development issues and messages such as HIV/AIDS, immunization, environmental and other natural

resource management, and for accelerating functional literacy. They have the capacity for national and local outreach. Their facilities can therefore, be used for wide-ranging educational and training activities. Religious leaders can also integrate informative messages with funerals, weddings and other services as appropriate. In this regard, the Commission noted that some religious organizations already offer various educational and vocational training programmes, as well as Basic Education. However, some of these programmes are too small to respond adequately to local demand.

The Commission recommends that:

Recommendation 11.3

The partnership between Government and the religious organizations, among other stakeholders be strengthened with the view to encouraging them to access the facilities they own for use as learning and training centres, and enlisting them into effective and expanded delivery of Alternative and Continuing Education Programmes.

- 11.4.8 NGOs and the Private Sector play an important role by providing education and training through formal and non-formal settings at all levels in this country. In doing this, these sectors reduce the educational burden on the Government and provide access to many learners who would otherwise have been excluded. The Government should, therefore, enhance their efforts by acknowledging and supporting these efforts, thereby establishing a strong partnership in the line of recommendations made under Chapter Twelve of this Report. The Commission recommends that:

Recommendation 11.4

The Ministry undertakes a survey of all existing NGOs and private sector managed Alternative and Continuing Education Programmes with the view of encouraging their expansion and identifying their needs for support towards quality assurance.

- 11.4.9 The Commission heard that there is need for education officials to recognize the contribution of many retired Kenyans, whose knowledge and expertise in such specialized areas as health, agriculture, environment, science and technology, would make them effective instructors in their respective communities. The need arises, therefore, for the Government to develop an inventory of such potential facilitators and other resources that would enhance Alternative and Continuing Education.

Recommendation 11.5

Retired professionals such as teachers, doctors, and agriculturists be encouraged to use their knowledge and expertise to provide useful information to their respective communities and an inventory of such professionals be carried out to facilitate their involvement in educational programmes, awareness campaigns and community development activities.

11.5 Enhancing Alternative Delivery Programmes

11.5.1 The Commission is convinced that if all educational and training institutions in the country were to open up to the public, by offering a variety of continuing education and skills development programmes at an affordable cost, many Kenyans would take advantage of such opportunity and continue learning. The institutions would also generate extra income for their maintenance. Therefore, these institutions should offer evening and holiday courses when their facilities are not in use. In this regard, the Commission notes that the public universities and some technical institutions have recently advertised part-time courses in line with this observation. Private institutions such as Strathmore College and the USIU already offer evening courses and provide transport to participatory students at a subsidized cost. The Commission recommends that:

Recommendation 11.6

The Government encourages all public and private educational institutions, especially at the tertiary level to initiate new and also expand existing Alternative and Continuing Education Programmes.

Recommendation 11.7

The Government supports such programmes in the development of appropriate curriculum, teacher education, assessment and quality assurance, especially by ensuring that their course units combinations are recognizable by the relevant examining body for certification.

Recommendation 11.8

The Government undertakes mobilization and awareness campaigns to create and sustain public interest in continuing education, and introduces mechanisms to reward continuing education efforts, such as promotion and other incentives.

11.5.2 The Commission was informed that among the major obstacles to continuing education were the high cost of books in Kenya and the limited library services, especially in rural areas. Many Kenyans, are therefore, unable to exercise their right to pursue education and learning because they can neither afford books nor access these and other learning materials through libraries. The Commission recommends that:

Recommendation 11.9

The Government in collaboration with publishers explore ways of producing books at a cost that is affordable to Kenyans.

Recommendation 11.10

The Government expands the National Library Services to the rural areas and also introduces innovations such as mobile libraries to increase outreach.

11.6 The Adult Education and Literacy Programme

- 11.6.1 The Commission noted with concern that the Adult Education Programme managed by the Ministry of Home Affairs, Culture, and Social Services and Natural Heritage has stalled in all districts. It was also noted that, in spite of this, adult education officers were in place but with no work. The Ministry itself explained that this was due to shortage of funding which had led to more reliance on NGOs and other partners. The Commission recognizes the power of literacy in facilitating continuing education, social and economic development.
- 11.6.2 The Commission recalls the momentum created in 1979 by a Presidential declaration of support to Adult Education and Literacy and a desire to achieve universal literacy by 1983, which saw the enrolment rate in literacy classes soar to over 400,000. It is unfortunate that the Ministry and especially the Department of Adult Education (DAE) was unable to maintain this enthusiasm. This led to a decline in enrolment to 300,000 by 1986 and further to 116,051 by 1995, with women constituting 75% of all enrolment.
- 11.6.3 The Commission is convinced that sustained high level support to Adult Education is necessary. However, it is the responsibility of the ministry for the time being responsible for Education that must set the targets necessary for all levels of education and training, and ensure that such targets are adequately monitored on a sustained basis, and achieved within the identified time-frame.
- 11.6.4 The Commission is particularly concerned that the nation is entering the new millennium with a large number of unschooled and illiterate populations. This status quo should be viewed as a crisis for a nation that aspires for the NIC status by the year 2020.
- 11.6.5 The Commission also shares the view expressed by the public that the Adult Education Programme would have fared better under the ministry for the time being responsible for Education. The Commission is convinced that the nation would derive more benefits by having all education and training under the overall management and coordination of one umbrella body, the ministry responsible for Education, a recommendation which has been made in the relevant section of this report.
- 11.6.6 Calls were also made for the necessary political will and renewed efforts aimed at the eradication of basic illiteracy in Kenya within a newly calculated realistic deadline. This calls for a national alert and the translation of mandatory literacy activities into all social and economic development programmes, especially those targeting rural and ASAL communities, and women. It is a national effort that should challenge the imagination of all government ministries, employers, religious organizations, NGOs, the Electoral Commission, cooperative societies, women's groups, sports and youth organizations. Such a widely spread-out variety

of stakeholders demands a strong coordination machinery. The Commission therefore, calls for the establishment of a machinery for the eradication of illiteracy in Kenya within a specified period, and let it be soon.

The Commission recommends that:

Recommendation 11.11

A new national, realistic and achievable target be set urgently for the eradication of illiteracy and the necessary steps be taken for the mobilization of all potential partnerships for its achievement.

Recommendation 11.12

Innovative approaches be identified for the coordination of available resources and facilities (teachers, learning materials, infrastructure including classrooms, social halls, churches etc.) for successful integration of functional literacy into all social and economic development programmes.

11.6.7 The Commission was informed that among the successful functional literacy programmes in the country are those managed by the Kenya Adult Learners' Association (KALA). The significant factor in KALA programmes is that of programme ownership by the learners themselves, and their total involvement in decision making and determination of what is taught, how, when and where. The learners are also involved in the preparation of learning materials. Such ownership ensures sustainability beyond donor funding, and also keeps the learners motivated. The Commission recommends that:

Recommendation 11.13

As a measure of motivation and sustainability, learners be involved in the design and management of continuing education programmes.

11.7 Integrated Systems

11.7.1 An integrated system involves the use of existing structures and programmes such as sectoral ministries, chief's *barazas*, women's group activities, cooperative societies, sports' clubs, religious groups, youth organization's activities and trade unions for the delivery of education and training. The Ministry of Health educates the public about common diseases, nutrition, immunization etc., while the Ministry of Agriculture delivers important messages about crop diseases and new seeds. Different agencies also use air time on radio and T.V. to educate the general public or specified target groups. The print media is also widely used to educate the readership on various issues of importance.

11.7.2 The Commission recognizes the importance of on-going integrated education programmes and calls on the Government to ensure the harmonization and effective coordination of such programmes. This would eliminate duplication and

facilitate the maximization of resources. This would also facilitate the elimination of conflicting signals in public education programmes, with particular reference to commercial advertising on the mass media.

- 11.7.3 Effective coordination and inter-agency collaboration of such efforts would save the learners' time, by ensuring that different ministries and organizations do not make unnecessary demands on their time, by organizing separately. The Commission recommends that:

Recommendation 11.14

The Ministry facilitates coordination and inter-agency collaboration in the delivery of Adult, Alternative and Continuing Education Programmes.

11.8 Distance Education

- 11.8.1 Distance Education through interactive radio, audio tapes, television and correspondence, is widely used in other countries to reach many learners of all ages and educational levels. In the past, distance education has been offered in Kenya very successfully through the University of Nairobi's external degree programme which combined the above channels with holiday residential tuition. The Kenya Institute of Education radio programmes were also effective, but were discontinued due to high costs.

- 11.8.2 The external degree programme was particularly beneficial to serving teachers and other Kenyans in employment who would otherwise not have been able to enrol for university education on a full-time basis. The programme needs to be expanded in order to reach many deserving and qualified Kenyans. The Government may choose to invest further in the University of Nairobi College already offering this programme, or encourage the introduction of similar programmes in other public universities. The Commission recommends that:

Recommendation 11.15

The Government undertakes concrete measures, including sustainable funds mobilization and allocation, for the re-launching of the educational broadcasting services with outreach to all areas of the country.

Recommendation 11.16

The Ministry develops working relationships with the Ministry of Information and Broadcasting and other media houses for deliberate and affordable allocation of air time specifically for the promotion of Alternative and Continuing Education Programmes.

Recommendation 11.17

The external degree programme be expanded to offer a wider range of courses and to reach more people throughout the country.

- 11.8.3 Alternative and continuing delivery methods at the university level include "parallel" and external degree programmes. There is need however to explore other avenues such as flexible continuing education programmes where a learner can drop out and come back later, or can even register but seek admission later, after doing some other desired training or engaging in employment and other activities. For example, many students in some countries choose to travel, or do some community work before they start university education. Accelerated progression, where specially gifted students are allowed to take a shorter period, can also be explored as is the possibility with the 'summer' schools idea, where some students choose to continue with their programmes during the long vacation.
- 11.8.4 Parallel degree programmes have greatly helped those individuals who had otherwise been barred from public university admission. These are organized to accommodate the education needs of those who, for several reasons, are unable to enrol full-time, or participate in regular courses. Such programmes are particularly suitable to women with family responsibilities. They are also ideal for learners without full scholarship and who, therefore, need to combine learning with employment. The Commission recommends that:

Recommendation 11.18

Bridging courses be introduced in all post-secondary institutions to enable more learners to qualify for higher education.

Recommendation 11.19

Privately funded programmes in public universities be further expanded and enhanced to meet the demand for higher education, with particular reference to rural areas and regions far from the proximity of existing campuses.

11.9 Mobile Education Programmes

- 11.9.1 The Commission was informed that the ASAL areas are very disadvantaged because of poor infrastructure, which leads to isolation and lack of access to education services available to other Kenyans. The Commission noted that mobile education programmes which are in use in countries such as Namibia for reaching out to Nomadic populations, have not as yet been developed in Kenya. This involves taking education programmes, including libraries and teachers to the people. The Commission recommends that:

Recommendation 11.20

The Government explores the use of mobile approaches for increasing access to continuing education for nomadic populations.

Part Three

PLANNING, MANAGEMENT AND FINANCING OF EDUCATION AND TRAINING

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Part Three

Major Issues and Highlights

- The management and liberalization education
- The private sector
- The need for innovation and flexibility
- Quality assurance and control
- The need for long-term planning
- Education boards
- Enhancing management and administration
- National Education Service
- An organic process of co-ordination
- Audits of school accounts
- The country's resource base
- An assessment of costs
- Infrastructural support
- A new funding strategy
- Viable financing options
- University education and private sector
- The Commission's recommendations

Chapter Twelve

ROLE OF THE PRIVATE SECTOR IN A LIBERALIZED EDUCATION SYSTEM

12.1 Preamble

- 12.1.1 Experience shows that very often, government bureaucracies stifle the efficient delivery of public services and compromise accountability and transparency. There are, therefore, benefits in minimising government bureaucracy and empowering the consumers of public services in the management of service delivery, for greater accountability and transparency. In this connection, a shift from *Managerialism* to what is being referred to as the **Contract State** is again gaining popularity. The *Contract State* is a new public service ethos which conceptualizes government as a contract between the state and the citizenry. This concept is well captured in the adage: “Let us have a Ministry of Education, not a Ministry of Schools.”
- 12.1.2 In liberalized market economies, the Private Sector is playing an increasingly bigger role in the delivery of services, including public services such as health, roads, telecommunications, energy and so on. The growing preference, world-wide, for market mechanisms (and by implication, the private sector), in the provision of public services is out of the realization that on the one hand, most governments (especially in the developing world) do not have sufficient resources for the provision of all social services, and on the other, the **Private Sector** is more efficient in resource allocation and utilization.
- 12.1.3 Limited government resources constitute an additional ground for a policy on the role of the Private Sector. The Government has acknowledged facing a dilemma in formulating a policy for resource allocation in Education and Training. In its recently published **Master Plan for Education and Training: 1997 - 2010** (1998), the Ministry of Education states: “*On the one hand there will be no real additional resources allocated to education and training and on the other hand government is committed to increasing access to education and training opportunities and setting more manageable costs to households*”. This acknowledgement underlines the need to promote alternative avenues for access to education. The enhancement of the role of the private sector is key to developing these alternatives.
- 12.1.4 It is now an accepted fact that the Government alone cannot provide all the educational services required nationally in Kenya. Therefore, a policy that nurtures the involvement of the private sector is not only necessary, but also desirable. It is also important to point out that the involvement of the private sector in education is not a new phenomenon. Indeed, because of the role of religious organizations, it can be argued that the private sector was the initiator of formal education in Kenya, and that a great deal of the progress achieved in education so far has been due to the strong partnership that has existed between such providers and the Government.

- 12.1.5 The enhancement of the role of the private sector in education entails the establishment of a policy that empowers the Private Sector and consumers of public service, as stake-holders in education. This policy must also aim at creating and sustaining an environment that promotes the investment of Private Sector resources in education. In this regard, such a policy, while exploiting the power of ownership and incentives, must establish mechanisms for responsibility and accountability, in order to ensure compliance with the national philosophy and goals of education.

12.2 Definition

- 12.2.1 A liberalized education system may be defined as one characterized by the following:
- a) Acknowledgement of the role of other players, over and above the public sector;
 - b) Greater empowerment of other players through removal of excessive bureaucratic controls, while maintaining mechanisms that facilitate, regulate, and co-ordinate the management of education and training;
 - c) Enhanced autonomy for front-line service providers within the public sector, as well as the private sector, coupled with controls and supervision to enhance responsibility, and accountability towards compliance with the national philosophy and goals of education.
- 12.2.2 The role of the private sector in education may therefore be defined as both the responsibilities and functions that the private sector should assume, and the obligations it should be held accountable for, in the provision of education. In this case, the private sector, is defined as all those organizations that do not fall directly under central or local governments, and include the following:
- a) Private profit making enterprise;
 - b) Foundations and trusts;
 - c) Religious bodies;
 - d) Non-Governmental organizations;
 - e) Communities, and Parent Teacher Associations;
 - f) Co-operative societies; and
 - g) Parastatals / State corporations.

12.3 The Role of The Private Sector in Education and Training

12.3.1 The issues and recommendations pertaining to the role of the private sector have been examined under the following functions:

- a) The role of the private sector in education policy formulation, planning, and management.
- b) The role of the private sector in enhancing access, equity, relevance, and quality.
- c) The role of the private sector in educational processes.
- d) The role of the private sector in generating financial resources and stimulating investment in education and training.
- e) The role of the private sector in developing support infrastructure for Education and Training Infrastructure.
- f) The role of the private sector in research and development.
- g) The role of the private sector in meeting the challenges of university education.
- h) The role of the private sector in education and training for those with special needs.

Policy Formulation, Planning and Management

12.3.2 It has been observed that, currently, the private sector is on the periphery with regard to education policy formulation, planning, and management. As such, the potential and role of the private sector as stakeholder, is not being fully exploited. As a result, the country is missing out on the full benefits of the synergies that would be generated through the forging of a complete partnership between the Government and the private sector, in the provision of education.

12.3.3 Also, arising from the foregoing, it has been observed that there is very little co-ordination between the private sector providers of education, and the Government. There is, therefore, need to forge strong partnerships between the Private Sector, both as providers and as consumers of education services, on the one hand, and the Government, in similar capacity, on the other. Such partnership should be characterized by full ownership by and co-operation between parties, leading to a phenomenon of natural constant consultations, and networking.

The Commission recommends that:

Recommendation 12.1

The various groups that make up the private sector, as defined in this chapter, be represented in all the national education policy making, planning, and regulatory organs, such as the proposed National Council for Education, the Commission for Basic Education, and the Commission for Higher Education, and that such representation be provided for in law.

Recommendation 12.2

The pertinent categories of the private sector be represented in the boards of all related education and training organizations and institutions, be they national or local, and that such representation be provided for in law.

Ensuring Quality and Relevance

- 12.3.5 As a consumer of educational services, the private sector has the potential of playing a key role in ensuring that education and training institutions continually provide education and training that is relevant and of high quality. On the other hand, as a provider of education and training services, the private sector has an obligation to ensure that high quality and relevance are maintained. The private sector has to be held accountable for meeting this expectation.
- 12.3.6 The Ominde Report (1964) recognized the growth of private educational institutions at all levels. The Report, therefore, recommended that private schools be allowed to continue, for parents who prefer such schools and are able to meet, the full cost. The syllabi and curricula of these schools were to be regulated and the public were to be informed about their quality and resultant career and educational opportunities. The Report further recommended that private educational institutions be required to comply with the provisions and regulations governing the establishment and management of educational institutions in order to maintain high standards of education and training.
- 12.3.7 There has been rapid growth of private institutions at the primary and secondary school levels, as well as middle level colleges. However, there has been an outcry that there is a growing number of private educational and training institutions, particularly profit-making ones that are providing sub-standard facilities for education or training. As such, they are not offering value for money, and are contributing negatively to the Government's efforts.
- 12.3.8 It has been observed that the resources of the private sector in ensuring quality and relevance are not being fully exploited. In particular, there is room for enhancing the contribution of the private sector in national examination bodies, and in institutional examinations. In addition, many private education and training institutions require their students to take examinations offered by

foreign examination bodies. This is expensive to students and sometimes at variance with the national goals of education.

In light of the foregoing observations, the Commission recommends that:

Recommendation 12.3

The pertinent categories of the private sector be represented in the examination boards of all related education and training bodies, and that such representation be provided for in law.

Recommendation 12.4

Sector specific training institutions, whether public or private, be required to involve representatives of the pertinent sections or categories of the private sector, in their examinations and evaluations.

Recommendation 12.5

Teachers teaching subjects in specific fields of specialization, in universities and in training institutions, be required to undertake periodic internships, as part of the requirement for the renewal of their professional licences, as teachers.

Recommendation 12.6

In order to ensure that high standards of education and training are maintained at all times, very specific guidelines covering issues such as infrastructure, curricula, personnel, examinations and evaluation be established and that such standards be used to licence and to govern all categories of education and training providers; that severe deterrents be put in place; that strong licensing as well as inspection or audit bodies be established to enforce these guidelines; and that all stake-holders, including relevant sections and categories of the private sector, be represented in such bodies.

Recommendation 12.7

Sitting of examinations offered by foreign examination bodies be entirely voluntary, and that, except for examinations required through international conventions (such as IATA), it be made illegal for any educational and training institution in Kenya to compel its students to take an examination offered by a foreign examination body.

Educational and Training Processes

- 12.3.9 The private sector has the capacity to contribute substantially in all forms of educational processes, both in public and private institutions. These processes include:

- a) Curriculum development;
- b) Student recruitment;
- c) Tuition and instruction;
- d) Practical training / internship; and
- e) Evaluation and Examinations.

12.3.10 The role of the private sector is particularly important in providing industrial experience. In this regard, the Kamunge Report (1988) recommended that modalities be worked out for trainees to gain industrial experience through a formalized industrial attachment for both employer-sponsored and self-sponsored students. In particular, industrial and business organizations should be encouraged to provide opportunities for industrial attachment for self-sponsored students.

12.3.11 The Commission has observed that, whereas the private sector is reasonably involved in most of the aforementioned processes within the sector itself, there is room for enhancing linkages within public institutions and organizations.

The Commission, therefore, recommends that:

Recommendation 12.8

The private sector be represented in all organizations and commissions, committees and task forces charged with the responsibility of curriculum development.

Recommendation 12.9

The pertinent arms of the private sector be enjoined in the selection of trainees to join sector-specific public training institutions.

Recommendation 12.10

Educational institutions at post-secondary level be encouraged to set aside, in their time-tables, a number of hours for guest lectures to be delivered by people from the relevant sections or categories of the private sector.

Recommendation 12.11

Universities and other training institutions be required to include in their curricula, periods of internship, with built-in evaluation mechanisms and that they be encouraged to establish partnerships with the relevant sections of the private sector, to manage these internships.

Recommendation 12.12

The private sector, to the extent relevant, be represented in the National Examinations bodies; and that, in the case of sector-specific examination bodies, such representation be by the relevant section of the private sector and that sector specific training institutions, whether private or public, be required to create examination / evaluation panels in which the relevant arms of the private sector are represented.

Generating Financial Resources and Stimulating Investment in Education & Training

- 12.3.12 Private sector financial resources invested in education and training are channelled mainly into land and infrastructure, educational materials, and personnel emoluments. This occurs mainly through profit making ventures by entrepreneurs or non-profit making humanitarian activities, such as those undertaken by religious bodies, NGOs, Communities (*Harambees*), foundations, and other charitable organizations.
- 12.3.13 It has also been observed that, unlike other sectors such as agriculture or tourism, the private sector has no access to low cost finance, to develop education and training institutions. Accordingly, because setting up a good education and training institution is an expensive undertaking, many private developers resort to expensive bank loans.
- 12.3.14 In terms of support for tuition, the private sector is primarily involved in the collection of training levies, such as the Industrial Training Levy and the Tourism Training and Development Levy. The contribution of the private sector in offering scholarships, while a growing practice, is not as visible. There is room to enhance the contribution of the private sector in all the foregoing aspects.

Provision of Education Infrastructure and Support Infrastructure for Education

- 12.3.15 Education Infrastructure entails investment in building and equipment for purposes of conducting education and training. Support Infrastructure for Education entails investment in roads, power connection, water, telecommunications and broadcasting, to support education and training.
- 12.3.16 The Ominde Report (1964) recommended that while the Government continues to provide facilities for public post-school training institutions, special institutions and the universities, parents and sponsors provide physical facilities in all other education and training institutions. As the Government continues to provide specialized equipment to public institutions, the parents are required to provide books and supplementary reading, stationery and other materials. *Harambee* schools have been a major product of community self-help effort.

The Kamunge Report (1988) recommended that these schools be provided with appropriate physical facilities, equipment and trained staff, to improve quality and relevance of teaching and learning.

- 12.3.17 The private sector has been contributing to investment in roads, power supply, water, and telecommunications to support education and training in both public and private education and training institutions. Similarly, the private sector has been contributing to investment in building and equipment for purposes of education and training in both public and private education and training institutions. However, it must be acknowledged that provision of quality education and training is an expensive undertaking. Because of this, such institutions are forced to charge high fees and in addition, only entrepreneurs and organizations with vast resources can set up such institutions. In view of this, many private developers resort to bank loans, which are often very expensive. They also have to pay heavy taxes on educational equipment and other learning materials. In addition, they have to pay income taxes at the same rate as other businesses.
- 12.3.18 The Commission believes that the entry of more players in the provision of education is bound to be an important factor in lowering school fees charged by private education institutions. This will, in turn, increase access to education.
- 12.3.19 It has also been observed that, whereas the contribution of the private sector in investment in **Education Infrastructure** is substantial and is growing rapidly, the same cannot be said of its contribution in investment in **Support Infrastructure for Education**. All the same, there is plenty of room for improvement in both areas. In view of the aforementioned observations, the Commission recommends that:

Recommendation 12.13

A special Educational Infrastructure Lease Scheme be established to enable the Private Sector to invest in Educational facilities for lease by other providers.

Recommendation 12.14

The Government supports private sector initiatives through the provision of suitable land, at concessionary prices, for educational institutions and that, to control potential abuse of this facility, there be caveats restricting the change of use and transfer of such land.

Recommendation 12.15

The Government provides tax exemptions on bona fide educational and training equipment and learning materials purchased by bona fide education and training institutions and that, for those institutions that pay income tax, they be taxed at a lower rate than other commercial enterprises.

Investment and Participation in Research and Development

- 12.3.20 Private sector contribution in research and development has primarily been restricted to in-house, and concentrated on agriculture, livestock, and pharmaceuticals. Although there has been some collaboration in Research and Development between education and training institutions such as the universities and research institutions, on the one hand, and education and private enterprise, on the other, this collaboration has been limited.
- 12.3.21 In order to stimulate further co-operation in the area of Research and Development between education and training institutions, and private enterprises, the Commission recommends that:

Recommendation 12.16

The Government provides tax incentives to those private enterprises that collaborate with and fund bona fide education, training and research institutions and further strengthens intellectual property rights.

12.4 The Challenges of University Education for the Private Sector

- 12.4.1 The demand for university education in Kenya is high. This is evidenced by the fact that, despite the rapid growth in the number of universities, both public and private, over the past 20 years, the demand for university places far outstrips the supply. Additionally, it is estimated that currently, Kenyans are spending more than Kenya Shillings ten billion per year on university education, overseas. In view of this, private universities are a welcome development as they have increased access within affordable means, and reinforced capacity for training while offering a degree of academic competition, by providing students with more options for choice.
- 12.4.2 The Kamunge Report (1988) recommended that the establishment of private and *harambee* university institutions be encouraged but controlled, and guided to ensure they offer courses relevant to the needs of Kenya, and maintain acceptable standards.
- 12.4.3 The Commission notes with appreciation that this recommendation has been implemented, and now, the chartered private universities, as well as those with interim letters of authority, are making a major contribution in providing university education to Kenyans. The current total student enrolment in private universities stands at about 4,000 while the number of those studying abroad is about 30,000. A major weakness, however, is that most of these private universities are offering mainly social sciences and humanities. This is attributed mainly to the fact that it takes a lot more resources to offer disciplines such as engineering and medicine. These universities also conduct very little research. Accordingly, the contribution of the private universities can be enhanced by expanding both the number of students enrolled in them, and also by diversifying their curriculum.

- 12.4.4 The Commission for Higher Education (CHE) is responsible for the accreditation of private universities. In this connection, CHE is in constant touch with these private institutions to provide them with professional advice, which will guide them in their future academic growth. Arising from the reality that the public sector cannot cope with the demand for education, especially in secondary and higher education levels, the private sector should continue to contribute to the development to tertiary and university levels of education as long as the institutions are brought under close surveillance to ensure on quality and affordability.

The Commission recommends that:

Recommendation 12.17

- a) The Commission for Higher Education gives priority consideration to those universities offering technical-based programmes not currently being offered by the private universities.**
- b) The Commission for Higher Education encourages recognized foreign universities to establish branches in Kenya, on terms that they can offer tuition to Kenyans at affordable fees.**

Contribution to Education and Training for Those with Special Needs

- 12.4.5 The role of the private sector within the context of contribution to education and training for those with special needs has been examined in terms of:
- a) Policy formulation, planning, and management;
 - b) Enhancing, access, quality and relevance;
 - c) Educational processes;
 - d) Generating, financial resources and stimulating, investment in special education and training;
 - e) Developing infrastructure for special education; and
 - f) Research and development for special education.
- 12.4.6 With regard to policy formulation, planning and management, it has been observed that there is no deliberate national policy to enjoin the private sector in this aspect of education and training for those with special needs. The involvement of the private sector in this regard is restricted to those institutions in which the sector is directly involved.
- 12.4.7 In the area of enhancing access, equity, and relevance it has been noted that, cost sharing has resulted in a decline in enrolment and high drop out rate, from school, of children with disabilities. This situation is exacerbated by the fact

that disability is prevalent in children from the lower social economic strata. Social attitudes that give rise to favouritism of non-handicapped children in education have further worsened the situation. The private sector, especially through religious and charitable organizations, has contributed considerably to the amelioration of this situation by way of educating the public, and providing heavily subsidized educational opportunities to children with disabilities. On the other hand, there is hardly any attention given to specially gifted children.

- 12.4.8 In the area of educational processes, the greatest contribution of the private sector has been by way of the establishment and running of educational and training institutions for children with special needs. In a few instances, private enterprises have provided internships to trainees with disabilities.
- 12.4.9 The private sector's contribution in generating financial resources and stimulating investment in special education and training has been restricted primarily to the efforts of charitable organizations to raise funds of education for the disabled. Some organizations have also given scholarships to specially gifted children and students.
- 12.4.10 The contribution of the private sector to education for those with special needs has been primarily through the development of infrastructure for such education. This is evidenced by the fact that nearly all institutions for the disabled were established by various charitable organizations, especially churches. Within this context, there has also been an appreciable partnership between the Government and the private sector, in that, when the private sector established such institutions, it relied on the Government for the provision of teachers, through the Teachers Service Commission. The private sector has also contributed by way of manufacturing or importation of equipment and materials for special education. It is noted, however, that further contribution of the private sector in this regard, is compromised by the fact that equipment for special education is very expensive. It is also noted that no facilities have been developed for gifted children.
- 12.4.11 With respect to research and development, there is hardly any participation by the private sector. Additionally, there is no policy for promotion of research and development in this area.
- 12.4.12 The general observation is that the potential of the private sector in education and training for those with special needs is far from being fully exploited. Accordingly, the Commission recommends that:

Recommendation 12.18

Private sector be encouraged to invest in education and training programmes for those with special needs.

Recommendation 12.19

Those private organizations establishing education and training institutions or factories to produce equipment and materials to cater for education for those with special needs be tax exempted.

Recommendation 12.20

All equipment and materials imported for purposes of education and training or for the manufacture of equipment or materials for this type of education be tax exempted.

Chapter Thirteen

MANAGEMENT AND ADMINISTRATION, PLANNING AND CO-ORDINATION OF EDUCATION AND TRAINING

13.1 Preamble

- 13.1.1 Education management entails prudent utilization of personnel, funds and equipment to enhance efficiency in the delivery of quality education.
- 13.1.2 Submissions were made to the Commission that the apparent inertia within the education system is largely due to systems of management which are incapable of dealing with crisis and new challenges, and that if a revolution is needed in education, then it is with education management that a beginning must be made!
- 13.1.3 As has been pointed out elsewhere in this report, education now consumes about 40 percent of the Government's recurrent budget. To this figure should be added parents' and community contributions in terms of fees and infrastructural development. This makes education not only the most costly service in the nation but unaffordable to many Kenyans.
- 13.1.4 The Commission was informed that there is urgent need to improve planning, co-ordination and management at all levels. The Commission notes elsewhere that the 245,000 teachers take 90% of the budgetary allocation in personnel emoluments. Accordingly, there is serious need to ensure that this vast human resource is put to optimum use. There were also submissions on the lack of accountability and misappropriation of finances in primary and secondary schools due mainly to inadequate management training of officers assigned management responsibilities.
- 13.1.5 The main objective of planning and co-ordination of education and training is to provide and ensure sustainable quality and efficiency in terms of resource management and utilization, standardization and consistency, in all forms of education and training offered by the public and private institutions. These include their expansion, admission criteria to various courses, curriculum and course duration, examinations, equation of qualifications and management.
- 13.1.6 The issue of rates and types of expansion in education and training constitute a major component of planning, and it has to be considered in relation to the current global trends in educational policies.
- 13.1.7 Chief among these is the commitment of the world community including Kenya, to provide basic education to all, as was reaffirmed by the Jomtien Conference in 1990. Since then, this commitment has been reaffirmed and modified in various other conferences to emphasize the importance of provision of basic education for all and for life. In particular, there has to be great concern

to ensure that various disadvantaged groups, currently denied education by all kinds of factors, and are assisted to access education.

- 13.1.8 The implications of cost, human resource development, the goal to industrialize by the year 2020, and areas of high expected social return, would also need to be taken into consideration. Difficult but necessary decisions would, therefore, have to be made as to what levels would be most beneficial to expand; and mechanisms for reaching more with less costs would have to be worked out. In the final analysis however, the major objective would be to ensure that educational opportunities for the full development of individual talents and abilities are availed to all, through an open door system, so that no Kenyan is denied the chance to learn whatever they want, and whenever they want.
- 13.1.9 The rate and expansion of education should also be based on national goals and objectives of the country; manpower needs of the country; population density and regional differences. In order to determine the appropriate rates and types of expansion, it is necessary to work out the national manpower needs and the existing capacity of the existing training institutions.
- 13.1.10 In terms of co-ordination of education and training there are two crucial aspects. Firstly, there is the co-ordination required for efficient management and effective implementation of educational development programmes. Secondly, there is the co-ordination of the curriculum, examinations and certification.
- 13.1.11 The Sessional Paper No.6 of 1988 devotes a chapter on the need for co-ordination of these processes. The published 1997-2010 Master Plan on Education and Training has identified lack of co-ordination as a major handicap in the development of education and training.
- 13.1.12 The Commission has, therefore, addressed itself to the issues of planning, expansion, co-ordination, quality control, collaboration with stakeholders, as well as enhanced management of education.

13.2 Definition

- 13.2.1 **Management** is a term used to describe the techniques and expertise of efficient organization, planning, direction and control of operations in a given institution.
- 13.2.2 **Administration** refers to the executive and organizational infrastructure through which effective management is achieved.
- 13.2.3 **Co-ordination** refers to the harmonious system through which resources are harnessed and directed towards the attainment of a goal.
- 13.2.4 **Planning** refers to the scheme, process or method for the accomplishment of a stated objective or goal.

Management and Administration of Education and Training

13.3 Directorate

- 13.3.1 Education in Kenya today is managed by various offices and bodies whose roles are not clearly defined. This, it has been argued, has caused a lot of confusion in the administration and decision making processes.
- 13.3.2 The Ministry of Education and Human Resource Development (MOEHRD) is responsible for the provision of administrative and professional services in education at the national, provincial and district levels. The Minister for Education provides political leadership, while the Permanent secretary is the Accounting Officer and overall administrative head, and the Director of Education is responsible for all professional matters in education. In the field, there are Provincial Directors of Education, District and Municipal Education Officers in charge of administration and supervision of education in their respective provinces, districts and municipalities. The National Education Advisory Board, Provincial and District Education Boards have also been established to manage education at their respective levels. The first two bodies were established through Legal Notices Nos. 16 and 17 of 1996 respectively, while the latter is provided for in the Education Act Cap 211. Educational institutions are managed by Governing Councils, Boards of Governors, School Committees, and administered by their respective institutional heads.
- 13.3.3 The management of professional services within the Directorate of Education involves the administration, supervision of educational programmes, development and implementation of various curricula, and development and production of educational materials. These functions fall under five Divisions within the Ministry's headquarters, namely, Primary Education, Secondary Education, Field and Other Services, University Education and the Inspectorate. Each Division is headed by a Senior Deputy Director of Education while the Chief Inspector of Schools heads the Inspectorate. Below them, there are several Deputy and Assistant Directors of Education and Deputy and Assistant Chief Inspectors of Schools.
- 13.3.4 Submissions were made to the Commission that the current set up of the Ministry is top heavy. The structure is evidently centralized, hierarchical and bureaucratic. It's major weaknesses are:-
- a) long chains of command which have the effect of delaying decision making;
 - b) poor communication systems, operating mainly from top to bottom;
 - c) rigid adherence to rules and regulations; and
 - d) an untrained human resource base which is often irrationally deployed.
- 13.3.5 Under these circumstances, it was pointed out, the expected efficiency of operations and the optimum utilization of human resources are highly questionable.

- 13.3.6 The Commission noted that the Sessional Paper No. 6 of 1988 recommended the restructuring of the Directorate to provide separate and co-ordinated professional services for various cycles of education and training. The implementation of the recommendation by the Ministry has been accomplished through the creation of five distinct divisions, reflecting the various cycles of the education system. The Commission is, however, of the opinion that responsibilities, functions and structure of all Divisions within the Ministry Headquarters need to be rationalized with the proposed Commission for Basic Education and the restructured Commission for Higher Education.

Recommendation 13.1

In view of this, the Commission recommends that all the functions, responsibilities and structures of the various divisions within the Ministry headquarters be rationalized with those of the proposed Commission for Basic Education and the restructured Commission for Higher Education.

- 13.3.6 The Kamunge Report (1988) recognized the need for revamping and strengthening district level educational services by assigning the bulk of professional and support personnel at the district level, to manage the expanded education services at the district. This, in effect means, that the Provincial Education Office would need a nucleus of senior and specialized staff to facilitate co-ordination of services in the province. This also necessitates the assignment, to the districts, of highly qualified and experienced educational administrators and inspectors, who are able to supervise and direct ground level educational services with competence and confidence. As has been pointed out, most senior staff within the Ministry are at the Headquarters. In view of the need to have qualified and experienced staff in the field, the Commission sees the urgent need to de-congest the headquarters by deploying some of the senior officers to the Provincial and District levels. In addition, the services offered at the Headquarters should be confined to policy and co-ordination issues, and decisions on various reports from the field affecting education and training. In this regard, only a skeleton of senior staff would be required at the Headquarters to handle these issues. The Commission finds no justification in having large numbers of senior staff at the Ministry headquarters, and therefore, recommends that:

Recommendation 13.2

Mechanisms be put in place to devolve power and authority from the Ministry headquarters to district level, and thereby de-congest this system at the top by deploying most of the senior officers to the provincial and district levels, with the ultimate objective of eventually devolving all the powers to the district level.

- 13.3.7 The Commission was informed about the existing anomalies in the ranking order of seniority between administrative officers of the Ministry and heads of institutions. It was pointed out to the Commission that good classroom teachers

were lost through being appointed to administrative positions, and suggested that effective mechanisms should be found to make it possible for those in administrative positions to move back to full-time teaching.

The Commission, therefore, recommends that:

Recommendation 13.3

A harmonized and effective policy be formulated to regulate the appointments heads of institutions and other administrative staff and to facilitate the movement of such officers in returning to full-time teaching.

Recommendation 13.4

A National Education Service Commission be created to cater for the employment of all those professional teachers working as education managers and currently serving under the Public Service Commission, and also at an appropriate time, to cater for all the functions currently being performed by the Teachers Service Commission.

Heads of Institutions

- 13.3.8 It was pointed out to the Commission that there is enormous political interference in the appointment of headteachers and that in most cases, experience, academic and professional qualifications for the job do not count. Yet, heads of institutions are central to the successful management of educational institutions and implementation of the total curriculum. The Commission was informed that appointments are usually made from serving teachers, most of whom have had no prior training in institutional management. Such lack of training, it was submitted, adversely affects effective management of educational institutions and the maintenance of quality and high standards of education and training. In the words of an experienced Head-teacher of a well-managed boys' secondary school in Nairobi, *"a school stands or falls by its Head"*. While a good Head needs to invest years of hard work in order to create a first-rate school, a bad Head can ruin it in a very short space of time. The Head-teacher, therefore, sets the tone of the school and has the responsibility of creating a healthy environment conducive to effective teaching and learning. Therefore, in an attempt to improve secondary education, the paramount need is to identify and train the right people to head schools. The Commission observed that the head-teachers must be persons with appropriate academic and professional qualifications, experience, ability, competence, integrity and initiative. They must also have undergone courses on institutional and financial management. In view of these observations, the Commission recommends that:

Recommendation 13.5

The appointment of head-teachers and other managers be based on institutional management training and on proven competence, and possession of appropriate qualifications and relevant experience.

Recommendation 13.6

In-service training programmes be provided regularly to managers and administrators, teachers and curriculum implementers.

- 13.3.9 It was submitted to the Commission that the majority of schools have hierarchical and bureaucratic structures, with no clear communication channels. Examples were given where some heads of institutions have put several barriers between various participants such as the administration, teaching staff and students. This poor management practice, it was argued, is the major cause of student indiscipline and general apathy among teaching staff in schools.

Recommendation 13.7

The Commission, therefore, recommends that schools be encouraged to develop organic structures which have open, democratic, collaborative and participatory working climates with vertical and lateral communication systems.

Management of Pre-Primary and Primary Schools

School Committees

- 13.3.10 The Education Act Cap 211 section 9 (1) and (2) states that.
- a) "For every primary school maintained and managed by a local authority, there shall be a school committee, established by the local authority to advise the local authority on matters relating to the management of the school" and that
 - b) "The members of a school committee shall be appointed by the local authority in the prescribed number and manner and the members of the committee shall include persons to represent the local authority, the community served by the school and the sponsor if it is a sponsored school".
- 13.3.11 The Kamunge Report (1988) recommended that school committees should establish sub-committees, to guide and support heads of schools in the management of such schools. The Commission reiterates this recommendation for school committees. The Report also recommended that membership of such committees be persons of integrity, who have dedication and commitment to matters of education. The Commission is in full agreement with this recommendation.
- 13.3.12 The Commission was informed that the management of pre-primary education is in the hands of various bodies such as Local Authorities, religious organizations and private individuals. Recommendations have been made elsewhere in this Report for pre-primary education to be an integral part of

formal primary education system. It, therefore, follows that the management of these institutions should be harmonized with that of primary schools.

Recommendation 13.8

The Commission, therefore, recommends that School committees be responsible for the management of primary schools where no secondary segment exists, and that these committees be answerable to District Education Management Boards.

Management of Secondary Schools

Boards of Governors

- 13.3.13 The Education Act provides for the appointment of Boards of Governors by the Minister for Education. Each Board is answerable to the Director of Education on matters concerning management of secondary schools and some tertiary institutions. In addition, the Board is answerable to the Teachers' Service Commission (TSC) on matters concerning behaviour, promotion and discipline of teachers.
- 13.3.14 Essentially, the role of these Boards is to manage, and not "govern". The Commission received presentations that Boards of schools should be autonomous so as to have full responsibility for the appointment, promotion and discipline of teachers. It was pointed out to the Commission that most Boards find it difficult to discipline teachers because they owe allegiance to the TSC, and that this arrangement has adversely affected discipline in schools.

Recommendation 13.9

The Commission, therefore, recommends that Boards of Governors be changed to Boards of Management (BOM) and be empowered to discipline students and continue to interdict teachers.

- 13.3.15 However, concern was expressed on the political influence of their appointment, low level of education and lack of commitment and dedication on the part of most of them. The management of educational institutions was, therefore, found to be weak because most BOG members lack quality management capabilities. The Sessional Paper No. 6 of 1988 recommends that Members of Boards of Governors and school committees be appointed from among persons who are committed, competent and experient, which would enhance the management and development of educational institutions. There was no evidence that this recommendation has been implemented. The Commission is in full agreement with this recommendation and therefore, reiterates that:

Recommendation 13.10

The calibre of persons charged with the management and administration of education be such that their qualifications match up to their duties and responsibilities.

Recommendation 13.11

The Boards of Management continue to manage secondary schools with representation from the Parents Association where the PA Chairman, Secretary and Treasurer are made members of BOM.

Recommendation 13.12

The local Member of Parliament and provincial administration be not automatic members of BOM but may attend BOM meetings on invitation for advice.

- 13.3.16 Presentations were made to the Commission that some members of BOMs serve in several schools to the extent that they have made these Boards ineffective because of chronic absenteeism and consequent lack of quorums at scheduled Board meetings. It was also pointed out that some have been in these Boards for many years and they have ceased to be innovative and resourceful. Proposals were, therefore, made for the limitation of the number of schools and years one can serve as a Board member.
- 13.3.17 The Commission notes that presently, the Education Act allows tenure of membership for a period of three years with limitless renewals. The Commission is of the opinion that the relevant law should allow for an extension of tenure to four years and a maximum of one term renewal.

Recommendation 13.13

In view of this, the Commission recommends that relevant sections of the law relating to BOM membership and tenure calls for a four-year tenure and a maximum of one term renewal.

Quality Assurance and Control

- 13.3.17 The functions of the Inspectorate section of the Ministry of Education and Human Resource Development include the management and administration, supervision of programmes, maintenance of education standards, implementation and evaluation of curricular materials, Guidance and Counselling in schools, promotion and grading of teachers, organization, co-ordination and administration of co-curricular activities such as drama and music festivals, games and sports. In particular, the function of the Inspectorate entails the inspection of schools and teachers to determine if the curriculum is being implemented, and if the education programmes are being effectively

delivered. It has the responsibility to set and uphold the standards of education. In this regard, the Inspectorate acts as a quality audit department.

- 13.3.18 The Kamunge Report (1988) recognized the importance of the Inspectorate and recommended the training of head-teachers as the first line of inspectors of their schools. It also recommended that the existing inspectors be given additional training to upgrade their skills. The Commission did not find evidence that these recommendations were being seriously addressed.
- 13.3.19 The Commission received presentations that monitoring and evaluation of programmes is not effectively being carried out because of incompetent and untrained personnel, lack of equipment, management facilities and finances in general. It was pointed out that school inspectors in the field are generally limited in their movement to schools due to lack of transport. It was revealed to the Commission that District and Provincial inspectors of schools depend on DEOs and PDEs respectively for transport, since the administrators are the AIE holders. The Commission was further informed that whereas the Inspectorate (the office of the CIS) is responsible for providing teachers with the necessary professional guidance on all subject matters in the curriculum, such guidance has not been forthcoming. Lack of professional support has led to low morale on the part of teachers, many of whom complained that they were just "groping" in the dark. The Commission concluded that the Inspectorate as a quality of Audit organization needs to have adequate resources and autonomy to effectively discharge its duties.

On the basis of the above considerations, the Commission recommends that:

Recommendation 13.14

Inspectors be recruited competitively from those professionals who have additional qualifications beyond their initial training, preferably masters degree holders in the relevant subjects, and that senior teachers and heads of schools be utilized to assist with inspection and guidance of other teachers in order to supplement the working of inspectors.

Recommendation 13.15

A deliberate policy on staff development be put in place to continually upgrade the inspectors' academic and professional qualifications, particularly in pedagogy and curriculum changes.

- 13.3.20 One of the most sensitive responsibilities given to the Inspectorate is that of promotion of teachers on merit from one grade to another. The Commission was informed that many deserving cases had received no consideration for promotion while many more undeserving cases had been promoted. The above arrangement which gave the CIS power of recommending to the Director of Education as to who should be promoted is subject to gross misuse and abuse. In all the districts the Commission visited, this issue of unfair promotion of teachers was vehemently voiced by members of the public, teachers, and the Kenya National Union of Teachers (KNUT). Promotion of incompetent and

undeserving teachers leads to the demotivation of the competent ones, thereby lowering the quality of teaching in schools, and more importantly, the standard of education as a whole.

- 13.3.21 Proposals were, therefore, made that promotion of teachers purely on merit be scrapped as it lacks objective criteria.

Recommendation 13.16

The Commission, therefore, recommends that the promotion of teachers be based on evidence of passing academic and professional examination, competence, integrity of character, and achievement.

- 13.3.22 The Commission equally received presentations from the field to the effect that education personnel, particularly the PDEs, DEOs and DIS who served in their home districts had a tendency to be involved in unprofessional practices such as favouritism, nepotism and sectionalism in their dealings with head-teachers and teachers. Furthermore, officers serving in their home areas also complained that they found it difficult to operate objectively because of undue local pressures which in turn affected their professional integrity and effectiveness. Yet localization of the administrative and inspectorate staff of the Ministry, through political influence, is a prevalent practice. Concern was also raised about the calibre of people appointed as supervisors and education advisors. Most of them were said to be inexperienced and of junior grade, and are not able to relate comfortably with Head-teachers and teachers in secondary schools.

Recommendation 13.17

In view of this, the Commission recommends that teachers be recognized by promotion in class and not necessarily by being deployed to administrative positions in the field.

- 13.3.23 The Commission observes that all teachers and education administrators should serve anywhere in the Republic like other public servants. Consequently, regular transfers and rotation of staff should be instituted as part of staff development. The current TSC Code of Regulations on the appointment, deployment and transfer of teachers is not strictly adhered to. It is necessary to do so to ensure they do not spend too much time at any one station.

Recommendation 13.18

The Commission recommends that the appointment of education administrators be competitive and be based on professional qualifications, experience and proven administrative ability. The minimum qualification for officer grade be a professional degree.

Education Boards

National Education Advisory Board (NEAB)

- 13.3.24 Arising from the recommendations contained in the Sessional Paper No. 6 of 1988 over the formation of the above body, the Government through a Legal Notice No. 16 of 1996 established the National Education Advisory Board. Most of the presenters were not aware of the existence of this body, hence their submissions calling for the establishment of a **Permanent Commission on Education**, which would be responsible for reviewing, on a continuous basis, all aspects of national education and training policies, objectives and implementation of recommendations, and to advise the Government from time to time. It was argued that the establishment of such a national body would also minimize the need to appoint many Commissions and Committees on education and training as in the past. Proposals were made for the membership of such a body to be composed of leading educators, professionals, planners and others with appropriate experience, who would constitute a "think tank" for the nation on matters related to education and training. The Commission welcomes the initiative for the establishment of the National Education Advisory Board. However, the Commission is of the view that there is need to have a permanent body on education which would be responsible for reviewing, on a continuous basis, all aspects of national education and training, policies and objectives, and therefore, recommends that:

Recommendation 13.19

A National Council for Education with a permanent secretariat be established.

Recommendation 13.20

A Commission for Basic Education be established to take care of basic Education in Kenya, and functions Commission for Higher Education be expanded to take care of all post-basic education and training.

- 13.3.25 The Provincial Education Boards (PEB) as has been pointed out, were established through Legal Notice No. 16, to co-ordinate the management of education within the Province. However, in view of the proposed devolution of power and authority to the proposed District Education Management Boards, the Commission finds the activities of these Boards to be redundant and, therefore, recommends that:

Recommendation 13.21

The present Provincial Education Boards be scrapped and their activities taken over by District Education Management Boards.

- 13.3.26 Currently, District Education Boards are supposed to deal with all education matters in the district. In practice, however, the Commission was informed that, they mainly deal with matters pertaining to primary education. The

Commission is of the view that these Boards need to be legally empowered to deal with education matters at all levels, within the district. The composition of District Education Boards, as provided for in the Act, is that each board shall consist of not less than ten nor more than fifteen members appointed by the Minister where:-

- (a) One shall be the Provincial Education Officer of the province or his representative;
- (b) One shall be the clerk to the board
- (c) Three shall be nominated by the local authority
- (d) Three shall be nominated by managers or sponsors of the schools or groups of schools in respect of which the board has jurisdiction
- (e) One shall be nominated by any registered trade union recognized by the Minister as representing the interests of teachers.
- (f) Not more than six shall be appointed by the Minister to represent other interests.

13.3.27 It is clearly indicated in the Act that the Minister shall appoint one member of the Board to be chairman and the District Education Officer to be the secretary and executive officer of the board.

13.3.28 The Commission, however, received presentations that all these Boards are chaired by District Commissioners (DCs), and that because of the increased responsibilities as a result of the District Focus for Rural Development, the DCs have not been able to effectively chair and manage the operations of the Boards. In most cases, it was pointed out, they delegated the chairmanship to District Officers. Most of them, it was said, are not professionally qualified to competently handle matters pertaining to education. Suggestions were made that these Boards should be turned into District Education Management Boards to develop and manage all education matters within the district. In view of the fact that the proposed District Education Management Boards (DEMBs) are expected to manage and co-ordinate all education programmes in their respective districts, there is an urgent need to review their composition, with a view to strengthening their capacities for more effective performance. The Commission is, therefore, in full agreement with the recommendation of the Sessional Paper No. 6 of 1988, that the composition of the membership of DEBs be reviewed and reconstituted to strengthen their capacities to perform their functions effectively. In view of this, the Commission reiterates the recommendation and further recommends that:

Recommendation 13.22

The DEBs be turned into District Education Management Boards (DEMB) and be responsible for the management and administration of the Basic Education matters within the district; and that membership to these boards be from those persons with a minimum of Basic Education level.

Recommendation 13.23

The DCs cease to be chairmen of District Education Management Boards and instead, prominent educationists or educationalists be appointed to chair them.

Parents Teachers Associations

- 13.3.29 The membership of the PTA includes all parents and teachers in a school. On the whole, PTAs provide for the schools' general development, maintenance and welfare, while the Boards manage schools on behalf of the Minister. The Commission was informed that, in order to avoid conflict between the two bodies, most Boards of secondary schools co-opt both the secretary and treasurer of PTAs into the Boards.
- 13.3.30 The Commission was informed that this body does not have the force of law and that, in view of the dwindling finances from the Government to run schools, it should have a legal basis for existence. Some suggested that it should take over the management of schools from BOMs. Suggestions were made that its composition needs to be exclusively by Parents and that the BOM should be subordinate to it under the title "Parents Association".
- 13.3.31 The Commission observed that while the public's view of the importance of PTA is held, the officials of the same PTAs are elected by parents annually. Their roles are important since they can mobilize resources. In view of this consideration, the Commission recommends that:

Recommendation 13.24

The title of the Parents Teachers Association be changed to Parents Association and that they be given legal status.

Sponsors

- 13.3.33 At present, the sponsor's responsibility in schedule II schools is to maintain the religious traditions of the school, through Religious Institutions and the Pastoral Programme of Instruction, hence the practice of consultation with the sponsor when the TSC or any other agent of TSC appoints headteachers. The sponsor also takes part in the nomination of BOM members in conjunction with other public leaders and the PDE's office, before names are forwarded to the Minister for appointment. The sponsor, where possible, should assist in the physical development of schools. Sponsors are also required to obtain a sponsorship certificate from the appointing authority, which is proposed to be the District

Education Management Boards. However, there seems to be confusion in the status of the present appointment of sponsors.

- 13.3.34 The Commission, however, notes that there is a distinction between primary, secondary, and tertiary sponsors. The differences were articulated as follows:
- (a) Original or Primary sponsors such as those already recognized as sponsoring schools in the Schedule II. These organizations built the schools they sponsor often in their own lands duly registered with the sponsor's trustees, developed the schools initially till they were taken over by the Government. It appears difficult to initiate change of sponsorship for these schools.
 - (b) Secondary sponsors are those who were invited by the communities to sponsor schools that were community projects. These sponsors then subsequently contributed to the development of physical facilities of the schools.
 - (c) Tertiary sponsors are those who were invited after the schools were built, and have never contributed to any physical development or to tangible up-keep of the school.
- 13.3.35 Religious organizations are obliged by their very *raison d'être* to educate. All religious sponsors in Kenya are encouraged by the country's Constitution section 78 on the protection of freedom of conscience, section 79 on the protection of the freedom of expression, and section 80 on the protection of the freedom of assembly and association to be very seriously engaged in the country's education system, of which they are important founders. That activity of founding schools eventually led to the current practice of sponsoring educational institutions in a religious manner. The Commission observed that most public schools and some tertiary institutions have sponsors who are religious organizations. It is further observed that, although the law specified the manner of appointment of the sponsors, these regulations are not being followed and many of the sponsors have not been appointed in accordance with the existing law.
- 13.3.36 It was pointed out that there have been a number of conflicts, some of them resulting in closure of schools, between the sponsor, Parents Teachers Association, the Boards of Governors and the Ministry, especially when it comes to the appointment of the Head of a school.
- 13.3.37 The Commission was further informed that some sponsors do not contribute financially or morally to the development of their "sponsored" institutions.
- 13.3.38 The Commission learnt that according to the Education Act, it is only church organizations which are provided for, to be appointed as sponsors. The view of the Commission is that the section of the Act dealing with sponsorship of educational institutions be amended to effectively address the above issues.

In view of the above observations, the Commission recommends that:

Recommendation 13.25

Non-religious sponsors be simply referred to as patrons, donor agents, other partners, or simply as NGOs and that welfare associations and communities in general or political groupings do not play the role of religious sponsors.

Recommendation 13.26

Schools and institutions which may not need a sponsor be allowed to be managed without one, with such schools/institutions appointing one or more religious organizations to provide religious and spiritual guidance to the students.

Recommendation 13.27

Where communities are very strongly mixed or several religious groupings are equally strong, a joint sponsorship be explored.

Recommendation 13.28

Sponsors be required to take an active role in spiritual, financial and infrastructural development in order to maintain the sponsor status.

Recommendation 13.29

Reconciliation or liaison bodies be set up from the grassroots level to the national level to carry out deliberate in-service programmes for education officials and representatives of the sponsor, to assist in minimizing the differences between various stake-holders.

Recommendation 13.30

The wishes of the parents and students be respected when it comes to religious institutions

Recommendation 13.31

The current practice in which sponsors nominate candidates for appointment by the Minister to membership of the KIE council and its religious education panels be continued in order to strengthen the partnership between the Government and religious body.

Middle Level Institutions

- 13.3.39** Presently, middle level institutions are managed by either Board of Governors or Councils depending on the legal provision of their establishment. The Commission feels that those institutions with their own Legal Notices need to be managed by Councils as per the provisions of their Legal Notices. The

Commission is also of the view that the management of these institutions needs to be rationalized to ensure harmonious relationships.

Recommendation 13.32

In view of this, the Commission recommends that all post-secondary institutions be bodies corporate.

Specialized Agencies

Teachers Service Commission (TSC)

13.3.39 The functions of TSC are stated in the Act as:-

- a) To recruit and employ registered teachers
- b) To assign teachers employed by the TSC for service in any school in the Republic of Kenya.
- c) To promote or transfer or terminate the employment of such a teacher.

13.3.40 The TSC may with the consent of the Minister delegate any of the above functions to a third party.

13.3.41 Most teachers complained of considerable delays in salary payments, backlog in the dispensation of disciplinary cases, long distances of travel to the headquarters to resolve minor issues, at exorbitant costs and waste of useful time. Proposals were, therefore, made that in order to cut down on bureaucracy and thereby facilitate efficiency and effectiveness, some of the functions of the Commission should be decentralized to the district level.

13.3.42 On matters of discipline, the Commission observed that delays were occasioned by the over-centralization of disciplinary cases and, in fact, there is a big backlog of cases pending. It would, therefore, be necessary to identify appropriate centres where teachers may be called to before the disciplinary committee.

The Commission concurs with these sentiments and, therefore, recommends that:

Recommendation 13.33

Some of the functions of the Teachers Service Commission (or its successor), particularly staffing and deployment of personnel be decentralized to the district level.

Recommendation 13.34

Mechanisms be worked out to create independent disciplinary committees which shall from time to time sit at designated centres. Each of the said disciplinary committees be chaired by a TSC commissioner and whose secretary shall be appointed by the TSC. Teachers who are dissatisfied with the decision reached at these centres, may appeal to the TSC.

Audit of School Books of Accounts

- 13.3.43 The Commission noted with concern that secondary schools' audit reports were not up to date in the entire Republic. Although it had been explained that there were personnel, equipment and transport constraints, this explanation was greatly outweighed by the fact that some heads of schools could, and had, with this kind of knowledge, misappropriated and embezzled funds in the sure knowledge that it would take many years before the books were audited and by which time the trails will have been lost. It was also noted that there was no Government control on the issue of official receipt books, and that most schools print their own receipt books which they use for misappropriation and embezzlement of funds. In order to close these loopholes, the Commission recommends that:

Recommendation 13.35

The distribution of all official receipt books be centralized to ensure accountability.

Recommendation 13.36

An independent Audit Unit, be established in the Ministry under the direct supervision of the Accounting Officer to oversee audit of finances in schools.

Recommendation 13.37

In order to improve financial management in institutions, audit reports be sent directly to the relevant BOM with copies to National Council for Education and District Education Management Board.

The Kenya Institute of Education (KIE)

- 13.3.44 The KIE was established as a national curriculum development centre for schools and training institutions.
- 13.3.45 The development of curricula is a participatory process, which involves many players at its various stages. At the formulation stage, it involves Steering Committees drawn from various educational institutions and disciplines, working within certain broad policy guidelines. The objective at this stage is to formulate curricula that is responsive to these policies. The development stage entails the design, evaluation and approval of the resultant syllabus. The third phase is the implementation of the syllabus through teaching and learning. The

curriculum is then tested through examination and certification, which are functions entrusted to the Kenya National Examination Council (KNEC). The final stage, the review, entails the provision of feedback by schools, inspectorate, the KIE and the KNEC, regarding the implementability and probable change.

- 13.3.46 The Commission noted, that in spite of its expanded responsibilities, involving large numbers of staff, the KIE continues to operate as a department of the Ministry. The professional staff at the Institute is largely employees of the Teachers' Service Commission. The Commission learnt of the inability of the Institute to manage and discipline employees belonging to another employer who formed the bulk of staff at the KIE. It was also pointed out to the Commission that the professional staff have poor remuneration package and terms of service under the TSC, both of which are not commensurate with the nature and quality of work they are expected to undertake. Since most of them are teachers, proposals were made for a secondment arrangement to the Institute for a period of five years, during which additional allowances would be given as incentives. After the expiry of the period, they would be deployed back to their teaching position in the classrooms. This arrangement, it was argued, would play a dual role of developing the teachers' skills in research and curriculum development, as well as in the implementation of the curriculum through teaching.
- 13.3.47 It was revealed to the Commission that the Institute has potential for commercialization through:-
- a) development of educational materials;
 - b) provision of consultancy services; and
 - c) development of programmes and agency-specific tailored courses in servicing of teachers.
- 13.3.48 Given the Institute's potential in commercialization of its services, the Commission is of the opinion that its status should change from that of being a department of the Ministry, to a fully-fledged executive agency.
- 13.3.49 The Sessional Paper No.6 of 1988 recommended the expansion and strengthening of the capacity of the KIE to enable it cope with the increased responsibilities. The Commission fully concurs with this recommendation. The potential for growth of the institution is substantial and many of its current responsibilities can be expanded and run in a commercial manner, as an autonomous agency.

Recommendation 13.38

The Commission recommends that mechanisms be formulated for the transformation of the KIE into an autonomous institution with principal responsibility for national curriculum development for Basic Education.

- 13.3.50 It was also presented to the Commission, that since 1980, the KIE has been involved in the preparation of textbooks in various subjects for both primary and secondary school curricular. Criticisms were given that most of these books lack depth in subject content and that at times, the information made is incorrect. Proposals were made that KIE be exclusively responsible for the development of curricula and comprehensive subject guidelines through research and other related activities and that the publication of books be left to commercial firms.

Recommendation 13.39

In view of this, the Commission recommends that the writing and publication of books be left to professionals and recognized publication firms and that KIE be exclusively responsible for the research and the development of curricula as well as writing of essential text books or materials.

School Equipment Production Unit (SEPU)

- 13.3.51 The Commission observed that this unit is on the verge of collapse. Yet it is responsible for the production of science kits for secondary schools. It is the view of the Commission that this unit be taken over by the Kenya Institute of Education for the purpose of developing more relevant kits.

Recommendation 13.40

The Commission, therefore, recommends that SEPU be taken over by the Kenya Institute of Education to facilitate the production of relevant kits at affordable costs.

The Kenya National Examinations Council (KNEC)

- 13.3.52 The Council was established through an Act of Parliament (1980). It participates in the development of the curricula for schools at the panel and board levels with the KIE. Once the curriculum has been approved, it is then sent to the Council for testing. On the whole, it is responsible for setting, moderating, marking and general administration of various national examinations.
- 13.3.53 The Commission, however, was informed that the Council examinations appear to be tailored towards books rather than the syllabus, and that there is lack of professionalism in the setting and marking of examinations. There is therefore, need to restore the credibility of the Council.

Recommendation 13.41

The Commission recommends that the KNEC be changed to Public Examinations Board (PEB) which shall ensure that professionalism prevails in the entire process of setting, marking and administration of Basic Education examinations and assessment.

The Kenya Education Staff Institute (KESI)

13.3.54 KESI was established in 1981 under a Legal Notice with responsibility for developing the managerial capacity of staff in the Ministry. The specific functions of KESI include inter-alia:-

- To identify staff from various sectors of the Ministry for training
- To conduct training in the administration and management of educational programmes
- To design staff training materials
- To co-ordinate the publication of instructional materials for professionals working in education
- To run an educational centre for training
- To operate as a resource centre for information on educational training programmes
- To conduct research and evaluation of staff training

13.3.55 The target groups for KESI's training include serving officers in administrative and managerial positions within the education sector; members of school management teams including those from PTAs and BOGs; and from any other support group.

13.3.56 The Commission learnt that in terms of its day-to-day operation, the Institute has been treated as an appendage of the Ministry and that even its establishment under Legal Notice has not helped to vest it with autonomy. For example, the present staff at KESI are deployed there by the Ministry and the TSC; and there is minimal staff selection and development by the Institute. Some of these officers were said to be either rejects or failures, whose services were not seriously required by the Ministry or the Teachers' Service Commission.

13.3.57 The Commission views this as a lack of seriousness on the part of the Ministry to develop the Institute for the purpose for which it was established, namely to develop as a centre of excellence in educational management, training and research.

13.3.58 The Kamunge Report (1988) recommended that KESI be established as a body-corporate with its own board of management. The Commission, however, learnt that though the KESI Council was established in 1990 through a Legal Notice, it has not operated in a fully autonomous manner as a body-corporate. It was revealed to the Commission that the major impediments to the realization of this include, absence of a Line Budget from the Treasury and the handling of the Institute's finances from the Ministry, besides non-separation of personnel matters from the headquarters.

- 13.3.59 It appeared to the Commission that a change of status for KESI cannot take place under the current statutory provisions. In view of this, the Commission recommends that:

Recommendation 13.42

KESI be established as a body-corporate bearing the name, National Centre for Educational Management, Training and Research.

The Jomo Kenyatta Foundation (JKF) and the Kenya Literature Bureau (KLB)

a) The Jomo Kenyatta Foundation

The Jomo Kenyatta Foundation (JKF) was incorporated in 1966 as a company limited by guarantee under the Companies Act. The object for which the Foundation was established are the advancement of education; and objectives necessary for the conduct of its business as a commercial entity. The Foundation has, however, concentrated on publishing and distributing educational books and other learning materials. Now that the Ministry has liberalized its textbook policy, it is important for the Foundation to expand its publication, more particularly, to the texts with limited distribution but essential to schools. The Commission was informed that the Foundation is already competing in the book free market without the Ministry's support. The Commission is, however, of the view that the Foundation has great potential for undertaking publication on a serious commercial basis, besides satisfying schools' book requirements.

b) Kenya Literature Bureau

The Kenya Literature Bureau (KLB) came into being in 1977, following the collapse of the East African Literature Bureau and later established (1980) by an Act of Parliament as a corporate body, to replace the defunct, East African Literature Bureau. Among its functions are publishing, printing and promotion of low-cost educational materials, and encouragement of Kenyan authors to publish scholarly work and translate useful educational literature from foreign to local languages. It targets mainly schools, colleges and the general public. Over the years, it has depended on manuscripts developed by the KIE for learning and instructional materials. The Commission is of the view that it has over-dependence on school textbook market and that with liberalization of the textbook policy by the Ministry, KLB, like JKF will have to expand its publication on commercial lines to meet the increasing demands for variety. The Commission, however, learnt that KLB has already embarked on a mission to broaden its publishing policy to include non-school specific publications such as children's books, cultural and scientific materials. The Commission welcomes this move and requests the Ministry to create a conducive environment to facilitate this venture.

- 13.3.60 The Commission is of the view that both the Jomo Kenyatta Foundation and the Kenya Literature Bureau have great potential for undertaking publication on serious commercial basis, besides satisfying schools' book requirements.

Recommendation 13.43

In view of this, the Commission recommends that the Government divests its interest in both the Jomo Kenyatta Foundation and the Kenya Literature Bureau.

Commission for Higher Education (CHE)

- 13.3.61 The Commission for Higher Education (CHE) was established under an Act of Parliament, the Universities Act (1985) with overall responsibility for policy and programmes on university education. It was, however revealed to the Commission that a university section exists within the Ministry, which performs the specified functions of CHE. The sector's role includes collaboration with CHE on matters of policy and programmes on university education. It also processes overseas scholarships through a Central Selection Board. The Ministry, through this sector, sits on University Councils, the HELB, including the co-ordination of appointments of Chief Executives, members of the University Council and the appointment of Vice-Chancellors. The Commission is of the opinion that CHE's rightful role is being undermined by the Ministry through unnecessary bureaucratic arrangements. Proposals were, therefore, made for CHE's direct links with the Treasury and the Ministry, on matters of finance and policy respectively.
- 13.3.62 As indicated elsewhere, CHE's co-ordinating role of the Middle Level Colleges has equally been impeded by lack of proper legal provisions.
- 13.3.63 In order to make CHE robust, and to distinguish its function from that of the Ministry, the Commission recommends that:-

Recommendation 13.44

The efforts to harmonize the Universities Act and individual university acts be expedited.

13.4 Planning, Co-Ordination and Expansion of Education and Training

- 13.4.1 The Planning and Development Department of the Ministry is responsible for the following functions, among others:
- a) Collection, collation and dissemination of education data
 - b) Formulation of education policies, projects and programmes

13.4.2 The Commission was, however, informed that the department has failed to improve its strategies for collection, collation and dissemination of education data, and that it is almost impossible to get accurate statistical information on education from the Ministry. This has been largely due to the inadequacy of modern equipment and qualified staff to facilitate the exercise. It was further presented to the Commission that even the data collected is often not passed over to the Directorate, for analysis and action. In other words, the link between the Planning Department and the Directorate is not clear. It has, therefore, not been possible for the Ministry to work out in a co-ordinated manner, strategies for the expansion of education at all levels taking cognizance of equity, population and ability of the community to develop infrastructure. As a result of poor and inefficient data collection, the provision of education services has been characterized by such anomalies as the existence of over enrolled and under-enrolled schools in close proximity to one another; regional discrepancies in teacher deployment; mismatch between training needs and actual staffing needs; and establishment of schools with poor catchment. This means that no effective long-term planning can be done because the correct situational analysis and evaluation of the sector is not done. The Commission is of the view that proper planning and guidelines for the establishment of new schools should be put in place to curb the present mushrooming of schools, the majority of which are unviable. The proposed Commissions for Basic and Higher Education should have Planning Units to facilitate rational expansion of schools and other educational institutions. In view of the above observations, the Commission recommends that:

Recommendation 13.45

The link between Planning Units in the proposed Commissions and the Directorate of Education be clearly spelt out.

Recommendation 13.46

The Planning Units in the proposed Commissions be provided with adequate modern equipment and qualified staff in education, economics, planning and statistics to facilitate the collection, collation and dissemination of education data.

Recommendation 13.47

A law specifying clearly the criteria for establishing schools and other educational institutions be enacted and a special unit be established within the proposed Commissions to ensure that this law is adhered to in order to ensure that the work of the planning units is not interfered with by other sections of the public sector.

Recommendation 13.48

The planning units within the proposed Commissions, map out the distribution of schools and other educational institutions at all levels, private and public in the country as a matter of priority, taking cognizance of equity, population and ability of the community to develop

infrastructure, clearly showing areas with high potential or low potential, when viewed against population density.

Recommendation 13.49

Field officers and head-teachers be provided with in-service training in data collection, analysis, dissemination and utilization.

13.5 Co-Ordination and Quality Education

- 13.5.1 Lack of co-ordination of education and training has been cited as an important impediment to the provision of good quality education (Gachathi Report (1976), Kamunge Report (1988) and the MPET (1997-2010).
- 13.5.2 The Kamunge Report recommended that education and training be co-ordinated and formulated in conception and practice so that it is treated as part of a single process, aiming at development of productive skills. One of the central recommendations of the previous reports is for follow-up work which would be necessary in implementing the recommended educational and training goals and programmes of action. In this regard, a recommendation was made for the establishment of a permanent and autonomous body through an Act of Parliament, with a budget and a permanent secretariat to facilitate effective co-ordination and implementation of policy. This would be a major change of policy from a highly centralized system to a more liberalized one.
- 13.5.3 With regard to co-ordination of higher education, the report also recommended the setting up of a permanent Commission for Higher Education, through an Act of Parliament, to advise the Government on the planning, curricula, staffing and financing of higher education. The report further recommended that the proposed commission should review university enrolment targets and entrance requirements in consultation with the University of Nairobi. The Mackay Report endorsed the recommendation to set up a Commission for Higher Education to take over the functions of the University Grants Committee. This recommendation was implemented in 1985 when the Commission for Higher Education was set up under the Universities Act.

13.6 Co-Ordination of Funding and Resourcing

- 13.6.1 The Commission observed that there does not seem to be very effective co-ordination of donor aid given by different countries, and agencies such as UNICEF, UNESCO, JICA and DANIDA and NGOs. Such co-ordination is necessary to ensure that areas of need are prioritized, targeted activities are not duplicated, and that other areas of need are not neglected. A forum for joint identification, planning and implementation of various donor/NGO activities was therefore, found to be necessary.

Recommendation 13.50

In this regard, the Commission recommends that a representative forum for joint identification, planning and implementation of various donor/NGO activities in the education sector be formed in partnership with the government through the National Council for Education.

13.7 Co-Ordination of Ministry Departments and its Agencies

- 13.7.1 The Commission was informed that currently there is lack of co-ordination between the Ministry headquarters and the field due to inadequate communication channels and poor management at the district and divisional levels and yet policy decisions can only be carried out if there is effective co-ordination between the headquarters and the field.
- 13.7.2 It was also pointed out that there is limited co-ordination between the Ministry and its agencies, and between its various departments. In particular, it was pointed out that it is necessary to have effective co-ordination between the Inspectorate, the KIE, TSC and the Kenya National Examinations Council. For example changes of syllabus have to be communicated to the Examinations Council on time so that they can be reflected in examination setting. The Commission underscores the need for co-ordination between the Ministry, its Departments and Agencies, and therefore, recommends that:

Recommendation 13.51

Co-ordination within the various Ministry departments and its agencies be enhanced.

13.8 Inter Sectoral Co-Ordination

- 13.8.1 It was particularly notable that the following Ministries have a direct relationship with the activities and functions of the Ministry of Education and Human Resource Development:
- 13.8.2 The Ministry of Health because of early childhood development and health programmes, AIDS education and institutional health standards;
- 13.8.3 The Ministry of Water Development because of provision of water to educational institutions, homes and ASAL districts, and education on the use and management of water and other natural resources;
- 13.8.4 The Ministry of Home Affairs, National Heritage, Culture and Social Services because of child welfare, informal education, youth polytechnics, and early childhood education, and continuing education, currently under mandate;

- 13.8.5 Ministry of Labour because of Human Resource Planning and Development.
- 13.8.6 Ministry of Planning and National Development for information on population growth, to facilitate education planning;
- 13.8.7 Ministry of Information and Broadcasting because of distance education, school radio programmes, and awareness campaigns;
- 13.8.8 Ministry of Energy for provision of electricity to educational institutions and for advice on viable cost effective alternative energy provisions;
- 13.8.9 Ministry of Natural Resources and Environment because of the necessity to give practical experience to students on the production and care of forests and other aspects of environment such as pollution and soil erosion;
- 13.8.10 Ministry of Research and Technology because of its responsibility for most of TVET programmes and research;
- 13.8.11 Following presentations by several ministries and interviews with the chief officers of Government to the Commission, it was clearly demonstrated that their various activities have a bearing on the provision of education and, therefore, there is need for co-ordination between them and the Ministry of Education and Human Resource Development to avoid duplication of roles and programmes.
- 13.8.12 Lack of this effective co-ordination of education and training policies and the disproportionate production of skilled personnel throughout the country has resulted in the mismanagement of human and other scarce resources. This includes duplication of effort; conflict of jurisdiction; underutilization of available training facilities; wasteful and unnecessary competition, as well as the implementation of costly and irrelevant training programmes.

Recommendation 13.52

In view of the apparent lack of co-ordination of educational services in various Ministries, the Commission recommends that the proposed Commissions for Basic and Higher Education be empowered to co-ordinate their respective education services under the auspices of the proposed National Education Council.

13.9 Co-Ordination of Curricula, Examinations and Certification

- 13.9.1 With regard to co-ordination of examinations, the Gachathi Report (1976) recommended the establishment of the Kenya National Examinations Council to be responsible for all examinations. The report further recommended the development of strong academic co-ordination and control of the Kenya National Examinations Council which would have the overall responsibility for setting standards and organising examinations in all areas, including provision of examination materials and evaluation of training and qualifications obtained

from outside Kenya. The recommendation was implemented in 1980 with the establishment of the Kenya National Examinations Council by the Kenya National Examinations Council Act.

- 13.9.2 The Commission was informed that some Government departments offer certificates without reference to the Kenya National Examinations Council whose current mandate is to regulate, standardize, examine and award certificates and diplomas. On the other hand, the Kenya National Examination Council, does not have the capacity to handle examinations for all sectors and professions. This has resulted in lack of harmonization, criteria for admission course duration, certification and recognition of qualifications in training institutions. Examples of these are lack of recognition or equation of qualifications among different examining bodies such as the Kenya Accountants and Secretaries National Examinations Board (KASNEB) and the KNEC. There are also institutions which administer and award their own certificates and an example is the Kenya Medical Training College (KMTC) and Kenya Utalii College. The Commission noted that there was lack of co-ordination in selection and admission of students into middle level colleges. It was further noted that many private training institutions, especially those in computer training, Hotel and Tourism training have their programmes examined by foreign examination bodies. In view of the issues raised in relation to the co-ordination of examinations, certification and admissions, the

- 13.9.3 Commission recommends that:

Recommendations 13.53

A mechanism be found by the Commission for Higher Education for the coordination of curricular development, examinations and certifications being offered by approved examining bodies for post-basic education and training.

Recommendation 13.54

CHE be empowered to co-ordinate all admission criteria to middle level education and training institutions.

- 13.9.3 The Kamunge Report (1988) recommended that the Kenya Institute of Education be utilized to develop curricula for the national education and training programmes, and to ensure proper co-ordination and harmonization in related areas. The implementation status of this recommendation is that the Kenya Institute of Education has expanded its scope of curriculum development to primary education; secondary education; post-school vocational and technical education; special education; adult and continuing education; non-formal education; AIDS education and girl-child education. However, KIE lacks the capacity to handle all curricular activities for specific sectors or professions.

- 13.9.4 The Commission observed that during the second cycle of education and training (secondary level) the students follow identical curriculum/syllabus on

which they are tested by way of a national examination. The long-practised stratification of the selection process whereby the so-called national schools are given first priority to select the best candidates, followed by provincial schools and finally district schools is very discriminatory and immoral. After all, the students never do separate examinations, such as national, provincial and district examinations. They all do an identical national examination. As it is at the moment, there is first-class rigging of both examinations and grading.

Recommendation 13.55

Consequently, the Commission recommends that the current selection process of students and ranking of schools in the Basic Education cycle be discontinued and an affirmative action programme be put in place to ensure quality, equity and access for all learners.

Chapter Fourteen

COSTING, RESOURCING AND FINANCING 21st CENTURY EDUCATION AND TRAINING

14.1 Preamble

- 14.1.1 The TOR requires the Commission to accept as a constraint that the Government recurrent expenditure on education should not grow more rapidly than the Government recurrent budget. This in turn is regulated by the rate of growth of the economy. In this connection, the resources available from the Government are affected by the following two factors.
- 14.1.2 Firstly, in 1997 and 1998 the economy witnessed a significant slow-down in the growth rate to just 2.3 percent and 1.8 percent respectively.
- 14.1.3 Secondly, there is the unresolved issue of teachers' salary awards whose implementation will have the following implications:
- a) by 1999/2000 fiscal year, 79 percent of ordinary revenues will have to be earmarked for the resultant wage bill.
 - b) the share will increase to 95 percent in the 2000/2001 fiscal year and 108 percent in 2001/2002 fiscal year.
- 14.1.4 The Kenyan economy has witnessed mixed performance since independence in 1963. In the period 1964 to 1971, the gross domestic product (gdp) grew at an average rate of 6.5 percent per annum. This was as a result of higher agricultural output due to expansion in agriculture and re-distribution of agricultural land; industrialization strategy based on import substitution, and public sector participation in manufacturing. This slowed down remarkably during the oil crisis of 1972 and 1979, which pushed up costs of imported inputs and raw materials which the economy relies on.
- 14.1.5 In the early 1980s, GDP growth remained below 5 percent. As a result of the severe drought experienced during the period, GDP grew by less than 1 percent in 1984. Other structural rigidities also explain the poor performance. During the second half of 1980s, the economy improved slightly due to the improved macro-economic management by the Government, coupled with relatively good weather (1985-86), and introduction of some elements of Structural Adjustment Programmes as contained in Sessional Paper No.1 of 1986 on Economic Management for Renewed Growth.
- 14.1.6 During the latter part of the 1980s and early 1990s, the Government intensified implementation of the structural adjustment programmes aimed at reviving economic growth. The emphasis during the period had been on stabilization and enhancing of the structural adjustment programmes that involved strict monetary policy, budget rationalization, and reduction of deficits, privatization of parastatals, promotion of private sector investment, recovery of agricultural

production, liberalization of foreign exchange, abolition of foreign exchange controls, and promoting investment and exports. Some of the reform measures have had negative short-term impact, such as reduction of domestic production caused by removal of high rates of protection. While some of the policies have produced desired results, others have impacted negatively on some sectors of the economy and other economic indicators.

- 14.1.7 In 1991 and 1992, the country witnessed very high inflation rates caused mainly by large increases in money supply and bank credit. As a result of the tight monetary policy introduced by the Central Bank, the rates fell drastically.
- 14.1.8 Subsequently, and as a result of the stabilization measures and a liberalized environment, the rate of growth improved to 4.8 percent in 1995 and 4.6 percent in 1996.
- 14.1.9 Although the rate of inflation declined from 11.2 percent in 1997 to 6.6 percent in 1998 due to a number of factors among them the sustained slowdown in the expansion of money supply, the general stability of the shilling exchange rate, and the improved supplies of basic foods, the trend is likely to be reversed upwards due to:
- a) the expected rise in the import prices of petroleum products as a result of weakening of the shilling against major international currencies;
 - b) continuing fall of the shilling which is expected to fuel inflation;
 - c) budget deficit financing by the Government;
 - d) the growing incidence of poverty and unemployment which implies reduced tax revenue and increased government appropriations to address the problems of poverty and unemployment.
 - e) Slow process of economic recovery due to;
 - i) slowdown in economic activity and stagnation in investment as experienced in 1998 due to budgetary cuts, poor infrastructure, high interest rates, reduced donor funding, and excess capacity.
 - ii) Fall in the balance of payments surplus due to a reduction in tourism earnings and slower growth of exports.
 - f) expenditures on wages for the country's civil service, including teachers, is very large in relation to the size of the economy and per capita income. It accounted for about 3.9 percent of the ordinary revenue in 1998/99 period. The expenditures grew by 137 percent while the recurrent budget grew by only 83 percent. The share of Kenya's wages bill in the gross domestic product (9.8 percent) is much higher than the ratio in Tanzania (5.2%), Zambia (4.6%) and Uganda (3.0%). In terms of percentage to population,

Kenya's civil service is the highest (1.5%), Tanzania (1.0%), Zambia (1.3%) and Uganda (0.7%).

- 14.1.10 The Commission has come to the conclusion that, in view of the above economic scenario, a different approach will need to be adopted for the financing of education and training. In this connection, it is evident that education and training needs to be costed in its totality. This will make it possible to calculate the total cost required for all the types and numbers of personnel required for industrial and other aspects of national development.
- 14.1.11 The Commission has also come to the conclusion that, in view of the financial constraints facing the Government, it will be necessary to raise resources from non-Government sources. This will make it possible to widen the resource base.
- 14.1.12 It is also evident to the Commission that the allocation of funds will need to be done according to systematically worked out and strategized priorities.
- 14.1.13 Given the current economic and fiscal situation, there is, therefore, need to strengthen the linkages between costing policies and programmes, planning and resourcing, budgeting, implementation and monitoring. This will ensure efficiency and effectiveness in the use of the resources availed to education.

14.2 Definition

- 14.2.1 **Costing** of education is the process of establishing unit costs of education at the various levels. In establishing the unit costs, it is assumed that, for a given level of education, the objectives, strategies and detailed activities have been clearly specified. The unit cost approach helps to inject realism into the allocation and mobilization of resources, which is a necessary step if desired quantitative growth and qualitative improvement are to be achieved, in the face of prevailing resource constraints.
- 14.2.2 **Resourcing** is the process of searching for new sources of funds for financing education to increase revenue. In so doing, care must be taken to ensure that the sources are feasible, efficient and equitable. Presently, the main sources of financing education are the Government, donors and the households.
- 14.2.3 **Financing** of education is the process of budgetary allocation, both public and private, on a rationalized basis to ensure equitable distribution.

14.3 Problem

- 14.3.1 Education is one of the most effective instruments a nation has at its disposal for promoting sustainable social and economic development.
- 14.3.2 Although the process of education has been part and parcel of Kenya's social, economic and political development since the colonial period, it was only after independence in 1963 that educational opportunities were expanded at all levels for the indigenous Kenyans.

- 14.3.3 As a result of the rapid expansion, the education system has increased pressures on the government budget. Following the recent increase in teachers' salaries, education and training now consume about 40 percent of the recurrent budget. For the last three fiscal years, the rate of growth in the recurrent allocation to education has exceeded the rate of growth in the Government ordinary revenue.
- 14.3.4 Compared with other countries in the region, Kenya spends considerably more on education in relation to total Government spending. In addition, the proportion of the gross domestic product spent on education is much higher for a country at her level of per capita income. It is, therefore, possible to improve outcomes in the education sector without increasing the share of Government expenditure on education, by improving efficiency in the use of resources.
- 14.3.5 As more than two million persons are currently unemployed and at least ten million others are living below the poverty line - defined as having earnings of less than KES 50/- per day, - it is important to ensure that any solution to the problem of improving accessibility and quality of education does not aggravate poverty and unemployment amongst the majority of Kenyans. What is required is a realignment of existing patterns of expenditure within the education sector, in such a manner that the vast amount of public resources already allocated to the sector are utilized more efficiently and effectively, while keeping the socio-economic returns in view.

Recommendation 14.1

The budget of the Ministry be properly rationalized to ensure that the vast amount of resources allocated to the education sector are much more efficiently and effectively utilized.

- 14.3.6 Despite the remarkable progress made, recent trends in some sub-sectors of education development have been a cause for concern. For instance, illiteracy among the adult population is about 40 percent while enrolment rates have declined from about 105 percent in 1989 for primary education to 88.8 percent in 1998. For secondary education, enrolment rates have declined from 30 percent to 23 percent during the same period. The completion rate at the primary level has been ranging between 44 percent and 46 percent over the last 10 years, while transition from secondary to university was only about 7 percent in 1998.
- 14.3.7 Although the task involved is complex, it is manageable if it is tackled in a systematic and prioritized manner. Firstly, the chapter provides the economic background within which the costing, resourcing and financing of education has been, and will continue to be done. The chapter then points out the need to cost education and training in its totality; acknowledges the need to broaden the resource base by seeking funds from non-Government sources, and finally deals with financing, namely, the allocation of the available funds and the need for efficient management and accountability.

14.4 Financing

Government financing for education – an overview

- 14.4.1 During the colonial era, and immediately after independence, the government met the teachers' salaries, constructed physical facilities and provided equipment and other learning and teaching materials. Parents paid statutory fees, which were regulated by the government. In 1974, a major policy change took place when primary education was declared free from standard one to four and later in 1976 when it was extended to standard seven. The policy changes led to a huge increase of enrolments at the primary level.
- 14.4.2 For several years, there were several categories of schools. Some were called "maintained" and others "*harambee*", with the former being schools which were put up by the Government and the latter being community established schools. Others were called "private", "missionary" and so on. The Government gave substantial grants to subsidize tuition and boarding fees in the maintained schools and paid for all the teachers. In the *harambee* schools the Government only paid for a few teachers, and parents met all the other costs. In 1989 all these schools were declared public schools with a great effort being made to provide resources to former *harambee* secondary schools, in order to uplift their standards to the same level as that of the maintained schools. Up to 1985 all fees in public secondary schools were controlled by the Government. At the teacher training and the university levels, the Government was meeting most of the costs of education. Consequently, direct costs to the students were negligible.
- 14.4.3 The Government has continued to give priority to education and as already mentioned, public spending on the sector has increased tremendously. The primary education's share of the total education recurrent expenditures rose from about 55 percent in 1995 to about 57 percent in 1998. The share at the secondary level was about 21 percent in 1995 and about 27 percent in 1998. Correspondingly, there has been a gradual decline in the share of universities in the education budget. Over the same period, the share declined from about 16 percent to about 8 percent. The share of tertiary education has however increased due to the rapid expansion in the sub-sector since 1995.
- 14.4.4 Between 1995 and 1998, the main feature of the structure of expenditures within the sub-sectors is the dominance of personal emoluments. At the primary level, personal emoluments averaged about 97 percent of the recurrent expenditures. At the secondary level, the share of personal emoluments was almost 100 percent until 1997 when savings in the University sub-sector were diverted for bursaries and operations and maintenance. In order to improve and achieve quality educational outcomes, it is necessary to rationalize the education sector budget and increase the proportion allocated to operations and maintenance.
- 14.4.5 The dominance of the personal emoluments particularly since 1990's came about due to the growth rate in the number of teachers which has been higher than that of the students. While the number of enrolled primary and secondary

students increased by 5 and 7 % between 1990 and 1997 respectively, the number of primary and secondary school teachers increased during the same period by 14 and 58 % respectively.

- 14.4.6 Development expenditures from the Government accounted for less than 5% of the total education expenditure in 1997/1998 and were heavily biased towards universities, which received about 57% of the funds. In the same financial year, 98% of all development expenditures were financed by donors. A particular problem with development expenditures is divergences between allocations and actual treasury releases. Over the past five years, actual releases were on average 70% of the budgetary allocation. This leads to delays in project implementation in both Government and donor financed projects, which generally require Government counterpart funds.
- 14.4.7 On average, the Government contributed 13% towards development expenditures, while the remainder came from donors in the form of loans and grants. Of the total donor contribution, 52% are in the form of grants and 48% in the form of loans. Generally, budgetary allocations for development purposes are insufficient for the completion of the projects and hence project duration is long and the project completion rate low. However, due to contractual agreements with contractors, closing projects will in many cases lead to large penalty payments.
- 14.4.8 Regarding the financing of the middle level colleges, some of which have been getting grants from the government albeit small, the proportion of contribution is about 38 percent by the government while the households contribute the remaining 62 percent.
- 14.4.9 Because of the low levels of funding, efforts have been made to increase the levels of funding by broadening the resource base. The industrial training levy which is one of the resource bases caters for only a few skills.

Recommendation 14.2

The Commission, therefore, recommends that efforts be made by all stakeholders in the education sector to increase the levels of funding by broadening the resource base.

14.5 Costing – Short and Medium Term (2000-2005)

- 14.5.1 Costing of education and training in its totality is the main principle and approach in this Report. It includes bringing ECCDE into Basic Education and under the Ministry of Education; Alternative (Adult informal, non-formal) and continuing and middle level colleges to Ministry of Education.
- 14.5.2 Establishment of unit costs assumes that for a given level of education, the objectives, strategies and detailed activities have been clearly specified. Inter alia, the unit cost approach helps to inject realism into the allocation and mobilization of resources which is a necessary step, if desired quantitative

growth and qualitative improvement are to be achieved in the face of the prevailing resources constraints. In particular, the level of contribution to the unit cost by the household is a key variable in the effort to achieve the national objective of providing basic education for `all. Raising the household share of the unit costs means increasing the proportion of households who are forced out of the formal education system.

- 14.5.3 Although many studies on the country's education system and Kenyans in general have urged for the adoption of the unit cost approach as the modus operandi, the financial planning of education particularly at the school level continues to be characterized by inefficient practices which, by separating the allocation of state resources, fail to address the issue of equity, efficiency and effectiveness. A clear example is at the public university level where the current unit cost of KES 120,000 used to allocate funds to universities is a historical figure, and no longer represents an accurate picture of the average of cost of educating a student at that level.
- 14.5.4 In the absence of any planning document or study, that has on the basis of representative sample(s) – attempted to use empirical data on the 7 components (namely; physical facilities, staff, services and amenities, instructional materials, assessment and examinations, co-curriculum activities and the pupil's personnel needs) of a unit cost to develop comprehensive guidelines for the attainment of education for all, the Commission has, after a careful analysis of past reviews on both the recurrent and development expenditures of the Ministry of Education, other Ministries that provide training and studies on unit cost, derived what we consider a realistic unit cost.

Table 14a

Derived Average Unit Cost (in KES) For Primary/Secondary/Further Education

LEVEL	Salaries	Text Books	School Recurrent	School Dev.	Student Welfare	TOTAL
PRIMARY	1,762	2,800	2,460	1,000	1,500	9,522
SECONDARY	9,007	5,713	9,330	3,312	2,750	30,112
FURTHER	11,125	8,450	13,450	6,450	4,240	43,715

- 14.5.5 In arriving at the above figures, the following assumptions have been made:
- Increase the current textbook provision by 100% so as to provide quality education. (Sample studies indicate that parents in urban schools spent at least KES 3,500/= average provision of textbooks per child per year).
 - Increase the salaries by at least 45% for both primary and secondary schools (Assuming a general increase of 45% over the next five years).
 - Increase recurrent expenditures in primary schools by 200% and 50% for quality provision of utilities, meals and other recurrent expenditure

requirement (assuming very few primary schools and secondary schools have adequate operations and maintenance resources).

- d) Increase development expenditures to an absolute figure of KES 1,000/= and 25% in secondary to give more funds for rehabilitation and provision of facilities.
- 14.5.6 At the University level, an **input-based** funding mechanism is a more appropriate approach for adequately allocating resources particularly to higher education. The use of unit costs, does not only take into account Full Time Faculty Equivalent (FTFE) and Full Time Student Equivalent (FTSE), but ensures that capitation grants are easier to rationalize. Moreover, budgets thus prepared are more likely to reflect the true financial requirements of an institution. It also ensures that institutional budgets are matched with commensurate resources.

Table 14b
Average Unit Cost for Public Universities
Apportionment of Differentiated Unit Cost (KES)

1 Cluster	2 Total Tuition (3+4)	3 Tuition 80% GOK	4 Tuition 20% Student	5 Student Welfare	6 Total Student Contribution (4+5)	7 Total Unit Cost
C1-Social Sciences	127,000	101,600	25,400	43,500	68,900	170,500
C2-Arts & Humanities	135,000	108,800	27,000	43,500	70,500	178,500
C3-Pure/ Natural Sciences	176,000	140,800	35,200	43,500	78,700	219,500
C4-Applied Sciences	188,000	150,400	37,600	43,500	81,100	231,500
C5-Medical Related Courses	256,000	204,800	51,200	43,500	94,700	299,500

Other Areas of Consideration in Costing

- 14.5.7 Within each of the main levels of education there are detailed cost items which are necessary for the teaching – learning processes.

a) Curriculum

- 14.5.8 Costs of implementing a curriculum vary according to level, extent and complexities of programmes - for example science, technical and special education based programmes - have higher costs than humanities.

b) Structure

- 14.5.9 Annual costs have to be considered because they increase with the years that learners spend to complete each level. Middle level colleges and university education programmes are more expensive. Accordingly, if duration at these levels is too long, costs will invariably increase.

c) Student Population

- 14.5.10 If access is enhanced, the tendency is for the student population to rise. It is necessary; therefore, to have proper data on numbers enrolled at all levels as well as projected enrolments to facilitate long-term costing. Related to this is the establishment of natural annual attrition and increase rate to ensure funding matches population changes at all times.

d) Teachers

- 14.5.11 Teacher training, student/teacher ratios, their numbers and deployment have to be considered as all these factors determine the size of the wage bill.

e) Physical Facilities.

- 14.5.12 These go with the curriculum and the need to create conducive learning environments for students. However, such factors as cost-effective construction systems, optimum use of facilities, institutional enrolments (for example one stream school *viz a viz* two streams) and maintenance, all have a bearing on cost of physical facilities.

f) Support Services

- 14.5.13 These include water, electricity, telephone services, security and transport. Electricity and water provision has been a major problem with some institutions unable to meet their bills.

g) Support Staff

- 14.5.14 These include cleaners, security personnel, messengers, clerks and gardeners. Some schools have low support staff emoluments as students elect to carry out some of the work. Day schools' expenditure on support staff is much less than that of boarding schools.

h) Affirmative Action Costs

- 14.5.15 Some regions are faced with such high levels of poverty that affirmative action (AA) such as provision of textbooks, food and free boarding schools is necessary to sustain any enrolments. Special schools also need additional assistance in equipment, fee remission and specialized personnel. Loans, bursaries and scholarships are also a form of affirmative action for needy students, and should, therefore, be considered when working out the budget; so

should any incentives offered for attracting good teachers to these disadvantaged areas.

- 14.5.16 During the Commission's visits to the Districts, many of the people who were interviewed observed that financial and other resources allocated to the education sector were not equitably distributed. In some areas, the parents were too poor to invest on their own in the development of educational facilities. As a result, access to, and the quality of, education in the areas is declining. This trend needs to be halted and reversed. The Commission therefore, recommends that:-

Recommendation 14.3

Allocation of educational resources be distributed equitably, giving consideration to viability of schools and their different needs, unit pricing for the different programmes, operationally clear and sustainable cost-sharing policy, financial support for deserving and needy students and sufficient funding for relevant and required skills.

14.6 Resourcing

The cost-sharing policy

- 14.6.1 In 1988 the Government under the structural adjustment programme, implemented the cost-sharing policy in the provision of social services including education. Although the policy was meant to revitalize planning and management of education, it also created the following problems, which, to some extent, continue to negate the realization of the policy objectives.
- a) All control on amounts of fees to be charged were removed and currently in all schools, headteachers are free to charge any amounts of fees. The result is that in the public secondary schools, fees levels vary widely.
 - b) The significant expansion of education at all levels has been complemented by increase in the teaching force, and high salary bill. The government's role has consequently become increasingly limited to provision of teachers' salaries through TSC, which take up to 90 percent of recurrent expenditure for education.
 - c) Parents have been left to meet the rest of the recurrent costs which include maintenance, physical facilities development, vehicles, electricity, water, and other services, as well as emoluments for all support staff.
 - d) Lowered enrolment rates and increased drop-out rates.
 - e) The policy has increased inequalities, as regions with 'nothing to share' have been unable to contribute to educational development.

- f) Apart from the tuition and boarding fees, schools also demand payment for various items ranging from arbitrary admission fees to medical fees, library, textbooks, exercise books, desks, and bedding including mattresses, *jembes*, slashers, *pangas*, forks and spoons. These charges are also not regulated in anyway by the Ministry of Education.

14.6.2 The combined effect of the above factors and, in particular, lack of control by the Ministry of Education has made education both at the primary and secondary levels unaffordable to many parents. The situation is made worse by the fact that although many parents complain of mismanagement of school funds, very few corrupt or inept head-teachers are ever disciplined. The result is that most of the finances raised from parents do not in the final analysis improve the quality of teaching or students' school welfare. Studies have established that many students end up rioting and destroying school property because of their anger at what they perceive as sub-standard services brought about by mismanagement of their parents hard-earned money.

14.6.3 The whole issue of poor financial management in educational institutions has also contributed to increased costs and poor returns (value) for amounts spent. It is only in educational institutions where annual turnovers of over ten million Kenya shillings are managed by accounts clerks. Some head-teachers themselves have no idea of the most elementary sound financial practices. The same managers have no skills in project management and yet in many instances they are charged with planning and implementing expensive projects, which often fail to be completed due to poor supervision, and misappropriation of funds.

In view of these observations, the Commission recommends that:-

Recommendation 14.4

Guidelines for the limits within which school fees are charged be developed and enforced at the district level.

Recommendation 14.5

Head-teachers be properly prepared and equipped with the necessary institutional and financial managerial skills to enable them manage schools more effectively and efficiently.

Recommendation 14.6

The Ministry strengthens the monitoring and supervision of the management of funds in the schools through measures such as annual audits and impromptu audit inspection exercises, to ensure efficiency and cost effectiveness in the use of resources.

Current funding sources for the education and training system

- 14.6.4 Currently, there are a number of sources funding education, but both the Government and the parents contribute the largest proportion of the resources spent in primary and secondary education.
- 14.6.5 For instance, the available information for the fiscal year 1998/99 shows that expenditure on education by the Government continued to be the leading consumer of resources with a share of 19.9 percent of the total development and recurrent accounts. Out of this, general administration and planning continued to take the biggest share in recurrent expenditure accounting for about 84.2 percent. Higher education was the second highest consumer of recurrent expenditure taking 11.0 percent of the total recurrent expenditure. The high recurrent expenditure on general administration and planning is attributed mainly to teachers' salaries.
- 14.6.6 Overall, recurrent expenditure estimates accounted for 95.5 percent of the total budget in the Ministry, leaving a mere 4.5 percent of the total allocation for development activities.
- 14.6.7 Most of the financing of education by parents and households, except at the university level, is through the cost-sharing arrangement. In 1994, for example available data show that households spent on average about KES 900 at the primary level and about KES 10,000/= per year at the secondary level. These amounts constituted about 27 percent and 55 percent respectively, of total per pupil expenditures at the primary and secondary levels. At the secondary level, nearly two thirds of this are fees. The financing pattern over the recent years indicates a continuing shift of the financing burden to the parents and households, away from the Government in public schools. The pressure on the households is even greater in private schools where the households have to bear all the costs charged by the school.
- 14.6.8 In 1995, public expenditure per student at primary, secondary and university levels indicate some disparity. On the average, the Government spends KES 2,774 per primary school child, KES 9,418 per secondary school child and KES 115,812 per university student, giving a ratio of 1:3:4
- 14.6.9 Studies have shown that parents' actual contribution varies from district to district and from public to private schools. Although the figures differ slightly in the different studies, it is generally agreed that households meet about 95% of school recurrent expenditure in the form of textbooks, stationery, furniture, school uniforms, examination fees, transport, and meals. This figure excludes schools in arid and semi-arid areas which get subsidies from the Government and donors. The studies further show that a household with one child enrolled in upper primary (standards 4-8) in urban, rural and private primary schools spends, annually on average, KES 43,950, KES 4,620 and KES 81,000 respectively. This translates into KES 4,883 for an urban, KES 513 for a rural and KES 9,000 for a private school per month. Households in urban areas incur higher expenditures compared to rural ones, and parents who send their

children to private schools spend twice as much and about 17 times as much as those who send their children to urban and rural schools respectively.

14.6.10 The following are the other sources currently supplementing Government funding for education in the country.

- a) **Communities** - through harambee fund-raising for the development of educational facilities.
- b) **NGOs** - through sponsorship of students and informal schools especially at the pre-school and primary level.
- c) **Donors** - through grants and Government borrowing.
- d) **Private Sector** - through establishment of private schools and training institutions.
- e) **Educational Institutions** - through income generating activities such as farming, production units, consultancy and hire of facilities.

14.6.11 The Commission has noted that currently, apart from the fees paid by parents, and donor funds that are negotiated by Government, the extent of contributions by all other sources is unknown. For planning and policy analysis, it is important to have complete information on the magnitude of funding in the sector. In this connection, financial strategies for the 21st Century will need to take into account the fact that financial diversification are not only necessary but also inevitable. In this regard, the Commission observes that it will be necessary for the Government as well as other stakeholders to establish costs, resourcing and budgetary allocation mechanisms in the entire education sector.

Recommendation 14.7

The Commission recommends that the Government strengthens the planning and monitoring capacity of the Ministry in order to enhance planning and policy analysis for better management of the sector.

Resourcing and financing for the 21st Century education and training.

14.6.12 The Commission is aware that presently, Kenya is facing a fundamental problem of institutionalizing hard budgetary constraints throughout the government and discouraging policy decisions with inadequate attention to resource constraints. Thus, in making its recommendations, the Commission has kept in view, the tight budgetary constraints that will exist in the short and medium term. Indeed, the Commission's terms of reference *inter alia* requires that it be accepted as a necessity that Government recurrent expenditures on education should not grow more rapidly than the Government recurrent budget.

14.6.13 During the 1994/95 to 1998/99 fiscal years, current revenue and current expenditure grew by 58.3 and 54.7 percent respectively. In the current financial year, current revenue is expected to grow by 6.9 percent whereas current

expenditure is expected to grow by 10.7 percent, thus worsening the current deficit position.

- 14.6.14 It is evident that government alone cannot fulfil all the financial needs of education; However, the general consensus is that the Government has to remain the main funding body as the task is too important to be left to other sources. Those other sources will have to supplement government efforts and for this partnership to succeed, all stake-holders must assume ownership and participate fully. Additionally, there must be clarity on what sub-sectors will be funded by the government and which by the other sources.
- 14.6.15 In view of the prevailing economic situation in the country, the search for new methods of financing education must be intensified. The new methods of financing should be adopted not only for revenue consideration but with reference to their effects on equity, efficiency and feasibility.
- 14.6.16 The following sources will continue to supplement government efforts in funding education. For effectiveness and efficiency, the roles of each source should be clearly defined and better focused. In addition and in order to sustain support and goodwill from all sources of support, measures should be taken to ensure transparency and accountability in the use of all the resources.

Parents

- 14.6.17 Parental contributions in the form of fees, teaching materials, uniforms and labour have been vital for the expansion of education in this country. Their participation can be enhanced by ensuring that demands on them are kept to the minimum, and are related to improvement of the learning demands process of their children. Amounts of funds demanded as well as reasons for such demands should also be worked out with the consensus of all parents through a real democratized process, and most important of all, that parents contributions are correctly utilized in a transparent and accountable manner This maintains their goodwill for continued support of new projects.

Communities

- 14.6.18 Much of what has been said above in regard to parents applies to communities as well. Effective community mobilization through a dynamic leadership can harness community effort towards educational development. Appeals by members of parliament, religious leaders, chiefs, and respected elders can ensure that members of the community and other well wishers provide funds, labour and materials for physical facilities. In this regard, it is now an accepted fact that a participatory approach (*harambee*), where the communities' views, expertise and involvement are recognized and respected on the basis of an equal partnership is crucial.

NGOs

- 14.6.19 Non-Governmental Organizations are increasingly by-passing the central government to work directly with different communities. To ensure effectiveness, there is need for closer collaboration with education implementers so that areas of great need can be identified, prioritized, and addressed. Sustainability of the projects/programmes when the NGOs pull needs to be taken into consideration. The Government can also elect to match NGO's effort by a certain percentage.

Private Sector

- 14.6.20 The role of the private sector as a funding resource in education has been amplified in chapter 12. Some collaborative strategies to be considered include provision of land for private institutions establishment; tax remission from private companies which provide endowments; grants or scholarships; tax exemption for educational materials; loan negotiations assistance and guarantees; some teacher provision in exchange for lower fees to students, and national awards in recognition of exceptional education provision efforts.

Institutional Fund-Raising

- 14.6.21 The idea of income generation is now seen as a viable alternative sourcing for educational funds. Some educational institutions in this country have such assets as large pieces of land, real estate, conference halls and sports grounds, including swimming pools, all of which can be used to generate extra income. Although fears have been expressed that commercialization of educational facilities can adversely affect the real mission of these institutions, it does not make sense for an institution to suffer financial constraints when it has unexploited income-generating potential.

Sponsorship of schools and Students

- 14.6.22 Appeals can also be made to communities, religious organizations, individuals, companies and other agencies to sponsor students by paying fees for them, or meeting such costs as uniforms. Such persons or organizations can also be asked to "adopt" a school or a certain project, with companies being allowed to use such opportunities to advertise their goods and services, and individuals being honoured in the naming of such projects or with National awards.

Student Work Programmes

- 14.6.23 In this scenario, students are offered some employment in the institutions but instead of being paid wages, they receive fees remission. A few head-teachers in secondary schools already do this, but still on a very limited scale.

Educational and Training Levies and Taxes

- 14.6.24 The idea of an educational levy was strongly proposed by many presenters who made their submissions to the Commission. Taxes from companies benefiting directly from trained personnel were also suggested as were special taxes from some sectors for example coffee and tea industry and even the matatu industry. It is, however, clear that many Kenyans are, already, heavily taxed and, the idea of an extra tax for education might not be readily received. There is also a strong feeling that there are already enough funds being collected for education and that the reason they are inadequate is because they are not really spent effectively on education.

The Commission recommends that:-

Recommendation 14.8

Due to expanding technical manpower requirements for industrialization and other socio-economic goals, the industrial training levy be expanded in terms of contribution coverage and areas of training.

Recommendation 14.9

The education budget be critically examined with a view to re-allocating resources from areas with low rates of social returns to the areas with high rates of social returns. In case of higher education whose social returns are relatively low compared to private returns, parents and sponsors be made to contribute more than they are presently contributing.

Recommendation 14.10

Students from the poor and disadvantaged areas be offered educational bursaries loans and other appropriate support.

Recommendation 14.11

The potential to reduce the share of salaries in total expenditure through the development of sustainable pupil/teacher ratios which have fallen to very low levels in the past few years be explored.

Recommendation 14.12

Financial management be strengthened through the following measures:

- a) reduction in costs and strict control on expenditure;**
- b) rationalization of the various categories of staff to ensure optimum utilization of available manpower. In particular, there should be a drastic reduction in administrative and support staff and strict limitation of ratio of expenditure in this area;**

- c) **base academic programmes on the needs of the economy and in so doing ensure that no new academic programmes are started unless corresponding physical, financial and human resources are available; and**
- d) **Encouragement of economic fee paying students and de-linking accommodation and catering from academic programmes at the universities.**

Recommendation 14.13

Parents Associations (PAs) be empowered to take a more active role in the management of schools to create checks and balances and to ensure efficiency and cost-effectiveness in the use of resources.

Marketing Kenya's Education

- 14.6.25 Kenya's education and training system is expected to play a central role in facilitating accelerated industrial and technological development by supplying the economy with appropriately educated and trained human resource, and in the numbers required. In this connection, the relevant knowledge is now regarded as the prime mover of development in the next millennium. It is, therefore, logical to regard education as the crucial process through which the right knowledge and skills for industrialization will be acquired.
- 14.6.26 Kenya is endowed with the human and natural resources which, if properly developed and marketed nationally and internationally, can enhance the country's economy considerably.
- 14.6.27 At the international level, advantage should be taken of the increasingly popular practice of foreign universities arranging semester programmes in the country to expose their students to a multi-disciplinary academic experience. The programmes integrate classroom and extensive field study of contemporary issues, including cultural adaptation, development and change, gender and contemporary socio-economic issues, wildlife management and conservation, and the Swahili language and culture. Other areas of interest are tourism, athletics, fossil evidence for human evolution and the natural resources.

In view of these, the Commission recommends that:-

Recommendation 14.14

Measures be taken by the appropriate local institutions and organizations to develop, package and market attractive educational materials on the country's human and natural resources.

- 14.6.28 At the national level, it is clear that providing and/or facilitating quality education to increasing numbers of students using available resources will mean using modern Information Technology (IT) including satellite

communication to reach all areas of the country. This strategy has been successfully utilized in other countries in many areas of development.

- 14.6.29 Experience within the region shows that properly packaged adult and continuing education can generate resources. The former East African Literature Bureau sustained its revolving fund by publishing Adult and Continuing Education materials.
- 14.6.30 As the demand for life-long and Continuing Education continues to grow in line with the recommendations made by this Commission, carefully, packaged and marketed quality basic and functional continuing education programmes should be institutionalized and supported through a revolving fund.

Recommendation 14.15

In view of this, the Commission recommends that a revolving fund be established to finance the increasing demand for quality and sustained continuing education for life-long learning.

- 14.6.31 Research utilization in educational development as well as other aspects of national development has great potential for marketable products to other countries such as those in the East African and COMESA regions. In sub-Saharan Africa, Kenya is one of the strongest countries in research publications and is in a more advantageous position to package research materials to the sub-region and region. The Commission, therefore, recommends that:-

Recommendation 14.16

Mechanisms for packaging and marketing research and development materials for the region be established.

- 14.6.32 The proposed changes in the resourcing and financing of the education system presents the Kenyan people and the government with both challenges and opportunities. It is, therefore, important that these and other changes be steered by persons whose specific mandate and expertise is the management of change. In view of this, the Commission recommends that:-

Recommendation 14.17

For an effective implementation of the proposed changes, it is important that those charged with the task be persons whose specific mandate and expertise is the management of change.

14.7 Towards Viable Financial Solutions

- 14.7.1 Given the current economic and fiscal situation and the need to promote growth processes, reduction of total public expenditures as a proportion of the gross domestic product is inevitable. This measure will affect the education sector as it will affect all other sectors. It is, therefore, clear that a new education system

will only take off if a sound financial framework is built around the following strategies:-

- a) Proper and transparent management of funds to ensure efficiency and cost-effectiveness in the use of resources.
- b) A rationalized basis for budgetary allocations that will have to take into account the size of enrolments, programmes pursued, and student participation rates.
- c) The need to rationalize the ratio of expenditure between administrative and the professional services.
- d) Unit pricing of educational provision at all levels.
- e) The need for budgetary allocations for affirmative action for specialized groups and marginalized areas.
- f) Better management practices aimed at limiting costs through optimal and effective use of physical facilities and equipment and better deployment and utilization of teachers.
- g) Enhancing supervision and monitoring through annual audits, and taking necessary disciplinary measures against those who mismanage or misappropriate finances.

14.7.2 It has been proposed that, in order to encourage private sector investment in Support Infrastructure for Education, as well as Education Infrastructure, and in order to ensure long term sustainability of private initiatives in the development of education, as well as promote quality of and access to education, the Government should establish an Educational Infrastructure Loan Fund. The seed money for this revolving fund can be sourced from bilateral or multilateral agencies. A State Corporation, with substantial educational and private sector representation should manage this fund. Proper mechanisms have to be set up to ensure proper utilization, and guarantee recovery. Bona fide education and training investors, whether profit making or non-profit making, should have access to this fund at concessionary rates, to finance Education Infrastructure, or Support Infrastructure for Education.

14.7.3 It has been suggested that, in order to improve the efficacy of the training levy concept, a sector specific training levy should be established for each sector, where feasible. The current industrial training levy should then be restricted to funding non sector specific training, and training in areas where the establishment of a sector specific training levy is not feasible. At the same time, the existence of training levies notwithstanding, the culture of cost-sharing should be nurtured, so that those individuals or organizations that benefit directly from any specific training own the benefits of such training, by contributing directly to the cost of the same. The Commission, therefore, recommends that:

Recommendation 14.18

An Educational Infrastructure Loan Fund be established with the relevant mechanisms for the disbursement and control of funds.

Recommendation 14.19

A sector-specific training levy be established for each sector, and that such levies form the basis of a training loan fund for each sector.

Recommendation 14.20

- a) The Government provides tax incentives and other forms of public recognition for those private organizations, whether profit making or not, that establish their own scholarship funds, or contribute to existing scholarship funds.**
- b) The Government encourages philanthropists to establish foundations and trusts to fund education, and also provides tax incentives and other forms of public recognition to such individuals.**

Part Four

CONTENT AND STRUCTURE OF EDUCATION AND TRAINING

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Part Four

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- Technical and vocational training
- Professional and para-professional
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- Pre-university cycle
- University cycle
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Chapter Fifteen

CONTENT OF BASIC EDUCATION

15.1 Preamble

- 15.1.1 Every citizen has a fundamental right to education. Implicit in this statement is the view that every Kenyan child has a right to receive compulsory education up to the highest possible level, which the nation can facilitate. Since education is vital for both personal and social development, the government has an inescapable responsibility to ensure that every citizen attains at least basic education.
- 15.1.2 In this Report, Basic Education is viewed as the fundamental cycle of formal instruction, which provides the learner with a firm foundation of knowledge for further learning and development. It embraces the cognitive, the affective and the psychomotor domains of learning. The content of basic education should therefore be designed with a view to equipping the learners with knowledge required for survival, the development of their full capacities, living and working in dignity, enhancing the quality of their lives, making informed decisions and continuing with learning as a life-long engagement.
- 15.1.3 In order to provide quality and relevant content for basic education, a Nation has to decide what content is of greatest value to the individual and the society. In making this decision, the following questions should be given special attention:
- a) What are the selection criteria for Basic Education content?
 - b) Is the selected body of knowledge (content) reflective of the National Philosophy?
 - c) Is what is to be taught sufficient to lay foundation for national and global socio-economic challenges?
 - d) How should what is taught at each level of Basic Education cycle be effectively monitored and evaluated for quality assurance, certification, transition and justifiable placement of learners into the next educational ladder?
- 15.1.4 The content of Basic Education as outlined in this chapter, comprises of four major segments namely: pre-primary education, lower primary, upper primary and secondary education. It is the Commission's view that, the attainment of Basic education is the minimum level of formal instruction that every learner needs in order to be adequately equipped, both mentally and physically, to pursue further education and engage in other meaningful developmental activities for both personal and national development.

15.2 Definition

- 15.2.1 Content can be defined as the subject matter of education, which includes worthwhile knowledge, skills, values and attitudes. These concepts of worth are the major criteria upon which selection of content is based.
- 15.2.2 Basic learning content is “*Knowledge, skills, values and attitudes required by human beings to be able to survive, to develop their full capacities, to live and work in dignity, to participate fully in development, to improve the quality of their lives, to make informed decisions, and to continue learning*”. (World Declaration on Education for All: Article 1)
- 15.2.3 **Basic Education** means the minimum package of education that would be appropriate for the nation to provide for its citizens. It is the view of the Commission that Basic Education in Kenya will comprise of pre-school, primary and secondary education where upon it will be accessible to every eligible citizen.

15.3 Early Childhood Care, Development and Education

- 15.3.1 Early Childhood Care, Development and Education (ECCDE) involves household, community and state efforts to provide integrated development for children from the time they are born to the age of entry into primary school. Ideally, ECCDE should aim at the development of the whole personality of the child, which encompasses physical, mental and socio-emotional attributes. The general goals of ECCDE can, therefore be stated as follows:
- a) Facilitating the child’s physical development within the social setting.
 - b) Providing an enabling environment for emotional development of the child.
 - c) Enhancing the child’s communication, creative and exploratory skills.
 - d) Stimulating the mental development of the child.
- 15.3.2 During its inquiry, the Commission noted that, ECCDE was considered to be catering for children between 0 and 6 years of age. The learning of the children within this age bracket is facilitated by parents/guardians, care-giver/child-minders who include family members and domestic workers and pre-school teachers. While the pre-school teachers deal with children aged about three (3) years and above, the children who are below three (3) years are generally taken care of by their parents/guardians and care-givers/child-minders at home. The Commission noted that, in some cases, especially in the urban centres, children are taken to Day-care centres even at the age of one year! The Commission observed that this practice had become very common among working-class parents/guardians. As a result of this practice, ECCDE centres in some parts of

the country had set up three distinct classes namely: Baby class (0-4 years), Nursery class (4-5 years) and pre-primary class (5-6 years).

- 15.3.3 After studying this situation, the Commission is of the opinion that broad guidelines on ECCDE should be provided to ensure that modern lifestyles do not negatively affect the nurturing of the whole personality of a child. The Commission is aware that the parents have a vital role to play in ECCDE and that the government should also be actively involved in child development at this stage. The current Baby class or any child-care arrangement for children under three (3) years of age should be de-linked from pre-primary education programmes. However, since institutionalized care for children under three (3) years is becoming a common practice, the Government should give general guidelines on these emerging institutions with a view to ensuring that they provide an enabling environment for the attainment of the goals of ECCDE stated elsewhere in this chapter. Towards this end, the Commission recommends that:

Recommendation 15.1

Guidelines for the establishment, registration and running of day-care centres must be drawn urgently, including specifications on physical facilities, equipment, materials and calibre of personnel required for running a day-care centre.

Recommendation 15.2

Children in day-care centres be facilitated to “learn” mainly through task-oriented play and singing.

- 15.3.4 During the District visits, the Commission observed that in some parts of the country, some children are admitted to primary schools without having gone through ECCDE centres. This was found to be affecting learning in primary schools, especially in Standard One, since it means a repeat for the children who had been to ECCDE centres. This was viewed as one cause of lack of interest in primary schooling for the children who had been to the ECCDE centres for a year or two. In view of the foregoing, members of the public stressed the need to make pre-primary classes of ECCDE part of the formal primary schooling. This was viewed as the only way of having co-ordinated, quality pre-primary education. In this arrangement, the Ministry responsible for education was to be responsible for training and employment of teachers for pre-primary classes.
- 15.3.5 The Commission recognizes the importance of pre-primary education. It also takes cognizance of the fact that children do not develop at the same pace and, therefore, the chronological age might not be a good measure for completion of any cycle of level of learning. The Commission is, however, convinced that, for average learners, at least one year of pre-primary education is adequate to provide a smooth transition from home to school life. It is also convinced that the earliest time that a child can be introduced to formal learning is at the age of

three years. At this time, children are in a position to communicate at least in one language. In view of this, Commission recommends that:

Recommendation 15.3

The minimum age for admission to formal learning at ECCDE level be three (3) years.

Recommendation 15.4

The pre-primary class of ECCDE be made an integral part of primary school and that learners be required to go through curriculum of the pre-primary class as the foundation class before continuing with the rest of the primary segment.

- 15.3.6 During its field visits, the Commission observed that ECCDE facilities and equipment vary greatly in terms of quality and quantity. This variety is due to the level of community awareness of the needs of ECCDE, level of resources of the community, the sponsors and promoters of the centres as well as the teachers' qualifications *inter alia*. The physical facilities range from permanent classrooms in private ECCDE centres in urban settings, to mud-walled grass-thatched or even under-tree arrangements in rural areas. The Commission observed that, many ECCDE centres are characterized by inadequacies in basic facilities such as properly ventilated classrooms, furniture suitable for children, play-grounds, toilets and kitchens with safe drinking water. Where the pre-primary classes were adjoined to primary school, quite often the pre-primary facilities were poorer than those of the primary school.
- 15.3.7 The Commission is concerned that if this trend is not checked, it will affect the learning of pre-primary pupils. The Commission is, however, convinced that good learning environment and facilities are important not only in pre-primary but the entire ECCDE.

Recommendation 15.6

The Commission, therefore, recommends that communities and pre-primary sponsors must be required to build appropriate pre-primary classes and equip them adequately.

- 15.3.8 The Kamunge Report (1988) recommended that pre-primary curriculum be harmonized with the curriculum of primary education. The Government accepted this recommendation but the implementation has been hampered by the apparent lack of co-ordination between the various providers of ECCDE services and the formal primary school system, whose curriculum is centrally designed by the Kenya Institute of Education.
- 15.3.9 The Commission noted that, despite the existence of the KIE guidelines for ECCDE which were first developed in 1984 and revised in 1997, many providers of ECCDE services especially in the rural areas were ignorant of their existence.

Some service providers especially in the Nairobi City and various municipalities had, however, ignored the KIE guidelines and prefer using other guidelines including those of the *Montessori* approach. These service providers have generally taken issue with the proposed teaching approach and methodology.

- 15.3.10 The KIE guidelines propose the use of thematic approach to teaching. In this approach, a child is expected to learn various activities integrated together in a given theme. For example, the child could learn Language activities, Mathematics activities and so on by going through the theme of “My family”. The Montessori Approach on the other hand treats the child as an individual who has his/her own unique developmental milestones. They use individualized activity based experiences approach. In the rural areas, the Commission observed that the traditional teacher-centred approach to teaching was prevalent.
- 15.3.11 The Commission, however, observed that despite the differences in the approach, almost all the ECCDE service providers seem to be following a curriculum similar to the one proposed in the KIE guidelines of 1997 with minor changes in the subject titles. The Commission further observed that, the teaching in most of the ECCDE centres emphasized mainly the cognitive spectrum of the child’s development.
- 15.3.12 The Commission is of the view that, at the ECCDE level, children should be exposed to those learning activities, which develop their psychomotor, affective and cognitive capacities, in readiness for formal education and further development. The central purpose of the curriculum content is to nurture individual child’s capacities to the joy of learning through discovery. The Commission is, however, aware that due to regional disparities it is not feasible to draw a detailed national curriculum for this level of education.

Recommendation 15.7

In view of these observations, the Commission recommends that the Ministry in charge of education provides general guidelines and covering all areas of child development namely, psychomotor, affective and cognitive dimensions.

- 15.3.13 In most of the ECCDE centres visited by the Commission, the learners had been introduced to the English Language. There were also attempts to use English as a medium of instruction especially in the Nairobi City, various municipalities and several urban centres. Some members of the public especially those in the rural areas indicated that the use of the English Language at this level reduced the children’s mastery of their mother tongue.
- 15.3.14 The Commission observes that there is no policy or policy guidelines on the medium of instruction in ECCDE centres. The Commission is convinced that a child develops communication and perceptual skills faster in their mother tongue or the language that is commonly used at home. This will enhance the development of child’s communication and perception, and allow for smooth transition between home and institutionalized learning.

Recommendation 15.8

The Commission recommends that the learners' mother tongue or the dominant language within the ECCDE catchment area be used as the medium of instruction in order to ensure a smooth transition from home to institutionalised learning, with Kiswahili being used as the medium of instruction in Nairobi City, Municipalities and Urban centres (where the population is made up of people from different ethnic and racial groups).

15.3.15 Play and instructional materials are vital for effective learning in ECCDE. The Commission noted with appreciation that in most ECCDE centres, both task oriented play and instructional materials are made by the teachers. In some cases, these materials were made from imported raw materials while in other cases locally available materials were used. The Commission is of the opinion that, locally available materials are cheaper and children can identify with such materials more easily than imported materials. Additionally, local thematic stories and task-oriented plays are relevant resources that should be tapped and developed.

15.3.16 In view of the recommended medium of instruction, printed instructional materials will have to be produced in all the local languages in the country. The Commission is aware that most commercial publishers may not be willing to invest in the production of such materials whose market will be very limited. The Commission is, however, convinced that these materials are very beneficial.

Recommendation 15.9

In this regard, the Commission recommends that the Ministry responsible for education organize the writing and publication of ECCDE print materials in all local languages by subsidized Publishers such as the Jomo Kenyatta Foundation and Kenya Literature Bureau.

15.3.17 The Commission received submissions from the public to the effect that learners from ECCDE centres especially in Nairobi City, various municipalities and urban centres are subjected to "formal examinations" or some form of examinations so as to be admitted to primary schools. Most members of the public who gave submissions on this issue were of the opinion that such "formal examinations" were not necessary.

15.3.18 During its field visits, the Commission noted that, teachers assess children in ECCDE centres regularly. In some cases the teachers give a comprehensive report on child's development while in other cases children are subjected to oral and written examinations. The Commission also noted that, as indicated by most members of the public, learners at this level are subjected to "formal written and/or oral examinations" for admission into primary school. The Commission is in favour of teacher's assessment of learner's ability to perform various tasks. The main thrust of this assessment should be an indication of a child's readiness to undertake formal learning. This readiness can be achieved at any time after the age of three (3) years.

Recommendation 15.10

In view of the foregoing, the Commission recommends that learners from pre-primary classes be admitted automatically to primary section without being subjected to “examinations” or “interviews”.

15.4 Primary Education

15.4.1 The primary school curriculum is viewed as the foundation upon which the mastery of formal learning skills must be planted. In this regard, the skills of reading, writing, arithmetic, creativity and communication skills of listening and self-expression must be taught to satisfactory levels to provide smooth transition to secondary education.

15.4.2 The Commission received views from members of the public to the effect that the standards of education at the primary school segment have gone down. The falling standards were attributed to various problems, which included inadequate and unsustainable physical facilities, equipment, learning and teaching materials, and inappropriately trained teachers and overloaded curriculum. The Commission was disheartened to find that Teachers’ Resource Centres, the few community libraries and schools were inadequately stocked or not stocked at all. Spot checks on availability of class textbooks, teachers’ reference materials and basic teaching and examining items such as wall-maps, dusters and chalk revealed that these materials were insufficient. In most schools visited by the Commission, children were expected to buy chalk-boards, exercise books, textbooks and other teaching materials. Most pupils could not afford these and this was given as one of the reasons for pupils drop-out in schools besides the examination and activity levies. Proposals were, therefore, made for the scrapping of the school milk programmes whose impact in schools is virtually not felt. The resultant effect of this state of affairs was the production of primary school leavers who could not read fluently, express themselves properly and whose hand-writing was appalling.

Recommendation 15.11

In order to improve the falling standards of education at the primary school level, the Commission recommends that the Government scraps the School Milk Programme and the savings accrued be used for the improvement of learning facilities.

15.4.4 The Gachathi Report (1976) recommended that primary level education concentrates on the achievement of the highest possible level (numeracy, literacy, scientific and social understanding). In that report, the proposed upper-primary school curriculum was to include:

- a) Languages
English and Kiswahili
- b) Mathematics

- c) Sciences:
 - Biology
 - Agricultural Sciences
 - Physical Sciences (Elementary Chemistry and Physics)
 - Home Science and Health Education
 - Geography
- d) Cultural Studies:
 - History
 - Civics
 - Music
 - Art and Craft
 - Physical Education, Dance and Movement
 - Religious Education
 - Social Ethics
- e) Pre-vocational Studies
 - Woodwork
 - Masonry and Bricklaying
 - Business Education (typing, book-keeping and Commerce)

15.4.5 The Kamunge Report (1988) found the primary school curriculum to be rather overloaded in terms of the subject content and the number of subjects being studied and examined. The Report consequently recommended the review of the curriculum with a view to allowing for more time to cover curriculum content more effectively and also reducing the number of subjects being studied and examined by allowing pupils to study and be examined in three vocational subjects only, that is, Agriculture, Business Education and one other subject selected from either Home Sciences, Music, Art and Craft. The Government accepted this recommendation from evaluation carried out by KIE, the subjects taught at this level have been reduced as indicated below.

15.4.6 As the Commission conducted its inquiry, it became apparent that, the subjects offered in primary school curriculum are composed of eight (8) subjects in standards 1-3 and fourteen (14) subjects in standards 4-8, PE is offered as a non-examinable subject.

15.4.7 For the purposes of the Kenya Certificate of Primary Examination (KCPE), the thirteen (13) examinable subjects are categorized into 7 groups namely:

- a) English Language and Composition
- b) Kiswahili Language and Composition
- c) Mathematics
- d) Science and Agriculture
- e) Geography, History, Civics and Religious Education (GHCR)
- f) Art and Craft and Music
- g) Home Science and Business Education.

15.4.8 From the various submissions received by the Commission, there was a general consensus that the current primary school curriculum is overloaded in terms of the subjects' content and the number of subjects that are studied and examined. The public, therefore, expressed the view that the curriculum be revised with a view to trimming down the subjects' content and reducing the number of subjects studied and examined.

15.4.9 As the Commission probed the various members of the public (who included students, parents, education officials and managers) on proposals about how the current curriculum content can be trimmed down and the number of subjects taught and examined reduced, the following submissions were received:

a) *Removal of practical subjects from the curriculum*

Due to various problems such as inadequately trained teachers, inadequate learning and teaching materials, physical facilities and assessment procedures, most of the practical subjects had been a waste of time and a source of frustration to the students, teachers and parents. A significant number of people suggested that the practical subjects namely Home Science, Art and Craft and Music be excluded from the primary school curriculum.

b) *Removal of all the unnecessary overlaps across subjects*

Views were expressed to the effect that there were unnecessary overlaps across subjects. This was seen as one of the factors that have led to the overloading of the subjects. It was suggested that subjects content be revised with a view to removing all the unnecessary overlaps across the various subjects.

c) *Removal of difficult topics/areas of study within subjects*

It was revealed that teachers and their pupils did not understand some of the subjects' content in the primary school curriculum. To some educationists, this content was too advanced for this level of learners. It was, therefore, suggested that subjects' content be adjusted to suit the learner's expected level of understanding.

d) *Exclusion of subjects that are not of immediate use to the learners*

Stake-holders singled out the following subjects as the least useful: Music Home-Science, Business Education, Art and Craft. Most of the people suggested that these subjects be excluded from the primary school curriculum. Some stake-holders however, were of the opinion that Business Education though not very useful at this level of education, be retained in the curriculum.

15.4.10 After an analysis of the presentations by the members the public as contained in paragraph b) and c), the Commission is of the view that the Primary School Curriculum needs to be urgently revised.

Recommendation 15.12

Therefore, the Commission recommends that the primary school curriculum be revised with a view to removing all the unnecessary overlaps across subjects and making the syllabi of all subjects manageable.

- 15.4.11 The Commission observes that the sentiments raised by the public on practical subjects were mainly due to the manner in which some of the subjects mentioned: Music, Art & Craft and Home Science were introduced and taught without adequate appropriate physical facilities and resources. The examination of the practical aspects of these subjects has also not been satisfactory. The Commission is of the opinion that these subjects are important and, if all prior problems that have led to the negative attitude towards them are solved these subjects should continue to be offered in primary schools.
- 15.4.12 As concerns the teaching of Business Education, the Commission has carefully analysed the views given by the members of the public. The Commission is satisfied that this subject is useful to the learners but its subject content can be covered fully under Mathematics. It is the opinion of this Commission, therefore, that Business Education, as an independent subject should not be taught in primary schools. It is best taught at secondary school level.
- 15.4.13 The curriculum for pre-primary and primary school level should form the foundation upon which the secondary level education depends.

Recommendation 15.13

In view of the foregoing, the Commission recommends that the primary school curriculum be structured for pupils at Primary level to acquire the following minimum competencies.

Subjects for Pre-Primary (Age 5-6 Years)

1. **Communication Skills (Writing, Reading, Listening and Speaking)**
2. **Numeracy Skills**
3. **Understanding the Environment (Scientific and Environmental Skills)**
4. **Social Skills**
5. **Manipulative Skills**
6. **Free Play**

♦ *Subjects for Lower primary (Primary 1-3)*

1. **Number work**
2. **Language Skills (Reading, Writing, Listening and Oral expression) in Mother tongue, Kiswahili, and English**
3. **Environmental Activities**
4. **Religious Education**
5. **Physical Education**

♦ *Subjects for Upper primary (Primary 4-7)*

Taught subjects (To be studied from Primary 4-5)

1. Mathematics
2. English
3. Kiswahili
4. Primary Science
5. Religious Education
6. Physical Education
7. G.H.C
8. Music
9. Art & Craft
10. Home Science
11. Pastoral Programme of Instruction

Taught Subjects (Primary 6-7)

1. Mathematics
2. English
3. Kiswahili
4. Science
5. GHC
6. Religious Education
7. Music
8. Art & Craft
9. Home Science
10. Physical Education

- 15.4.13 Physical Education (PE) has been and still is one of key non-examinable subjects in the primary school curriculum. The Commission was, however, very disappointed to find that in some schools, PE is not taught at all while in some other schools, it is only taught once in a while. In most of the schools where PE was “being taught”, the learners were left on their own to play whatever game they pleased. In view of the important role of PE in the learners’ physical and social development, and considering that Kenya is a sporting nation of an international repute, there is need to strengthen this subject in primary schools.

Recommendation 15.13

The Commission recommends that Physical Education be taught in all primary schools and some survival skills such as self-defence, fire drills, road safety and, where applicable, lifesaving in swimming be incorporated in the teaching of PE in order to make the subject more appealing and meaningful to pupils.

- 15.4.14 The Commission was informed that under the 8+4+4 system, the primary school curriculum had become highly focussed on examinations. The National primary school examination: KCPE has become highly competitive in that Districts are ranked according to their schools' performance in the examination. Consequently, District and Zonal mock examinations that are aimed at improving each school's mean score have become too frequent. The cost of printing and marking examination scripts is a heavy burden on the parents most of whom are very poor.
- 15.4.15 The most alarming observation on this issue is what appeared to the Commission, as a dangerous trend of killing the legitimate professional authority and role of the subject teacher in the assessment of his/her class at the end of each term, and the validity of such assessment. When Zonal or District mock examinations take over the school assessment (from standards 1-8) exercise, the overall emphasis is shifted from individual child and the class teacher to the cumulative mean score of the school, the zone or the District. The child becomes a mere statistic and the teacher's authority is lost. The Commission views this trend as the wrong shift of emphasis, since it is convinced that teaching and assessment should be child-centred. In view of this, the Commission recommends that:

Recommendation 15.14

The Curriculum for Primary 6 and 7 be made simple and interesting. The curriculum be divided between examinable and non-examinable subjects. Examinable subjects leading to the award of a certificate be organized under the following papers.

Examinable Subjects

- 1. Mathematics**
- 2. English**
- 3. Kiswahili**
- 4. Science (including Agriculture)**
- 5. General Paper (GHC,RE)**

Non-Examinable Subjects

- 6. Music**
- 7. Art and Craft**
- 8. Physical Education**
- 9. Home Science**

Recommendation 15.15

Mechanisms be worked out to facilitate the evaluation and certification of non-examinable subjects.

Recommendation 15.16

The Commission recommends that at the end of the Primary Education segment, there be a Primary Assessment and Evaluation Test leading to an award of a certificate of Primary Education (CPE) aimed at identifying talent and assessing the individual's ability to undertake secondary-level education in a regular, technical or vocational school. The said test shall be phased out over a period of time.

- 15.4.16 The Commission is aware that, there is a close correlation between language and concept formation. During its inquiry, the Commission was disappointed to find out that a number of primary school leavers could not express themselves adequately. The Commission observed that this might have resulted from poor grounding in the learners' first language since some of these learners did not seem to have adequate knowledge of their mother tongue or the dominant languages of their areas. "Sheng," mainly a mixture of Kiswahili and English appeared to be the main language that the youth were well grounded in.
- 15.4.17 In order to enhance concept formation and articulation in linguistic communication the Commission concluded that, children should continue to be taught in their mother tongue or the dominant language of the school environment until the end of Lower primary (Primary 3). During this period, English and Kiswahili: the official and national languages respectively, should be taught vigorously as subjects. In Upper primary (Primary 4-7), when the child has already "mastered" English and Kiswahili, English should then be introduced as the medium of instruction. The Commission is satisfied that this arrangement will help the learners to be articulate in concept formation and linguistic communication.
- 15.4.18 The Commission is aware that the Gachathi Report (1976) made similar observations and consequently recommended the use of mother tongue as a medium of instruction in Lower primary and English as the Medium of instruction in Upper primary. The Commission observes that, the Gachathi Report recommendation might not have been implemented fully mainly due to lack of instructional materials in local languages. To avoid a similar problem, the Commission recommends that:

Recommendation 15.17

The medium of instruction in Lower Primary be the learners' mother tongue or the dominant language within the schools' catchment area and that in Nairobi City, Municipalities and Urban centres (where the population is made up of people from different ethnic groups), Kiswahili be the medium of instruction. In Upper Primary, English be used as the medium of instruction through-out the country.

Recommendation 15.18

The Ministry responsible for education works out modalities for ensuring publication of instructional materials in all the local languages in the country.

- 15.4.19 The Commission is aware of the fact that effective implementation of the proposed curriculum will be affected by the Pupil Teacher Ratio (PTR) among other variables. The Commission observes that the PTR in primary schools varies from region to region, and also from rural to urban schools. While in some rural schools the PTR is 15:1, in some urban schools it is 50:1. The Commission heard from several presenters that, while it is uneconomical to have PTR of less than 25:1, a PTR of more than 40:1 affects the quality of teaching. The Commission is aware of the fact that, in some areas there are very many pupils against very few schools while in others schools have got very few pupils. There is, therefore, need to improve the quality and efficiency of curriculum implementation.

Recommendation 15.19

The Commission recommends that the Pupil Teacher Ratio in primary school be 40:1 and that there be a minimum of one teacher per class plus the headteacher. Where there are fewer pupils in a class, multi-grade teaching be applied while in cases where there are more than 40 pupils in a class, shift teaching be applied.

- 15.4.20 During the district visits and interaction with various stake-holders in primary school education, the Commission learnt that co-curricular activities such as games drama and athletics have gradually been losing their prominence in the primary school calendar. This was largely attributed to the scrapping of activity fees by the Ministry. Most members of the public felt that these co-curricular activities had an important role to play in exposing pupils to different experiences, which would foster nationhood and positive attitudes towards the international community. They suggested strengthening of all co-curricular activities.
- 15.4.21 While acknowledging the sentiments expressed by the members of the public, the Commission is of the opinion that, reinstating the activity fees would not be a welcome solution to the Kenyans in view of the circumstances, which led to the scrapping of this fee. In view of the important role of co-curricular activities, and bearing in mind the financial constraints experienced by most parents,

Recommendation 15.20

The Commission recommends that a mechanism be worked out for raising funds for sponsorship of co-curricular activities, starting from the school to

the national level, and that these activities be an integral part of the entire Basic Education programme.

15.5 Secondary Education

- 15.5.1 Secondary Education is the level of Basic Education at which learners are expected to acquire proficiency in both academic and some applied subjects. At this level, the students are expected to take the first recognized national examination that will usher them into higher education, various fields, of training in their chosen career fields or direct entry into the world of work. The ultimate purpose of this segment of the Basic Education is to fulfil the objective of providing equal opportunities to every individual up to the maximum of twelve (12) years in school so that at the terminal level of Basic Education, every individual is an adult and shall have been exposed to the essential education for their future life choices.
- 15.5.2 Since independence, various reports on education have made a number of suggestions on the subjects to be included in the secondary school curriculum. The Kamunge Report (1988)(page 160) gives a comprehensive list of the subjects being offered at the secondary school level at the time. The Report, therefore noted that, whereas the aims and objectives of the secondary school curriculum were noble, they were not being achieved fully because the curriculum was overloaded in terms of the content and the number of subjects that each student was studying and being examined on. Consequently, the Report recommended a review of the curriculum with a view to ensuring effective coverage of its content and strengthening of its career orientation.
- 15.5.3 Since the time of the Kamunge Report, a number of changes have been effected. The curriculum was revised in 1992. At that time, the number of subjects that a student was expected to study and be examined on in the KCSE were reduced from ten (10) to eight (8). In 1996, computer studies were introduced in the secondary school curriculum as an elective examinable subject.
- 15.5.4 At the time the Commission was conducting its inquiry, the secondary school curriculum was as follows:
- (a) In Forms 1-2, thirteen (13) subjects were being offered while in Forms 3-4, thirty-two (32) subjects were being offered. In addition to these subjects, every student was expected to take Physical Education (PE), which was a non-examinable subject offered from form one through to form four. The Commission was, however, informed that in some schools, students were being offered fewer subjects than the ones that are recommended by the Government and that in many schools, PE was being ignored.
 - (b) In Forms 3-4, students were taking a minimum of eight (8) subjects selected from the following five (5) groups for the purposes of the Kenya Certificate of Secondary Education (KCSE):

Group 1: Compulsory subjects

1. Mathematics
2. English
3. Kiswahili

Group 2: Sciences

1. Biology or Biological Sciences
2. Physics }
3. Chemistry} or Physical Sciences

NB: A student was expected to take any two of the above subjects for their KCSE

Group 3: Humanities

1. History and Government
2. Geography
3. Christian Religious Education (CRE)
4. Islamic Religious Education (IRE)
5. Hindu Religious Education (HRE)
6. Social Education and Ethics (SEE)

NB: A student was expected to take at least one subject from this group.

Group 4: Applied and Industrial Education subjects.

1. Home Science
2. Art and Design
3. Agriculture
4. Wood work
5. Metal work
6. Building Construction
7. Power Mechanics
8. Electricity
9. Drawing and Design
10. Aviation Technology
11. Computer Studies

NB: A student was expected to take at least one subject from this group.

a) Group 5 Foreign Languages and Other subjects

1. French
2. German
3. Arabic

4. Music
5. Accounting
6. Commerce
7. Economics
8. Typewriting with office practice

NB: A student was expected to take at least one subject from this group.

For a student to get the minimum of 8 subjects for KCSE, they were expected to select one additional subject from either group 2 or 3.

15.5.5 Almost all the stake-holders who made their submissions to the Commission were of the opinion that, the secondary school curriculum is overloaded in terms of the subjects that a student is expected to study and be examined on in the Kenya Certificate of Secondary Education (KCSE). The stakeholders therefore suggested a revision of the curriculum with a view to trimming down some of the subjects' content and reducing the number of subjects that a student is expected to be examined on in the KCSE.

15.5.6 The reasons given for the overloading of the curriculum were:

a) *The integration of some subjects.*

Submissions were received to the effect that, the integration of various subjects had made the content of the affected subjects too wide and rather unmanageable. The subjects cited were:

- i) Lugha ya Kiswahili and Fasihi Kwa Kiswahili
- ii) English Language and Literature in English
- iii) Clothing and Textiles; Home management; and Foods and Nutrition which were at the time offered as one subject under the title "Home Science".

In order to make the content of these subjects manageable, the stakeholders suggested to the Commission that, the integration of these subjects be stopped. In this regard then, the proposed subjects were:

- i) Lugha ya Kiswahili
- ii) Fasihi Kwa Kiswahili
- iii) English Language
- iv) Literature in English
- v) Clothing and Textiles
- vi) Home Management
- vii) Foods and Nutrition.

- b) *The overlaps across subjects and repetition of some topics within a given subject.*

The Commission was informed that there were unnecessary overlaps across subjects and repetition of some topics within a given subject's content.

As regards the repetition of some topics in a subject at various levels in secondary school, proposals that a topic be dealt with exhaustively at a given level were offered however, it was also pointed out that this repetition is a vital way of enhancing understanding in a given subject.

- 15.5.7 Before the introduction of the 8+4+4 system of education, secondary school education covered a period of six years. The curriculum content at the time had been designed to cover the six years. The Mackay Report (1981) recommended the reduction of the period for secondary school from six (6) to four (4) years. Some curriculum designers did not, however, adjust the curriculum content accordingly. The Commission was surprised to learn that, some of the subject content which was formally covered at "A" levels (year 5 and 6 of secondary school education) were put in the syllabus of either Forms Three or Four in the current 8+4+4 system of education. Such topics/subject areas, some members of the public argued, had made it difficult for the students to understand and even develop a positive attitude towards the affected topics. One of the subjects that were frequently quoted as being a good example is Economics. The Commission was requested by the stake-holders to ensure that topics of this nature were removed from the secondary school curriculum.
- 15.5.8 From the various submissions and findings, the Commission observed that, since a spiral approach had been used in developing the subjects' content within the secondary school syllabi, the overlaps across and within subjects at different levels were inevitable; however, these were likely to contribute to curriculum overload. The commission therefore, concluded that these overlaps should be checked to avoid this negative effect. The Commission further concluded that, both teachers and students had difficulties in handling a number of subjects (such as economics) and areas within the curriculum. The Commission is of the opinion that the curriculum content at all levels of secondary school should take cognizance of the learner's developmental stage. In this regard, the Commission noted that there is an urgent need to review the secondary school subject syllabi with a view to making the content more manageable.

The Commission recommends that:

Recommendation 15.21

The secondary school curriculum be revised with a view to removing inappropriate content thus making all the subjects manageable.

Recommendation 15.22

The existing integration in respect of Home Science, Kiswahili and English be stopped and instead, the following subjects be offered separately from Secondary Three:

- i) Clothing and Textiles**
- ii) Foods and Nutrition**
- iii) Home Management**
- iv) Lugha ya Kiswahili**
- v) Fasihi Kwa Kiswahili**
- vi) English Language**
- vii) Literature in English**

- 15.5.9 The Commission was informed that, despite passing mathematics in the KCPE, many students found it extremely difficult to tackle mathematics syllabus in secondary school. The Commission was informed that, the pass rate of mathematics at the KCSE was abysmal. On the other hand, presentations from teachers of secondary and post-secondary to the effect that simplifying the current maths syllabus would create problems for students wishing to pursue mathematics, sciences and technical subjects at higher levels.

Recommendation 15.23

In view of the foregoing, the Commission recommends that two syllabi for mathematics be developed: Comprehensive Mathematics for students wishing to pursue scientific and technical courses and careers at post-secondary level, and Basic Mathematics for the other students.

- 15.5.10 Localization of secondary school curriculum was an issue of concern in the Ominde and Gachathi reports. These two reports emphasized on the idea of having a curriculum (especially of the cultural subjects) which stresses on local culture and history, and also makes use of the locally available study materials. Whereas attempts may have been made to ensure contextualization of some subjects within the secondary school curriculum, the Commission learnt that, by and large, the secondary school curriculum is yet to be contextualized.
- 15.5.11 During the Commissions' visits to the districts within the ASAL areas, it was informed that, in some subjects such as Geography, the content has a bias towards high potential areas. An example given quite often by the public was that, in dealing with livestock development, very little is taught about the rearing of camels, but there is a lot of emphasis on rearing of high-bred cattle. This, it was alluded, is a disadvantage on the part of the learners from the ASAL areas who may not be conversant with high-bred cattle. It was further pointed out that this bias is also evident in items on National examinations. In order to ease this problem, it was suggested that curriculum content be designed to take cognizance of regional disparities and characteristics. The Commission underscores the sentiments expressed by the public on this issue.

Recommendation 15.24

The Commission recommends that the content of various subjects within the curriculum must take cognisance of regional disparities.

- 15.5.12 The Commission learnt that, the current secondary school curriculum does not offer opportunities for learners to specialize in the sciences, humanities or technical subjects. The content is too wide and demanding for both the student and the teacher. This situation, it was alluded, was aggravated by the clustering of subjects for admission to the local public universities. The “cluster system” was seen as an impediment to the pursuit of further education. From the foregoing, it was suggested to the Commission that, the secondary school curriculum comprise of a few core subjects and a wide variety of elective subjects from which a learner can choose to pursue either the Humanities or Science subjects. This was viewed as a good way of giving learners a chance to specialize in areas of their choice. With this specialization, the clustering of subjects, would have no direct role to play.
- 15.5.13 The Commission notes the arguments advanced for establishment of core subjects, abolition of subject clustering and providing for early specialization to learners. It also realizes that there is a need to revisit the subject clustering system in view of the arguments advanced for its abolition. On the twin issues of specialization and establishment of a core curriculum, the Commission recommends that:

Recommendation 15.25

The curriculum for Secondary One and Two be based on a wide range of subjects with a broad-based general education. Specialization at this stage is not recommended. This curriculum shall comprise of thirteen (13) subjects with ten (10) core (compulsory) subjects including Physical Education which is non-examinable and three (3) subjects selected from fifteen (15) elective subjects as follows:

A. Core subjects

- 1. Mathematics**
- 2. Lugha ya Kiswahili**
- 3. English Language**
- 4. Biology**
- 5. Chemistry**
- 6. Physics**
- 7. Geography**
- 8. History and Government**
- 9. Religious Education**
- 10. Physical Education**

B. Elective subjects (any 3 subjects)

1. French
2. German
3. Arabic
4. Literature in English
5. Fasihi Kwa Kiswahili
6. Sign Language
7. Social Education and Ethics
8. Agriculture
9. Home Management
10. Fine Art
11. Technical Drawing and Design
12. Music
13. Information Technology
14. Food and Nutrition
15. Clothing and Textile

Recommendation 15.26

The curriculum for Secondary 3 and Secondary 4 be made more flexible to allow students to start specialization through their choice of subjects. There be certain amount of subject bias towards Science, Humanities and Social Sciences, or Technical and Vocational subjects where students can specialize. The exact subject selection be dependent on the prevailing resources and facilities at the school. The curriculum at this level include a minimum of seven (7) subjects selected from four (4) groups, with three (3) core subjects and one (1) subject from each of the groups. Any additional subjects be from any of the groups. The curriculum at this level comprise of the following subjects:

A. Group 1 Core/compulsory subjects

1. Mathematics (Basic or Comprehensive)
2. Lugha ya Kiswahili
2. English Language

B. Elective subjects

Group 2- Sciences (Any one subject)

1. Biology
2. Chemistry
3. Physics
4. Biological Science
5. Physical Science

C. Group 3- Humanities and Social Sciences (Any one subject)

1. Geography
2. History and Government
3. Social Education and Ethics
4. Religious Education
5. Arabic
6. French
7. German
8. Sign Language
9. Fasihi kwa Kiswahili
10. Literature in English

Group 4- Applied Practical Skills and Technical and Vocational subjects (Any one subject)

1. Agriculture
2. Foods and Nutrition
3. Home Management
4. Clothing and Textiles
5. Fine Art
6. Technical Drawing and Design
7. Computer science
8. Music
9. Physical Education

Recommendation 15.27

Students be allowed to specialize in areas of their choice out of the specified subject groupings provided they study all the core-subjects.

- 15.5.14 The Commission noted that the current secondary school curriculum is examination-oriented and that there is a need to shift emphasis from examination, to acquisition of knowledge, skills, values and attitudes (learning). The Commission is of the view that, monitoring and evaluation of the secondary school curriculum should be made more comprehensive, with a view to capturing all the aspects of the child's growth and development. The Commission, therefore, recommends that:

Recommendation 15.28

At the end of the secondary segment level, a Scholastic Assessment and Evaluation Examination leading to an award of a General Certificate of Secondary Education (GCSE) be given. This examination aims assessing students' talents and academic ability, and shall be given twice every year.

Recommendation 15.29

On completing the secondary education segment, the student be examined on the subjects he/she studied and be graded on the best six (6) subjects.

Recommendation 15.30

Accumulation of grades be permitted for the purposes of certification, so long as all grades are obtained within two academic years and one certificate be issued, on application, so long as no certificate(s) shall have been issued for examinations already done.

- 15.5.15 Effective implementation of the curriculum calls for the provision of adequate and appropriate facilities, equipment, learning and teaching materials *inter alia*. Almost all the previous education review reports have stressed on the need to provide facilities, equipment, learning and teaching materials especially for the teaching of sciences and other practical subjects. Despite this persistent emphasis in the previous education review reports, the Commission found that most of the secondary schools do not have adequate facilities, equipment and materials for the teaching of practical subjects.
- 15.5.16 The Commission further learnt that, each secondary school offers some practical subjects. These range from sciences (some of which are compulsory) to metal work. Most of these subjects require specialized physical facilities, equipment and materials. Unfortunately, very few schools were found to have all the requirements for the practical subjects that they offered. Under the circumstances, teachers have tended to teach much of the practical work “theoretically”. Most students who interacted with the Commission expressed concern that they did not get adequate exposure to practicals. Others who made submissions to the Commission suggested that, the government either provides all the necessary facilities for the practical subjects, or allows each school to offer the practical subjects for which it has adequate facilities, equipment and materials, and that there should be an alternative to practicals.
- 15.5.17 The Commission considers appropriate and adequate facilities, equipment and materials as vital in the effective teaching of practical subjects. The Commission is also fully aware of the constraints that are facing both the government and the parents, which have made it impossible to provide every school with the necessary facilities, equipment and materials for the teaching of the practical subjects. The Gachathi Report (1976) pointed out the necessity to effect economies and efficiency in the utilization of expensive facilities and equipment in secondary schools, and recommended that schools be grouped together to share the use of expensive facilities, equipment and scarce specialist teachers. The Commission is convinced that the teaching of practical subjects in secondary schools should be enhanced and, therefore, recommends that:

Recommendation 15.31

Where some schools which do not have adequate resources and facilities, required for practicals, and where there are central locations within the neighbourhood which are endowed with such resources and facilities, effective mechanisms be put in place for the sharing of these resources and facilities.

Recommendation 15.32

Schools be allowed to offer only those practical subjects for which they have all the required physical facilities, resources, equipment and materials.

- 15.5.18 The Commission is aware of the curriculum based establishment procedures of teachers' deployment. It is also aware that the recommended Pupil Teacher Ratio (PTR) in secondary schools is 40:1. In the process of conducting its inquiry, the Commission noted that the interaction between teachers and students was better where the class size was between 35 and 25. Against this background and in view of the need to provide quality secondary school education, the Commission recommends that:

Recommendation 15.33

Deployment of secondary school teachers be reviewed with a view to effecting a Pupil Teacher Ratio (PTR) of 35:1.

Recommendation 15.34

The average class size in secondary school segment be 35 students.

- 15.5.19 The Commission noted that foreign languages such as French, German, and Arabic are offered in a few secondary schools. Kenyatta University also prepares French and Arabic graduate teachers. The Commission notes the importance of foreign languages due to their unique position in trade and tourism, which will invariably call for a requirement for other languages besides English and Kiswahili when candidates are seeking placement in some international organizations. It should also be noted that most tourists coming to Kenya need language assistance. The Commission, therefore, recommends that:

Recommendation 15.35

The training of teachers in sign language and in foreign languages such as French, German, Arabic, Japanese and Russian at local universities be initiated and /or expanded.

- 15.5.20 The Commission received submissions to the effect that, the current secondary school curriculum is examination oriented. This was seen as negative since it had led to extra tuition, thus over-burdening both the teachers and the students.

On the other hand, parents pay dearly for this tuition. The Commission learnt that during this extra tuition, most teachers were engrossed in the process of drilling students to pass examinations. Unfortunately, this drilling and the examination orientation of the curriculum have led to rote-learning at the expense of enhancing analytical and problem solving skills, which are necessary at this level of education. Most people who made their submissions to the Commission suggested that continuous assessment be used as a means of monitoring and evaluating curriculum implementation. They saw this as a very powerful tool, which would shift the emphasis of the curriculum from an examination orientation to a learning orientation. Unfortunately, most of the people were not explicit on how this powerful method of assessment could be utilized without falling prey to unethical practices.

- 15.5.21 While the Commission desires that every Kenyan child must complete Basic Education cycle, it is aware that, due to unforeseen circumstances, some students may not complete Basic Education without any exits. The Commission views education as a life-long process and, therefore, deems it necessary to provide for exits and re-entry to the formal system of Basic Education. Due to these considerations, the Commission recommends that:

Recommendation 15.36

Where a student has to leave Basic Education cycle before completion, mechanisms be worked out to enable the school to issue an authenticated leaving certificate to facilitate future re-entry.

Recommendation 15.37

Alternative and Continuing Education programmes be initiated/expanded and/or strengthened to provide complementary roles to the formal Basic Education programmes with modalities being worked out to open re-entry points from one to the other.

Chapter Sixteen

CONTENT OF HIGHER EDUCATION AND TRAINING

16.1 Preamble

16.1.1 Higher Education, comprising all types of education and training beyond the Basic cycle of education, forms a logical progression in terms of human resource development after Basic education. Thus, whereas basic education equips an individual with the necessary knowledge and skills to enable them to positively interact with their immediate environment, Higher education utilizes that basic knowledge and skill to create in the individual, a capacity to effectively contribute in terms of work and productivity, towards national and international development. Education and training at this level therefore aims at:-

- a) Imparting hands-on skills and capacity to perform multiple and specific national and international tasks.
- b) Creation of dependable and sustainable workforce in form of Human resource capital for national growth and development.
- c) Creation of entrepreneurial capacity for empowering individuals to generate self-employment and employment for others.
- d) Offering opportunities for advancement of learning beyond basic education with a strong leaning towards scholarship and research.
- e) Creation of a strong national research base at various sectors of economic and national development.
- f) Bridging the gap between theory and practice in the various disciplines of education and training.
- g) Creation of a strong sense of nationalistic and global development.
- h) Inculcation of a culture of precision, moral discipline and work ethic, which are necessary in modern industrial and technological world.

16.1.2 The content designed for the various disciplines and levels of Higher education, its modes of delivery, assessment and certification processes and co-ordination, must therefore facilitate the achievement of these goals. However, the Commission noted with concern that there still exists a substantial gap between the ideal state of Human resource capital and the current state of affairs.

16.1.3 Taking into consideration the current trends in market globalization and explosion of information technology, human resource development at the level

of Higher education must acquire an international outlook. It therefore becomes necessary to design the curricula and content for this level of training, to prepare the graduates for the international market. This chapter looks at the current curricula and content and makes specific recommendations in order to revamp this level of education and training as a tool for propelling the nation to the next millennium and for national industrial development.

16.2 Definition

16.2.1 **Higher Education** refers to all formal and non-formal education and training offered after the Basic Education cycle and it comprises further and university level education and training. Under this definition, Higher Education institutions will, therefore, include all institution offering education and training at levels beyond the Basic Education cycle and in particular, but not limited to, the following:

- a) All teacher training colleges,
- b) All institutions offering Technical and vocational Education and training (TVET),
- c) All sectoral colleges within the various Government Ministries;
- d) All Non-governmental institutions offering commercial and other skill-development courses at a level beyond basic education;
- e) All institutions offering pre-university academic programmes; and
- f) All the public and privately chartered universities,

16.3 Certificate Teacher Training

16.3.1 The Commission noted that currently there are twenty-one (21) Public and eight (8) private Certificate teacher training colleges in the country, whose mandate it is to produce a teaching workforce for the primary cycle of education. Hence these have often been referred to as Primary Teacher Training Colleges. Trainees absorbed in these colleges must have a minimum mean grade of D+ at the Kenya Certificate of Secondary Education (KCSE). These then undergo a two year training programme at the end of which they graduate as primary school teachers.

16.3.2 The quality of the teacher is of paramount importance in the provision and maintenance of quality education. The Commission has observed several factors affecting the quality of the current teacher training at this level. The first of these factors is the low mean grade (D+) taken as the minimum academic requirement for entry into these colleges. Students with such grades often had failed in sciences and mathematics.

- 16.3.3 The commission has further observed that as a result of the low minimum qualification requirement and the fact that these teachers are trained in and expected to teach all the fourteen subjects currently taught at the primary schools, many of the teachers end up teaching subjects which they either failed in or they never studied at all, in their secondary school education.
- 16.3.4 The Commission also noted with concern that due to the low minimum requirements and the manner in which selection and admission to these colleges is carried out, and lack of employment opportunities in other disciplines, many individuals who have neither the desire nor a natural inclination to become teachers, end up being trained as such. It is therefore not surprising that many of the teachers at the primary level lack both the ability and commitment to motivate the children under their care, towards developing a desire for life-long learning.

Recommendation 16.1

That the minimum grade for admission into any teacher training programme be strong grades and upon graduation, teachers be made to teach the subjects already studied and passed.

- 16.3.5 The Commission has carefully studied the curricula and content developed by the Kenya Institute of Education (KIE) for this level of teacher training. Although the content is fairly adequate, it is deficient in a number of areas and would need to be revised with a view to revamping it and expanding it to address recently emerging issues.
- 16.3.6 Areas in which the current content for the Certificate Teacher Training curriculum was found to be deficient include:-
- a) Recent developments in Communication Technology;
 - b) Environmental studies including Principles of preservation of the environmental and utilization of natural resources in a sustainable manner;
 - c) Gender education;
 - d) Education for learners with special needs;
 - e) Kenya's philosophy of education;
 - f) Teaching methods for foundation levels of education with particular emphasis on Reading and Writing skills;
 - g) Information technology and Computer science.
 - h) Nationhood and the issues of national unity and mutual social responsibility; and
 - i) Emergence of HIV/AIDS in the context of Hygiene and Health education.

In view of the foregoing, the Commission recommends that:

Recommendation 16.2

The current curriculum and content for the certificate teacher training programmes be revised accordingly, to include recently emerging issues and to make it compliant to the new approach to basic education which includes early childhood education.

Recommendation 16.3

Instead of the current fourteen (14) subjects offered in certificate teacher training college and which every teacher trainee must study, the teacher trainees be allowed to study ten (10) subjects only. Four (4) core or compulsory subjects (English, Kiswahili, Mathematics and Professional Studies) and (4) electives.

Recommendation 16.4

The subject “Professional studies” be expanded to include Health Education, computer sciences, Gender Education, and Information Technology, which will be compulsory to all teacher trainees.

16.4 Diploma and Graduate Teacher Training

- 16.4.1 The Commission has made observations that currently there are two Diploma teacher training colleges namely: The Kagumo Teacher training college which prepares teachers for Art subjects and The Kenya Science Teacher Training College specializing in science subjects. These and the Education faculties in the public universities have currently been charged with the responsibility of training teachers particularly for the secondary schools in the country.
- 16.4.2 The Commission observed that as a result of the recent increase in the number of graduate teachers coming from the universities, some of the Diploma Teachers were deployed to teach in primary schools. Since these teachers had not been trained to teach at this level, they have been frustrated and many have sought alternative employment. The Commission has looked at the content of the curricula for teacher training at the Diploma colleges and those for the graduate teachers at the universities.
- 16.4.3 The Commission further noted that though both the Diploma colleges and the universities were training teachers for the secondary school level; there was a fundamental difference in the manner in which the two approached teacher training. The universities tended to emphasize content as opposed to methods and skill, while the Diploma colleges put more emphasis on methodology and pedagogy.
- 16.4.4 The Commission noted that both content and methodology are essential in training of high quality teachers and that the training of secondary school

teachers should be such that parity is achieved between the two. This may be readily facilitated by linking and harmonizing the training at the universities with that undertaken at the Diploma colleges.

- 16.4.5 The Commission observed that there were no clearly defined mechanisms for individual promotion from one grade to the other. Thus a P2 teacher who wishes to move up to P1 and to Diploma, is not clearly facilitated. There are no mechanisms in place to transfer credit hours from one institution to another. In this regard, therefore, the Commission recommends that:

Recommendation 16.5

Modalities be worked out to allow the Diploma Teacher Training Colleges to become Associate colleges of respective universities that offer Teacher training in order to harmonize the curriculum and content and to facilitate credit transfer between the colleges and universities.

Recommendation 16.6

That the curriculum and content at the Teacher training colleges be organized in units in order to facilitate credit transfer and a clearly defined upgrading system.

- 16.4.6 The Commission observed that there are faculties of education in University of Nairobi, Kenyatta University, Egerton University and in Moi University. The content of the curricula at all these institutions is quite similar. The public strongly submitted to the Commission that duplication of similar programmes in the public universities was both uneconomical and unnecessary. It would be more economical to consolidate teacher training in order to maximally utilize the available resources.

Recommendation 16.7

That all teacher training be consolidated under a separate body which will be charged with the responsibility of harmonization, registration, co-ordination and maintenance of quality in the teaching profession.

- 16.4.7 Currently, KTTC produces the bulk of TVET teachers in secondary schools, middle level colleges and trainers in industry. With the conversion of former technical secondary schools to technical training institutes, former Harambee institutes of technology producing graduates at craft III and Diploma levels, the polytechnics opening their doors to self-sponsored students, KTTC started running **One Year** and **Two Year** Teacher Training programmes and produces teachers at the following three levels:-

- a) Certificate Technical Teachers
- b) Diploma Technical Teachers
- c) Higher Diploma Technical Teachers

- 16.4.8 The Commission believes that technical teachers in middle level colleges should be given opportunities to further their academic and professional qualifications. This will be facilitated by modularization of the curriculum and content to allow for accumulation of credit-hours and inter-institutional transfer. In this regard therefore, the Commission recommends:

Recommendation 16.8

That a unit approach to teaching be introduced in Technical teacher training programmes both at the Diploma and Graduate level. In this approach, it will be possible for teachers to accumulate credits, which will enable them to take up further studies up to the highest levels of their choice.

- 16.4.9 The Commission was informed that, Moi University admitted the first group of students to train for the Bachelor of Education in Technology degree in 1989. The original objective of the programme was to increase the pool of teachers needed to implement the 8+4+4 curriculum, with its emphasis on practical subjects, at the secondary school level. The Commission noted that, due to lack of adequate progress in the implementation of the 8+4+4 industrial education program, the need for TVET teachers in secondary schools has dwindled considerably. In view of the foregoing the Commission recommends:

Recommendations 16.9

That the public universities participate in curriculum development and in training of teachers for Technical and vocational education and training (TVET) institutions.

16.5 TVET Curriculum

- 16.5.1 The Commission observed that historically, the TVET content for each area of specialization has been taught and examined separately, despite the fact that there is commonality in many areas. It would be more economical for common courses to be taught together, and only separate the specialization level. This concept is discussed below. Furthermore, if the courses are organized in modular format, a TVET graduate in one specialization could return to complete the requirement of another specialization without the need to repeat any of the courses already taken. This would greatly reduce the time and cost required to complete the second program.
- 16.5.2 The Commission noted that it would be possible to combine the common courses for the various TVET specialization areas and levels, as diagrammatically illustrated (fig. 1.) below.

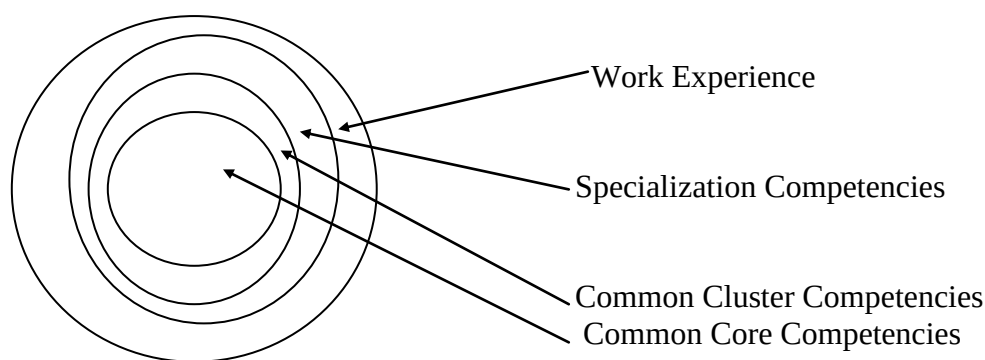


Fig. 1. Diagrammatic illustration of the concept of combining common courses in TVET content and curriculum development

- 16.5.3 The Common Core competencies refer to all courses that are common and necessary for preparing students for any of the TVET areas of specialization. These would include such subjects as Communication skills, Interpersonal relationship, Leadership skills, Creativity and Information technology.
- 16.5.4 The common cluster competencies refer to subjects that cut across within the cluster. For example, in mechanical engineering cluster, several specializations such as motor vehicle technician, mechanical production plant and aviation. All these courses have subjects that can be taught in common, for example engineering sciences, further mathematics, technical drawing, computer applications, engineering and materials.
- 16.5.5 Specialization competencies will be those that strictly relate to the discipline. Using the example of the mechanical engineering cluster these would include, Workshop practice, related technology, etc. Specialization cluster is what gives each program its identity.
- 16.5.6 Under the modular approach, the emphasis is on completion of the required modules to obtain a full qualification (e.g. Craft Certificate, Diploma or Bachelor of Technology). This implies that programming will be in the form of modules rather than courses, hence, provided a student has the pre-requisite for a module, they can enrol for the module and join any group taking a similar module irrespective of the final qualifications.
- 16.5.7 In essence, this arrangement will take care of individual differences and talent and reward hardworking and intelligent students commensurately. Hardworking students will therefore acquire their qualifications faster as opposed to being held up as is in the present arrangement where all students start at year one and finish at year 3 irrespective of their abilities.

Recommendation 16.10

In view of these observations, the Commission recommends that the unit approach be adopted in all middle level institutions in order to facilitate credit accumulation and transfers.

- 16.5.8 It is noted that the current craft syllabi that were designed on the assumption that the entrants would be artisan certificate holders, is a 3 year program. This program contained subjects such as English, Kiswahili, mathematics, science, and social studies that would have been largely covered by entrants who had completed secondary education. According to information from the field, entrants into the craft program were mostly graduates of secondary education and are therefore made to repeat work already covered in school.

Recommendations 16.11

In view of this observation, the Commission recommends the craft programme be rationalized and harmonized

- 16.5.9 The Commission learned that for some time now, despite the stipulated practical requirement in the syllabi, the teaching of Practicals had been neglected due to lack of equipment, qualified staff and teaching materials. It was learned that though agriculture is still an important economic sector for this country, few of the TVET programmes included agricultural technology. Other areas that are not adequately covered by the current content include marine sciences, arid and semi-arid land sciences, water generations and conservation, Nationhood Studies and Chemical Engineering.

Recommendations 16.12

The Commission recommends that adequate funding be made available to ensure that the practical component of the TVET programmes is adequately implemented and that quality assurance and quality control are maintained through continuous review of the curriculum in all TVET institutions in order to make it relevant to the rapidly changing world of technology.

16.6 BUSINESS EDUCATION AND TRAINING

- 16.6.1 The commission has observed that there are numerous private institutions in the country, offering training in various commercial and business areas of specialization. Many of these operate using internally and internationally developed curricula and prepare students for international examinations. Some however do offer short courses in Secretarial, Computing, Accountancy and other business education areas, to persons studying for KNEC or for KASNEB examinations.
- 16.6.2 The Commission has noted that apart from assessment by the examination bodies, there is no co-ordination at the level of curriculum development and quality assurance of the content in the various commercial and business colleges. Quality of the training offered by these institutions is therefore not easy to monitor. This would be possible if a professional national body were to be put in place to harmonize and to maintain quality of training in these colleges.

16.7 Sectoral and Para-Professional Educational And Training

- 16.7.1 The Commission noted that there are several colleges and institutions offering para-professional training in various disciplines such as health, legal, engineering, journalism, mass communication, water, agriculture, and banking etcetera. These include the sectoral colleges, which were established in most government Ministries to offer specific training to personnel within the given ministry as part of staff development.
- 16.7.2 A careful examination of the curricula and content of the programmes offered by these colleges, revealed marked duplication in related areas. Those that offer Engineering type of training for instance, follow the same or similar curriculum. Since none of these seemed to have the full complement of equipment and qualified personnel, it might be more cost effective for them to merge and create centres of excellence training for the common market. The Commission further observed that though these sectoral colleges were originally meant to train personnel for the specific sectors, this approach is rather uneconomical. These colleges should therefore widen their content and scope and train for the private market both nationally and internationally.
- 16.7.3 The Commission observed that the curriculum and content for the training of such para-medical staff as nurses, clinical officers, medical officers, physiotherapists, and others offered under the Kenya Medical Training Colleges, was fairly comprehensive. However, the co-ordination of student selection and admission and the quality assurance systems at the various Institutes were found to be inadequate. To address these short comings, the Commission recommends that:

Recommendation 16.13

The content and mode of delivery in all the middle level colleges be revised to enable these institutions train for a wider public and private market both within and outside this country.

Recommendation 16.14

National professional boards be formed for each profession, which will monitor the development of training curricula and content, co-ordinate the assessment and certification processes, initiate quality assurance mechanisms and ensure the sustenance of ethics and professionalism in the training and practice of each given profession.

16.8 Hospitality and Tourism Colleges

- 16.8.1 The Commission noted that in the field of Hospitality and Tourism industry, there are a variety of curricula being followed by public and private training institutions.

- 16.8.2 The Commission further noted that some of the private training institutions did not have qualified lecturers, adequate and appropriate facilities and equipment to give quality and relevant training.
- 16.8.3 The Commission was informed by the public from the coastal region that the Kenya Utalii College which trains personnel of various cadres for the hotel and Tourism Industry enjoys a very good international reputation and is recognised by the World Tourism Organisation as one of the Fourteen Centres of Excellence worldwide. The public pressure and need led to the observation that Kenya Utalii College has not expanded its facilities to the Coast and that 60% of Tourism industries is at the Coast.
- 16.8.4 The Commission also noted that Kenya Utalii College diploma graduates who aspire for degree courses still have to go overseas since there is no university awarding degrees in Hotel and Tourism Management.
- 16.8.5 The Commission was informed that the Catering Training Levy, which was exclusively meant for training, originally, has now been converted into a “Catering, Training and Development Levy” to be applied to both tourism training and promotion without any increase in the Levy itself. The implication of this is that funds available for training will be drastically reduced, thereby negatively affecting the quality of training which may jeopardise the International Standing of Kenya Utalii College.

In view of the above observations, the Commission recommends that:

Recommendation 16.15

The Kenya Utalii College expands its training capacity by starting a college campus at the coast to give training at the current levels.

Recommendation 16.16

Mechanism be found to enable the Kenya Utalii College to offer degree-level courses in Hotel and Tourism Management.

Recommendation 16.17

The Catering, Training and Development Levy be increased.

16.9 Pre-University Education

- 16.9.1 The Commission observed that after Basic Education, individuals wishing to undertake University level education need to be further focused towards the various academic disciplines offered at university level. This concept has been overwhelmingly supported by the public through the public interviews and through the numerous memoranda submitted to the Commission. This pre-university course of study will enable individuals coming straight from Basic

Education institutions, to prepare for direct entry into the degree-level programmes.

- 16.9.2 The Commission is of the opinion that the curriculum and content for the matriculation or pre-university programmes should be designed to prepare the students for one of two (2) broad disciplinary areas namely:-

(a) Humanities and Social Sciences; and

(b) Sciences

- 16.9.3 Students wishing for instance to study in the area of Humanities will be required to follow a pre-university training programme including such subjects as languages, History, Religious studies, Social Ethics, Music, Art & Craft, while those who wish to pursue social sciences will major in Economics, Mathematics, Languages, Sociology, Home Science, Business education, Computer and a General paper as illustrated below:-

HUMANITIES AND SOCIAL SCIENCES	SCIENCES
Literature	Zoology
History	Botany
Languages	Environment
Religious Studies	Geography
Music	Health Education
Fine Art	Agriculture
Social Ethics	Computer
Computer	General Paper
General Paper	Chemistry
Geography	Physics
Sociology	Mathematics
Economics	Computer
Mathematics	Earth Sciences
Government	Surveying
Language	
Home Science	
Business Education	

- 16.9.4 The Commission observed that the ideal duration of the pre-university programme will be two years after which the students will sit a pre-university examination. On the basis of the results of this examination, students will then apply to be considered for the appropriate training at the various universities.

- 16.9.5 The Commission notes that this phase of education will be open to persons who have gone through alternative and continuing education and who wish to pursue university level education. However, persons from other middle level colleges who have acquired equivalent credit hours to allow them join university education; will not need to go through pre-university training. The pre-

university training programmes will be organized in a unit manner to facilitate credit transfer.

- 16.9.6 The Commission observed that in order to streamline and train the students at the pre-university level of education and training, each student will be required to take General paper as a core course.

The Commission recommends that:

Recommendation 16.18

The content of pre-university training programmes be designed to focus the students towards one of the two broad disciplinary areas namely, Humanities and Social Sciences, and Sciences.

Recommendation 16.19

Modalities, be worked out to facilitate, through credit transfers, persons in other forms of training to gain access to pre-university level education.

Recommendation 16.20

At the end of the pre-university course, a matriculation examination be undertaken to assess the student's ability to join degree-level programme.

16.10 University Education

- 16.10.1 The Commission visited all the existing national universities and university colleges and also received numerous memoranda from these institutions. The Commission then observed that this country is endowed with a rich, diverse, competent and high quality university education. The challenges that face these institutions in their endeavour not only to sustain the high standards, but also to attain even higher levels of academic excellence commensurate to the current rates of expansion of knowledge, have been discussed elsewhere.
- 16.10.2 The Commission, however, noted that one of the greatest challenges facing each one of the Academic faculties in these institutions is the pressure to continuously review the curricula and content for each teaching subject in order to keep abreast with the rapidly growing body of knowledge. Yet faculties, teaching departments and individual teaching staff, must acquaint themselves with the latest information in their specific areas of specialization and review the content of the various programmes accordingly.

Recommendation 16.21

The Commission recommends that various university faculties and teaching departments continuously review the content of their programmes in order to keep abreast with the rapidly increasing body of knowledge in their areas of specialization.

- 16.10.3 One other area, in which the Commission has received strong views from the public concerning content of university level education, is the issue of duplication of programmes in the various public universities. The general feeling has been that each university should identify their areas of strength and concentrate on those, thereby forming centres of excellence and specialization. The universities have on the other hand argued that duplication leads to competition which pushes for quality. The Commission feels that unplanned duplication is uneconomical at this time of scarce resources.

Recommendation 16.22

That the Commission for Higher Education (CHE) be empowered and strengthened to moderate and co-ordinate the academic programmes in universities and middle level institutions in order to facilitate credit transfers and to advise on economical duplication of programmes

Recommendation 16.23

That universities explore the possibility of forming Examination Syndicates which will offer examinations to individuals from middle level institutions as well as to individuals pursuing private studies and wishing to join degree programmes.

- 16.10.4 In studying the content of the various programmes offered by the national universities, the Commission observed that there were several areas not adequately covered yet these would be important from the country's economic point of view. The following areas were identified:-

- a) Marine sciences (oceanographic studies leading to sustainable utilization of the Indian ocean as a natural resource);
- b) Arid and Semi-arid land sciences (studies leading to development of means for positive utilization of this natural resource);
- c) Water engineering (modern technologies of generation, conservation, and utilization of water as a resource);
- d) Nationhood, moral and ethical studies (studies aimed at imparting the youth of this country with an in-born desire to practice mutual social responsibility and to pursue nationalistic values); and
- e) Aeronautical engineering.

Recommendation 16.24

The Commission recommends that universities regularly up-date their mission and vision with a view to maximizing the impact these institutions have on national socio-economic growth and development.

Chapter Seventeen

STRUCTURE OF EDUCATION AND TRAINING

17.1 Preamble

17.1.1 The vision of Education in Kenya for the 21st Century has been articulated to reflect the desire to achieve several ideals. Among these are the need to:

- a) reaffirm and enhance Patriotism, National Unity, Mutual Social Responsibility and the ethical and moral foundations of our society;
- b) provide an education for all, for life, that includes early school leavers and has open door and alternative systems that ensure opportunities for continuous learning, training and re-training;
- c) Place emphasis on quality and relevance, especially in view of global trends and new developments in science and technology, namely an education that puts at its centre the need for rapid industrialization; and
- d) Provides, a legal framework that safeguards the rights of every individual to education and provides controls, guidelines and procedures for its implementation, operations and management.

17.1.2 The Commission believes that any title chosen for a new structure of education in Kenya should imply the essence of these ideals, rather than the mere numerical value conveyed by the current 8+4+4 system or its predecessor 7+4+2+3. This is because the structure of education derives from consideration of the philosophy, content and especially objectives expected to be achieved at each level and cycle.

17.1.3 In this chapter, the Commission presents a brief review of the current education system, and then dwells on its proposals for a new structure of education for Kenya in the 21st Century.

17.2 Definition

17.2.1 The structure of an education system comprises the levels characterizing that system, and the length of time a learner is expected to spend on the content of the curriculum expected to be covered at each level, in fulfilment of clearly articulated objectives. Essentially, the content expected to be covered in order to achieve these objectives dictates the duration of each cycle which, for convenience and harmonization with a country's annual calendar, is arranged into annual, term, semester or quarter duration. Ideally, the structure of the

education system should be open-ended to reflect the long-term goal of life-long education, while at the same time allowing for the achievement of sufficiency in content coverage and preparation of individuals who may not be able to pursue further education and training within a formal setting.

The objectives of the 8+4+4 system of education were noble. However, it was frustrated by its poor implementation. The implementation was too rapid and did not allow for re-orientation of teachers. In addition, the content in each cycle was not assessed in order to balance between academic, vocational and co-curricular activities.

There is, therefore, need to restructure the system to allow for pre-university training, reduction of workload, and the preparation for actual survival skills necessary for industrial and related development.

*Daniel Tarap Moi
President, Republic of Kenya
at Kipsitet Girls' Secondary School
Kericho, 2nd February 1999*

17.3 The 8+4+4 Structure of Education

- 17.3.1 The introduction of the 8+4+4 system of education in 1983, accompanied by the abolition of the A-Level as recommended by the Mackay Report (1981), was based on the need to expand middle level colleges. Such expansion was expected to increase opportunities for skills training and also open more avenues for entry into higher education. Unfortunately, this expansion did not take place.
- 17.3.2 Among the strengths of the structure identified by presenters to the Commission are:

- a) The inclusion of practical subjects, which would have introduced to children the life-skills and lay the foundation for later skills development. Practical subjects would also orient the learners towards the dignity of manual work.
- b) The additional one year at the primary level which provides the learners' with adequate time to mature since for the majority, primary education was terminal. The increase from 7 to 8 years at primary level gives particular advantage to the girl child who completes this cycle at a minimum age of 14 years.
- c) Increased opportunities for students nationwide to compete for university places, compared to the narrower pre-selected cohort of the A-level structure.

17.3.3 Submissions by members of the public to the Commission, however, highlighted numerous weaknesses, which appear to out-weigh the above strengths. Among these are:

- a) lack of incorporation of the pre-school cycle as part and parcel of the structure;
- b) The loss of the two years of A-levels which was said to rob the students of the opportunity to mature before entering the universities. Many students were said to be unable to cope with the transition to university life and learning styles;
- c) The structure lacks open-door opportunities for the learners to pursue further education towards life-long learning;
- d) The structure is characterized by unhealthy competition and over-emphasis on examinations-based certification. The example frequently cited was that if a student dropped out at any time between forms one and four, the only recognizable certificate such a student could show was the KCPE certificate;
- e) The mismatch between the curriculum content and the time allowed within each level of the structure, which leads to stretching of learning time to evenings, weekends and school holidays;
- f) Lack of clarity on the required qualifications for certificate and diploma courses and the duration of such courses. The result is that similar diploma courses admit students with different qualifications, while some take two years and others three to four years for the same course;
- g) The hurried implementation with no prior consultations with, and preparation of, key stake-holders especially teachers and parents;

- h) The structure makes it necessary for Kenyan students wishing to undertake degree courses in a number of other countries to spend an extra year or two undertaking a pre-university course or A-level studies;
- i) The additional year at the university which was said to be an unnecessary expense to parents. In addition, university teachers admitted that they were ill-prepared for handling the foundation courses required for university work;
- j) Poor linkages between the curriculum design at secondary and university levels, and lack of appropriate mechanisms for identifying gifted learners and supporting them, due to exclusion of opportunities for specialization at primary and secondary levels.

17.3.4 These shortcomings notwithstanding, the Commission observed that many of the identified problems had more to do with the content of education, rather than the structure itself. The apparent rejection of the structure was indeed based on lack of ownership due to lack of prior consultation, especially perceived politicization and of the 8+4+4 system. This led to weaknesses in the economy, and even pressing social disintegration issues such as indiscipline and corruption being wrongfully identified with the structure.

17.3.5 The Commission is of the view that a new structure of education is called for, that has the capacity to gain the support of the people, which any structure must have for successful implementation.

17.3.6 The Commission is also convinced that a new structure should reflect the objectives and values inherent in the goals of education that Kenya seeks to achieve in the 21st century. This is because the mere identification of the structure in numerical terms is unlikely to capture the imagination of the public, or excite people in its novelty and innovation.

17.4 Rationale For A New Structure Of Education And Training

17.4.1 In its consideration of various proposals for a new structure of education and training in Kenya, the Commission has agonized over a new vision and mission for education and training that is likely to serve as a reliable and effective vehicle for taking the Kenyan through in the 21st Century. The imperatives of the new vision and mission must empower Kenya, as a nation, through its education and training, to assert her rightful image, place and role in the New World order. Strategies governing the new vision and mission must, therefore, articulate a comprehensively thought-out structure which justifiably indicates admissions, transitions, exits and re-entry points in respect of all the different cycles. Similarly, strategies of the new vision and mission must take into account the need to enhance improvement of the participation and completion rates at both primary and secondary school levels. At the same time, the new vision and mission must lessen the tension and rigidity in the university admissions policy by providing both rationalized and alternative channels

through which secondary school-leavers as well as other learners can gain admission into public universities.

- 17.4.2 Secondly, the Commission had an overriding mandate from the Government. This mandate is summarized in the terms of reference which empower it. After examining all the facts and memoranda presented, the Commission was required to come up with a new structure for education and training which is responsive to the socio-economic needs and challenges of the Republic of Kenya and its people in the competitive and globalized world community of the 21st Century.
- 17.4.3 Thirdly, there is need to consider and incorporate a system that is flexible and provides limitless opportunities for life-long learning for all.
- 17.4.4 The Commission has also derived strength from the over-riding mandate from the government, contained in its TORs, which required that it came up with a new structure for education and training that is responsive to the socio-economic needs and challenges of the nation, within the context of the competitive and globalized world community of the 21st century.
- 17.4.5 The Commission has affirmed the right of all Kenyans to Basic Education. Its proposals for a new structure of education must, therefore, incorporate an all-inclusive system that is so flexible and so well coordinated as to provide limitless opportunities for life-long learning, and the achievement of Basic Education for all children, youth and adults.

17.5 The Recommended Structure

- 17.5.1 The Commission analysed responses from the members of the public and came to the conclusion that neither of the numerical titles (such as 8+4+4 or 7+4+2+3) expresses the qualitative nature of the education system. For example, the numerical identification above do not explain the position of say, middle level education and training institutions offering certificate and diploma courses. They also do not leave room for Early Childhood Care Development and Education, and Alternative and Continuing Education. In view of this, the Commission has found it necessary to recommend a more comprehensive structure for the country's education system. The Commission believes that structure being recommended meets the aspiration of Kenyans and, at the same time is going to be attractive and acceptable in several other countries in the world. This is especially so in those countries that become the destination of most Kenyan in the journey for further education and employment. The Commission has also addressed the impact of globalization in our education system.
- 17.5.2 The hallmark of the recommended structure will be the expansion of basic education for all from the current 8 years to 12 years and the increased opportunities for learners for progression to higher levels through a flexible admissions system based on credits accumulation and transfer. The structure shall have two cycles: Basic Education Cycle and Higher Education Cycle. The

progression from one level to another in the structure of the new education system is schematically presented in Table 17a and Figure 17a.

Basic Education

The Basic Education Cycle shall have 1 year of pre-primary which is the foundation year, 7 years of primary and 4 years of secondary education.

Pre-primary to Primary Education

- 17.5.3 After spending at least one year at the pre-primary level, children will be admitted to standard one at age six. Currently, this transition has in some schools been impeded by the requirements of an entry examination or interview and high admission charges. This hampers smooth transition and in turn interferes with access.

Recommendation 17.1

The pre-primary unit forms the foundation year of the primary segment. Besides the foundation year, there be seven years of primary segment, and a further four (4) years of secondary segment amounting to 12 years of Basic Education.

Recommendation 17.2

To ensure a smooth transition that will in turn enhance access, the Commission recommends that there be no admission interviews or examinations for Pre-Primary to enter Primary One and all admission fees be abolished.

- 17.5.4 In order to provide continuity, each child should have an assessment record indicating how well they have mastered the pre-school curriculum. In addition, this record should indicate any learning difficulties, the health status of the child including immunizations, any discernible special needs and family background such as whether orphaned or single parent.

Primary to Secondary Education

The Commission is of the opinion that the entire Basic Education cycle of 12 years should be conducted without any interruption especially examinations in its path. However, the Commission is also aware that this would only be possible on attaining the universal Basic Education after several years. There is, therefore, need to offer an assessment and evaluation test at the end of the Primary segment. This test should aim at assessing the individual learner's ability and aptitude to pursue secondary-level curriculum in particular subjects, in line with the learners' interest and ability. It should be emphasized that the test shall not be used to deny the learner access to secondary-level education. This will ensure a possible 100 percent transition rate from the primary to secondary school.

Recommendation 17.3

In view of the above, the Commission recommends that there be a Primary Assessment and Evaluation Test leading to an award of a Certificate of Primary Education (CPE). This test be phased out in a planned manner over a specific period of time.

Secondary Education to Middle Level Institutions and Universities

- 17.5.5 The main purpose of secondary education will be to provide students with a sound academic foundation to prepare them to enter middle level education and training institutions and later, universities. At the end of the secondary education, students will sit the Scholastic Assessment and Evaluation Examination leading to an award of a General Certificate of Secondary Education (GCSE). It should be noted that the examination referred to here will be open to candidates from both formal and non-formal institutions. There will be no category referred to as private candidates. This examination is aimed at assessing the student's talent and academic ability for future career opportunities, and becomes an opening to higher education cycle and Pre-vocational where Pre-vocational professions mean those professional skills obtained at certificate level after Basic Education cycle and which may be terminal in themselves.

Recommendation 17.4

The Commission recommends that at the end of four (4) years of secondary level, a Scholastic Assessment and Evaluation Examination be given leading to an award of a General Certificate of Secondary Education (GCSE).

Higher Education

- 17.5.6 All post-secondary education and training falls under the Higher Education Cycle. At this cycle, the progression from one level to another shall be determined more on the content covered by the learner rather than the duration spent. The Commission has observed that problems associated to admission to university-level courses have been occasioned by inadequate opportunities at the university level and the requirement for direct entry from secondary to university. Those candidates who qualify for university admission but do not get access immediately, have diminishing chances of getting university admission later because of annual accumulation of qualified candidates. The Commission views this restriction as unnecessary and proposes that in order to increase access to university-level education, avenues should be found to promote university entry through properly coordinated middle-level education and training institutions. In this way, it will be possible to accumulate credits at certificate and diploma levels, and then transfer the same to the degree programmes. Under the circumstances, it will not be necessary to undertake all

courses at the university. In addition, the unit or credit hours accumulation and transfer will allow for points of exit and re-entry.

Recommendation 17.5

Higher Education and training curricula be structured, linked and co-ordinated in a unit system approach which, when translated into credit hours, will allow for points of exit and re-entry, credit accumulation and transfer, and for progression from certificate to diploma and to degree levels.

Pre-University Level

The courses being undertaken at this level shall be pre-requisite to degree-level courses. Courses should be arranged in such a manner that when the learner completes the course, and depending on the level of grades obtained, shall qualify the learner for direct entry to a given degree programme. This is the principal route to university level courses. The curriculum should also be designed in a unit system manner to allow for credit transfer to other available education and training programmes. The curriculum should be designed to be completed, on the average, in two (2) academic years. However, the time for completion shall be dependent on the effort of the learner. The subjects being studied at this level should be those that were successfully completed and passed at the GCSE examinations.

Recommendation 17.6

The Commission recommends that the pre-university level curriculum be designed to prepare learners for direct entry into to the degree courses.

Certificate Level

- 17.5.8 Certificate courses may be academic or oriented to skills training in pre-professional lines. The learner at this level is introduced to basic principles and skills in pre-career courses. While the curriculum may be designed to cover those areas that will be prerequisite to diploma level courses, other sets of curricula may be designed to prepare the learners for pre-vocational courses which may be terminal in themselves, such as Art, Craft and Artisan courses. At the Certificate Level, the content of the curriculum needs to be designed in a unit system approach for the purposes of credits accumulation. The learner may not have to cover all the required units at once. On the average, the content at the Certificate Level can be covered within two (2) years.

Recommendation 17.7

The Commission recommends that the Certificate Level curriculum to be designed to prepare learners for pre-vocational courses and which will allow for progression to and for Diploma and degree courses.

Diploma Level

- 17.5.9 The Diploma Level programme builds on the basic principles and skills in pre-career courses covered at the Certificate Level. The objective at this level is to prepare the learner to develop an intermediate level of knowledge in a chosen career or course. The curriculum design for this level is based on units which may be covered, on the average, in one year after the Certificate Level. The Diploma curriculum also prepares the learner for Degree programme.

Recommendation 17.8

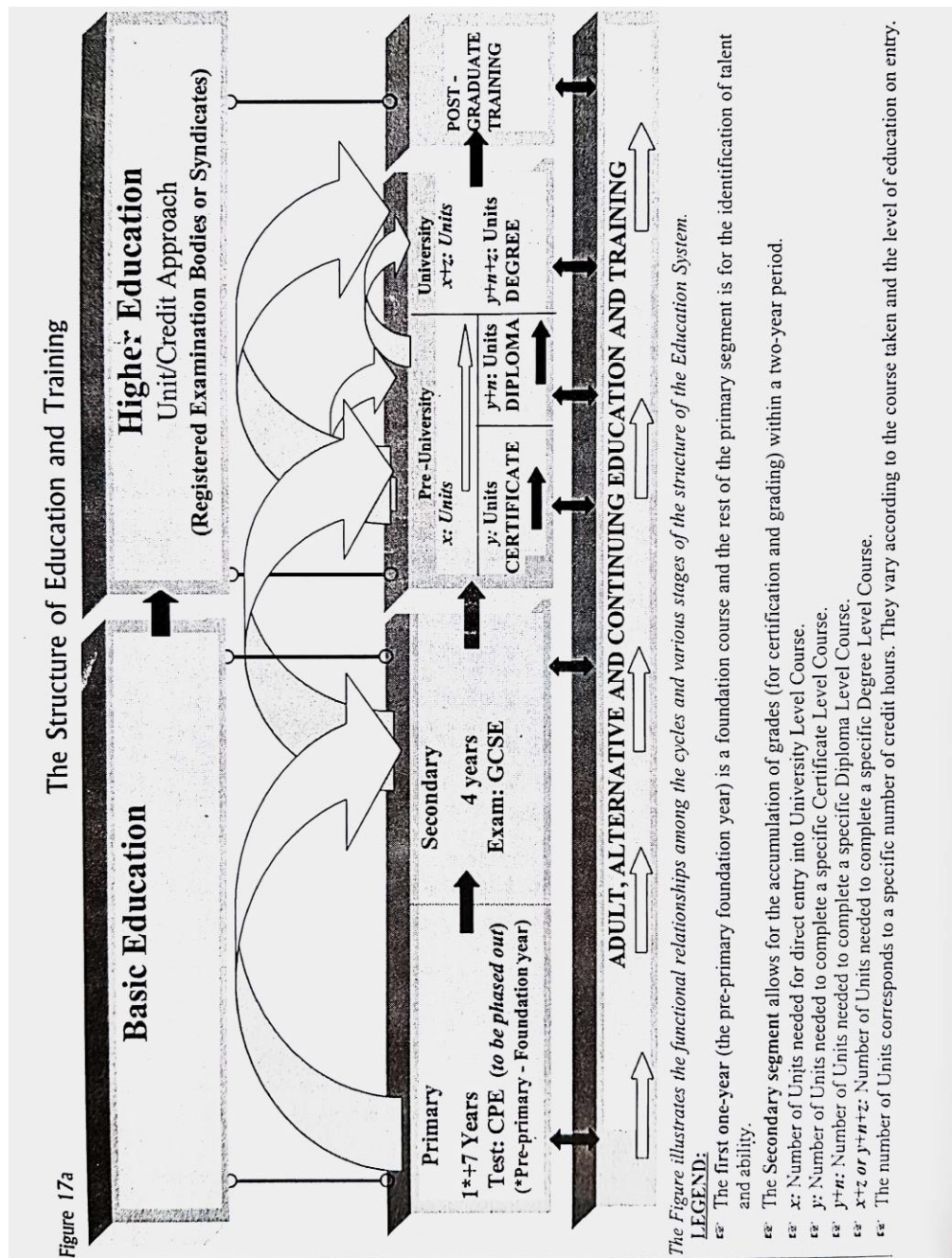
The Commission recommends that curriculum be designed to prepare learners for middle-level careers and for degree courses.

Degree Level

- 17.5.10 The Degree Level programme is given to those learners who have successfully completed the prescribed courses at the Pre-university, Certificate or Diploma level. Those with Certificate level knowledge will be required to cover the Diploma level at the university and will, of necessity, spend longer at the university than those who enter with Diploma level knowledge. The duration at the university is dependent on the point of entry and nature of the course being undertaken. The design of the curriculum should be based on a unit system approach. This approach shall allow for credit accumulation and transfer, and for points of exit and re-entry.

Recommendation 17.9

The Commission recommends that degree-level courses be structured on the basis of units, which will allow entry for holders of certificates and diplomas, and for points of exit and re-entry.



The Structure of Education and Training

Basic Education		Higher Education	
Primary (1*+7) Years (* Pre-primary - Foundation year)	Secondary (4 Years)	Further Education	University Level
➤ Primary Assessment and Evaluation, test leading to the award of a Certificate of Primary Education (CPE) (to be phased out gradually). 1. Identification of talent and abilities; 2. Continuous assessment for aptitude and development; 3. Slotting into technical, vocational or grammar sub-sections.	➤ Scholastic Assessment and Evaluation Examination, leading to the award of the General Certificate of Education (GCSE). ➤ Accumulation of grades for certification to be allowed within a two-year period.	Registered Examination Bodies or Syndicates	
		Pre-University x Units	$x+z$ Units
		CERTIFICATE (at middle-level institution only) y Units	DIPLOMA (at middle-level or university-level institutions) $y+n$ Units
		Certificate holders at Pre-University level may proceed to degree programme by direct entry . The number of units translated into the number of credit hours will vary depending on the course and the level of education on entry.	DEGREE (at university-level institution only) $y+n+z$ Units
Test: CPE (to be phased out)	Exam: GCSE	Level ONE	Level TWO
			Level THREE
ADULT, ALTERNATIVE AND CONTINUING EDUCATION AND TRAINING			

Table shows the functional relationships between the cycles and various stages of the education system

LEGEND:

CPE: Certificate of Primary Education

x: Number of Units required to complete a Pre-University

y: Number of units required to complete Level One (Certificate)

y+n: Number of units required to complete Level Two (Diploma)

x+z or y+n+z: Number of Units required to complete Level Three (Degree)

GCSE: General Certificate of Secondary Education

y: Number of units required to complete Level One (Certificate)

x+z or y+n+z: Number of Units required to complete Level Three (Degree)

The Table shows the functional relationships between the cycles and various stages of the education system

Part Five

IMPLEMENTATION PROCESS

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Part Five

Major Issues and Highlights

- An inventory of policy instruments
- A critique of the current policy framework
- The legislation in force
- A critique of the current legal framework
- Towards a new legal framework
- Planning for education and development
- Towards a strategic plan
- The need for programming
- A dynamic framework for development
- Summary of recommendations

Chapter Eighteen

LEGAL FRAMEWORK OF EDUCATION AND TRAINING

18.1 Preamble

- 18.1.1 The Commission was required, by its Terms of Reference, to examine and make recommendations on the legal framework of education in Kenya. The importance of this is that all other recommendations made in this Report and the policy framework derived from them will need to be translated into law in order to confer authoritative meaning to decisions concerned with the organization, development, management, control and co-ordination of education as a foundation for human development.

18.2 Definitions

- The "legal framework" comprises all Acts of Parliament, statutory instruments made thereunder, and administrative guidelines developed in-house for purposes of implementation thereof. That *corpus* includes all laws or statutory instruments which impact directly or indirectly on education.
- The "Minister" when used without qualification refers to the Minister for the time-being responsible for Education. The exact nomenclature of the Ministry is not used in this Chapter.
- The term "basic education" is used here to refer to the entire cycle involving pre-primary, primary education, and secondary education.
- The term "further education" is used to refer to all post-basic education programmes other than university education. Elsewhere in this report "further education" and "university education" are collectively referred to as "higher education".

18.3 The Legislation In Force

- 18.3.1 Education is currently the subject of a series of legislations and statutory instruments which have accumulated over several decades. In addition, there are other laws, the administration of which has important bearing on education. At the university level, education is further the subject of special regulation which requires separate treatment. The following are the legislations and instruments currently in force:

- a) **Legislation directly concerned with education and training**
- i) The Constitution of Kenya
 - ii) The Board of Adult Education Act (Cap 223)
 - iii) The Education Act (Cap 211)

- iv) The Higher Education Loans Board Act (Cap 213)
- v) The Industrial Training Act (Cap 237)
- vi) The Kenya National Examinations Council Act (Cap 22A)
- vii) The Kenya National Library Service Board Act (Cap. 225)
- viii) The Local Government Act (Cap 265)
- ix) The Teachers Service Commission Act (Cap 212)

b) Legislation impacting on education and training

- i) The Accountants Act (Cap 531)
- ii) The Advocates Act (Cap 16)
- iii) The Anatomy Act (Cap 249)
- iv) The Architects and Quantity Surveyors Act (Cap 525)
- v) The Banking Act (Cap 488)
- vi) The Books and Newspapers Act (Cap 111)
- vii) The Borstal Institutions Act (Cap 92)
- viii) The Certified Public Secretaries of Kenya Act (Cap 534)
- ix) The Children and Young Persons Act (Cap 141)
- x) The Clinical Officers (Training, Registration and Licensing Act (Cap 260)
- xi) The Commissions of Inquiry Act (Cap 102)
- xii) The Co-operative College of Kenya Act (1995) No. 6 of 1995
- xiii) The Copyright Act (Cap 130)
- xiv) The Council of Legal Education's Act (No. 12 of 1995)
- xv) The Engineers Registration Act (Cap 530)
- xvi) The Forests Act (Cap 385)
- xvii) Hotels and Restaurants Act (Cap 494)
- xviii) The Human Tissue Act (Cap 252)
- xix) The Industrial Property Act (Cap 509)
- xx) The Insurance Act (Cap 687)
- xxi) The Kenya Institute of Administration Act (1996) No. 2 of 1996
- xxii) The Law Society of Kenya Act (Cap 18)
- xxiii) The Kenya Medical Training College Act No. 14 of 1990
- xxiv) The Kenya Society for the Blind Act (Cap 251)
- xxv) The National Youth Service Act (Cap 208)
- xxvi) The Nurses Act (Cap 257)
- xxvii) The Public Health Act (Cap 242)
- xxviii) The Science and Technology Act (Cap 250)
- xxix) The Survey Act (Cap 299)
- xxx) The Valuers Act (Cap 532)
- xxxi) The Water Act (Cap 372)
- xxxii) The Wildlife (Conservation and Management) Act (Cap 367)
- xxxiii) The Commissions of Inquiry Act (Cap 102)

c) Legislation on Public Universities

- i) The Egerton University Act (Cap 214)
- ii) The Jomo Kenyatta University of Agriculture and Technology Act (No. 8 of 1994)

- iii) The Kenyatta University Act (Cap 210 C)
- iv) The Moi University Act (Cap 210 A)
- v) The Universities Act (Cap 210 B)
- vi) The University of Nairobi Act (Cap 210)

d) Private Universities chartered under the Universities Act (Cap 210 B)

- i) University of Eastern Africa - Baraton
- ii) Catholic University of Eastern Africa
- iii) Daystar University
- iv) Scott Theological College

e) University institutions awaiting charters under the Universities Act (Cap 210B)

- i) Africa Nazarene University
- ii) East Africa School of Theology
- iii) Kenya Highlands Bible College
- iv) Kenya Methodist University
- v) Nairobi Evangelical Graduate School of Theology
- vi) Nairobi International School of Theology
- vii) Pan Africa Christian College
- viii) St. Paul's United Theological College
- ix) United States International University

18.3.2 The Commission believes that the adequacy or otherwise of the current legislation must be assessed in terms of the extent to which it provides authoritative guidance on policy-making and a number of other educational processes.

18.4 The Legal Framework of Policy Formulation and Review

18.4.1 The Commission noted that many enquiries, task forces, working parties, development plans and sessional papers which have been discussed, enunciated and/or implemented in the field of education over the past thirty-five years. In general, however, the Education Act which confers upon the Minister the responsibility for the promotion of education, the progressive development of institutions devoted to the promotion of education, and the co-ordination of all public bodies concerned with education in carrying out the national policy on education, has not been used as a basis for the generation of these policy instruments. Rather, apart from the Master Plan on Education and Training 1997-2010 (MPET 1997), all other instruments have been generated under the powers vested in the President by Article 23(1) of the Constitution or, on at least one previous occasion, (Ominde Report 1964) the Commissions of Inquiry Act. Indeed, this Commission is the creation of that Act.

18.4.2 What is perhaps most relevant to this inquiry is the fact that although these instruments made many useful recommendations for the further development of education, a substantial proportion of these have never been implemented and therefore not translated into legislation. The 1968 Education Act, therefore, reads

completely out of step not only with Kenya's own stated aspirations on educational development, but also with developments in this sector worldwide.

- 18.4.3 Further, no effective machinery exists for the periodic review of national education policies. Although the Education Act established Advisory Councils to advise the Minister on any matter concerning education, these have not made any impact on matters of policy or indeed any other educational matter.

Recommendation 18.1

The Commission recommends that educational policy is constantly formulated, reviewed and legislated and a formal mechanism be established for this purpose as a permanent feature of the educational system.

18.5 The Legal Framework for Basic Education

Programme Development and Evaluation

- 18.5.1 The development of educational programmes consistent with national policy and their periodic evaluation as that policy changes or is varied, is crucial to the success of any educational system. It is expected, therefore, that responsibility for this purpose be clearly defined and effectively exercised. The Education Act makes no express provisions for this purpose.
- 18.5.2 For example, no provision is made for the development of programmes for Early Childhood Care, Development and Education (ECCDE). Correspondingly, no framework exists for the evaluation and testing of programmes being offered by unregulated agencies at this level.
- 18.5.3 In practice, however, guidelines are in existence which stipulate that ECCDE programmes must seek to improve the nutrition and health status of children, provide a secure physical and psycho-social setting, develop in an integrated manner, children's affective, cognitive and physical attributes, and develop children's knowledge, self-confidence, free expression, spiritual and social values, and ability to appreciate other people's views and needs. Also in existence, as a matter of administrative convenience, is a National Centre for Early Childhood Education (NACECE) and District Centres for Early Childhood Education in at least 30 of the country's 67 districts. These centres are expected to develop guidelines on curricula, teacher training, materials and pedagogy based on local environments and contexts. These centres and their work, however, remain outside the formal legal framework.

Recommendation 18.2

The Commission recommends, therefore, that responsibility for the development and evaluation of all ECCDE programmes be clearly defined in appropriate legislation.

- 18.5.4 The Act is much clearer, however, when it comes to programme development and evaluation at primary and secondary school levels. The Ministry is empowered to make regulations governing the preparation and approval of curricula, syllabuses, books and other educational materials. As originally designed, the Kenya Institute of Education is established under the Act with responsibility for the co-ordination of institutions devoted to the training of teachers, the conduct of examinations for teachers, the promotion of educational research, the preparation of educational materials and other matters connected with the development of education and training.
- 18.5.5 The Act is, however, not specific on the issue of content of programmes arising from this exercise nor is there obligation to evaluate and test them before or after they are implemented. The introduction of the 8+4+4 programme of education without pre-testing and rigorous evaluation is one tragic consequence of this omission.

Recommendation 18.3

The Commission recommends, therefore, that responsibility for the preparation of programmes of instruction and preparation of educational materials at the primary and secondary school levels, and obligation to pre-test and evaluate these programmes and materials be further clarified in the law.

- 18.5.6 As no reference is made to special education, there is no guidance on the issue of responsibility for the development, testing and evaluation of programmes in this area. Further, no requirements exist as regards the medium of instruction to be used, the provision of suitable materials, the training of teachers and the provision of infrastructure for special education purposes.
- 18.5.7 As a matter of practice, however, the Ministry of Education has set up and administers the Kenya Institute of Special Education (KISE) with the mandate to train teachers for, and award diplomas, in special education. In addition, the Kenya Institute of Education has a division of special education which develops special education programmes. The Commission recommends therefore that:

Recommendation 18.4

In addition to any other legislation on disability, specific legislation be enacted for the organization and management of education for people with special needs, at all levels of the education system.

Standard setting and quality assurance

- 18.5.8 The search for quality involves the process of continuous improvement towards higher levels of excellence. In this connection, education improves the quality of life, enhances an individual's access to self and paid employment, promotes political awareness and participation, and facilitates the achievement of gender equity in society when access is opened up to girls and women. Because the current legal framework does not define education; it does not state the objectives of having an education and, therefore, does not state specific criteria for analysing quality education. A number of indicators for quality assurance in education, however, exist which include the attainment of proficiency levels, accreditation and certification, assessments and examinations. The

Government, under Section 3 of the Education Act has a legal obligation to facilitate the attainment of these indicators, hence, **ex-hypothesis**, to provide quality education.

- 18.5.9 The establishment of proficiency levels is regulated through inspection and control of schools. The Education Act empowers the Minister to send teams which may, without notice, enter and inspect any school with a view to establishing whether or not appropriate educational standards are being maintained. Proficiency levels are also maintained through the recruitment and discipline of the teaching service. The Teachers' Service Commission Act (Cap. 212) requires that only holders of certificates issued under the Education Act or on the authority of the Minister, may be registered as teachers.
- 18.5.10 As regards accreditation and certification of primary and secondary institutions, no direct power exists under the Education Act for the purpose. What does exist is the power to regulate the management and conduct of schools and to certify that school premises and accommodation are suitable. Accreditation and certification of further (post-secondary institutions other than universities) education and training is similarly provided for even though the Commission for Higher Education has not assumed that responsibility under the Universities Act (Cap. 210B).
- 18.5.11 On assessments and examinations, the Education Act empowers the Minister to provide for the conduct of all public examinations. He/she may, in this regard issue certificates and diplomas to persons who have successfully completed approved courses of education and training. The Act also authorizes other bodies such as the Council of Legal Education, St. John's Ambulance and the Kenya Girl Guides' Association, to issue certificates and diplomas without reference to the Minister. Other institutions are also empowered under specific legislation to issue certificates and diplomas. These include institutions established under the Accountants Act (cap 531), the Certified Public Secretaries Act (cap. 534), and the various Universities Acts and Charters.
- 18.5.12 The enforcement of quality standards is similarly the responsibility of authorities set up under the various Acts. In respect of education in general, the Minister is authorized under the Education Act to appoint officers to inspect schools and to advise him on any matter including the maintenance of academic and other standards.
- 18.5.13 The public understands quite clearly, that the maintenance of standards and assurance of quality is the key to the maintenance of a sustainable and competitive education system both nationally and globally. It is important, therefore, that institutions exist for the establishment of comparable standards across cycles, and their enforcement internally and externally. Concern was expressed in this regard about the role of the Kenya National Examinations Council (KNEC) in the administration of professional examinations. The public was of the view that the KNEC's role should be restricted to the examination and certification of basic education programmes only.

Recommendation 18.5

The Commission recommends, therefore, that the establishment of educational standards be entrusted to institutions operating on the basis of specific cycles or

professions, but that responsibility for quality assurance be vested in new institutions with nation-wide jurisdiction over this and other educational matters.

Governance and co-ordination

- 18.5.14 The issue of governance revolves around matters of political responsibility, the management of, and discipline in, schools and other institutions, community involvement in the management of educational institutions, and the national co-ordination of the education system as a whole.
- 18.5.15 The Government has the political responsibility over the management, control and co-ordination of education in the country. It is the Government's responsibility to ensure that the education system in place enhances national unity, promotes and provides mutual social responsibility, creates a culture of life-long learning and finally contributes to technological and industrial development. No direct provisions exist in the current legal framework to facilitate the exercise of that responsibility.
- 18.5.16 As regards matters of management and discipline in basic education institutions, general responsibility lies with the Minister. Although communities and parents are expected to support the building and maintenance of schools, their role in decision-making in respect of the financing of education, the design of school curricula, and the selection of teaching resources, is minimal. In addition, the Education Act provides for the establishment of School Committees and Boards of Governors, yet no specific roles are assigned to other organizations that have statutory roles in education at these levels such as “sponsors” and municipal councils.
- 18.5.17 Further, no specific provisions exist in the Act, as regards discipline of students in basic education schools especially on matters relating to corporal punishment, bullying, the protection of girls who become pregnant in schools, and the role of prefects. No attempts have been made, in practice, to apply, for purposes of school discipline, the provisions of other legislations dealing with the discipline of children and young persons such as the Children and Young Persons Act (cap.141). The recent outbreak of indiscipline, vandalism and even homicide in schools is, in part, the result of this lacunae in the law.
- 18.5.18 The question of discipline of teachers is, however, the responsibility of the Teachers’ Service Commission (TSC). The Commission is empowered to refuse or withdraw registration of a teacher who does not hold a certificate issued by a recognized authority, is not fit to be a teacher on grounds of immorality, criminal record or infamous conduct. Appeals in respect of decisions of the TSC lie to the Teacher’s Service Appeals Tribunal.
- 18.5.19 An important criticism that was constantly levelled at the current legal framework is that it lacks mechanisms for democratic governance. For example, although Parents/teachers’ Associations (PTAs), School Committees (at the Primary School Level), religious organizations (other than as sponsors) and other community agencies, play an important role in the day-to-day management and financing of schools, their role is not recognized by legislation. Further, the role of local authorities in the provision and management of education is not clear in law or practice; the provisions of the Education Act relating to delegation of responsibility in respect

of primary education to country and municipal councils notwithstanding. Worse still, nothing is said in the law as regards governance in private educational institutions.

Recommendation 18.6

The Commission recommends, therefore, that a framework for the democratic governance of educational institutions at all levels involving, *inter alia*, the incorporation of local authorities, community agencies including religious organizations, parents, teachers and students, be designed and legislated.

- 18.5.20 Lack of effective national coordination of the education system as a whole is a matter which the Government itself has acknowledged. Indeed the MPET has identified it as the most serious impediment to the efficient management of education nation-wide. Part of this fault lies in the over-centralization of decision-making on matters of administration in the Minister, and the other in the fact that many institutions and agencies are involved in the provision and management of educational services.
- 18.5.21 As regards the former, the philosophy that all policy-making, administrative guidance and management institutions must emanate from the Minister has led to an elaborate but extremely inefficient bureaucracy all the way to the divisional level. Attempts to establish a co-ordination framework in the form of the National Education Advisory Board (NAEB) chaired by the Minister, the Provincial Education Boards (PEBs) chaired by Provincial Commissioners, and District Education Boards (DEBs) chaired by District Commissioners have not been successful. The primary reason for this is that the NEAB never meets and the fact that PEB and DEB chairpersons report not to the Minister but to the Office of the President has tended to blur the location of accountability on matters of education at provincial and district levels.
- 18.5.22 As regards the latter, the Commission was told that it was undesirable to subject education and training to a fragmented regime of laws, institutional management and service operators. Because of this, it has not always been clear whether only one Ministry is legally and politically responsible for matters relating to education. Because of this fuzziness, other parties both public and private involved in education have tended to fill in the gap created by lack of clear legal principles by developing their own in-house and largely discretionary administrative regulations and guidelines. Further, note was taken of the fact that obsession with primary and secondary education in the Education Act often meant that post-secondary institutions other than universities are not regulated or co-ordinated. This has become particularly acute since the Commission for Higher Education has an unclear mandate over middle-level institutions. As a result, post-secondary institutions with doubtful credentials have proliferated.

Recommendation 18.7

The Commission recommends, therefore, that a national framework for the management development, control and co-ordination of education be established by appropriate legislation.

- 18.5.23 The operation of the teaching service was another area in which lack of co-ordination was found to be particularly evident. Although the main objectives of the Teachers' Service Commission Act, 1967 (Cap 212) were laudable, these were achievable only as long as the number of schools and teachers were manageable. Since 1967, however, numbers have greatly increased rendering centralized management difficult. As a result, many problems have emerged. First, the TSC Secretariat, is no longer able to deal with demands made on it by institutions and teachers nation-wide. Secondly, because the location of accountability for the teaching establishment is blurred, serious inefficiencies have developed. Thirdly, the Act is not specific on the role which local stake-holders (such as BOG, PTA and school committee) should play in monitoring teacher performance and recruitment of head-teachers.
- 18.5.24 The result of the above scenario is that the Teachers' Service Commission (TSC) has found it difficult to respond effectively to the needs both of teachers and particular stations in the country. Further, the TSC does not seem to have developed any rapport as regards the operation of the teaching service with PEBs, DEBs, School Committees, Boards of Governors and indeed, local communities in which teachers live and work.

Recommendation 18.8

The Commission recommends, therefore, that the organization, discipline and co-ordination of the teaching service be entrusted to an institution whose operations are fully decentralized to the districts.

- 18.5.25 An overall concern as regards governance and co-ordination is the fact that the current framework provides no guidance on the issue of qualifications or types of expertise required to run educational institutions or services whether private or public. Technically, therefore, no professionalism is required in educational management either as a sponsor, provider, adviser, organizer, or board or committee member. The fact that "anybody", therefore, qualifies to manage education has led, *inter alia*, to lack of innovation and resource wastage in this important development sector.

Recommendation 18.9

The Commission recommends that minimum proficiency levels or qualifications be established by appropriate legislation, for the appointment of persons to manage, co-ordinate or provide advisory services to and in respect of educational institutions and services at all levels.

Mobilization of Resources and Infrastructure

- 18.5.26 The mobilization and procurement of resources and infrastructure for education comprising funding, school buildings, learning resources and recreational facilities are fundamental to the success of any educational system. Present estimates indicate that education in Kenya consumes nearly 40% of country's Gross National Product. For this reason, efficient mechanisms must be found to ensure that a sound financing and infrastructural basis to support education is developed and managed.

- 18.5.27 The responsibility for financing education under the current legal framework lies with the Central Government via the Minister who may, by statutory order from time to time, from public funds establish, maintain or make grants in aid of, or make advances on loans in respect of schools. Private schools funded by private sector financing are also allowed to operate under the current legal framework, as are public schools established by various communities. Currently, the procedure for national budgeting is that estimates of the cost of financing that year's education are drawn up by the Ministry, which then hands it over to Treasury who put a ceiling on the estimates. The Ministry of Education then publishes the printed estimates which form the budget. Currently, the expenditure always outweighs the estimate.
- 18.5.28 The distribution of funding between the Government and private sector indicates that while the former wholly or substantially finances maintained and assisted basic education institutions, the latter is responsible for the cost of early childhood education establishments and private schools. The NGO sector and donor agencies have in recent years also invested heavily in public and private educational establishments especially in the Arid and Semi-Arid Lands (ASAL) Districts.
- 18.5.29 Because the bulk of public sector financing is directed towards the provision of basic education, other educational needs are not formally catered for. For example, no specific provisions are made for the financing of adult and continuing education, special education and TVET programmes, even though in practice, some funding is allocated for, and institutional support accorded to, these needs. The result is that these needs are catered for from extra budgetary sources.
- 18.5.30 There is no doubt that the development of education requires an active partnership between the Government, local communities, and the private sector. The current legal framework is however, still based on the assumption that government alone must shoulder that burden. The consequence of that conservatism is that, on the one hand, because the Government is unable to fully discharge that obligation, it has, in practice, shifted it administratively to parents and communities, and on the other, private investors have taken advantage of that situation and converted public education into a business enterprise. At higher levels, the private sector has been able to receive manpower trained by public resources without any obligation to reimburse the costs incurred in that process. The result all round is that education has become not only costly but a drain on public and private resources.

Recommendation 18.10

The Commission recommends, therefore, that an independent funding mechanism with authority to receive, invest, manage and disburse resource drawn from public, private and bilateral sources be established by appropriate legislation to support the development of education.

- 18.5.31 Provisions relative to the procurement and systematic assurance of the quality of educational infrastructure appear in various legislations and statutory instruments. These in addition to the Education Act include the Public Health Act (Cap 242) and the Building By-laws made under the Local Government Act (Cap.265).

- 18.5.32 The Education Act defines school buildings as any part of the school, and any buildings used in connection with the school, including workshops, kitchens, sanatoria, hostels, recreational facilities, ancillary buildings and any other buildings on the site of the school comprised in any institution for which the Minister for education is responsible. As regards unaided schools registration may be denied if the premises are not suitable and adequate, having regard to the number, ages and sex of the pupils who are to attend the school. Unaided school buildings must also fulfil the prescribed requirements of health and safety, and conform to any building regulations for the time being in force under any written law. In this regard, the provisions of the Public Health Act (Cap 242) and the Building By-Laws will apply. The By-Laws specify that in Nairobi, school buildings must be drawn by a registered architect, put up by a registered contractor and quantity surveyor, and any electrical wiring done by a registered electrical engineer.
- 18.5.33 Outside Nairobi, the requirement for professional design and construction does not apply even though wide powers are conferred upon the Minister to close any school if it does not offer a satisfactory environment for education, is situated in a place where efficient and suitable education cannot be provided, is run in a manner prejudicial to the health and safety of pupils, or if urgent reasons for its closure exists.
- 18.5.34 The issue of the legal status of land on which schools or other educational institutions are constructed emerged as a contentious issue during public interviews. While many institutions were situated on Government and or trust land, others were on land held by 'sponsors', local authorities in their corporate capacities, or other categories of donors. Very few educational institutions appear to be situated on land held directly by them or by Boards of Governors or Committees on their behalf.

Recommendation 18.11

The Commission recommends that clear rules governing the minimum standards of infrastructure to be approved before any educational institution may be established and run, the ownership of school or institutional land and inspection of infrastructure so approved be included in appropriate legislation, even though such standards could vary from one area of the country to another.

18.6 The Legal Framework of Higher Education and Training

A. Further Education

The Challenges of Industrialization

- 18.6.1 Industrialization has been identified as the key to the development of the Kenyan economy in several public policy documents, the latest of which is Sessional Paper No.2 of 1996 and the National Development Plan 1997-2002. The availability of a well-educated and properly trained work-force is regarded as critical to industrialization. Technical and higher technical training as well as continuing education for professionals are, therefore, at the core of Kenya's development aspirations.

Technical and Vocational Education and Training

- 18.6.2 The basic law regulating technical training in Kenya is the Industrial Training Act (Cap 237), which establishes the National Industrial Training Council. The Act empowers the Council to establish Training Committees and the Minister to set up a Training Levy Fund into which the Training Levy is paid. The fund cannot, however, be used to finance TVET programmes. The Act lists the criteria of persons who may qualify for indenture; which is given as those who are over 15 years of age, or who have completed compulsory education. Certification of Apprenticeship, is given, by the employer and signed by the Director of Industrial Training. It is rather curious that the Council has no specific mandate to conduct and promote TVET programmes and research. Indeed the Act is concerned mainly with the suitability or otherwise of premises where industrial training is taking place. And although the Minister has authority to supply inspectors to national and youth polytechnics and other industrial training institutions, these are rarely supplied.
- 18.6.3 Issues of higher technical training and research are, in theory, the responsibility of the National Council for Science and Technology, established by the Science and Technology Act (Cap 250). The functions of the Council are, *inter alia* to determine priorities for scientific and technological activities in Kenya in relation to the country's economic and social policies, and to consider and advise generally on all scientific activities. These include scientific education, not only at the advanced level as regards the quality and quantity of the potential manpower to be training, but also at lower levels in respect of general science education for the public. There is no link, however, between this Council and the Industrial Training Council.
- 18.6.4 It is worth noting that the Education Act, for its part, makes no mention of TVET, hence offers no guidance on programme development and evaluation.

Recommendation 18.12

The Commission recommends, therefore, that:

- i) Appropriate legislation be enacted to streamline all forms of technical and vocational education and training as an integral part of formal and continuing education, and**
- ii) The National Council for Science and Technology be given clear mandate to oversee the implementation of science and development policy and to co-ordinate higher technical training and research conducted in institutions other than universities.**

Adult and Continuing Education

- 18.6.5 As regards adult and continuing education, an advisory framework exists under the Board of Adult Education Act (Cap 223). The Act establishes a Board whose functions are, *inter alia*, to advise the Minister on courses and syllabi for adult and continuing education. The Act, however, provides no guidance on adult literacy programmes in general or Education Programmes for Out-of-School Youth (EPOSY).

- 18.6.6 Because no clear guidance exists for programme development or coordination in this area, no uniform content is applied by the many agencies including various government ministries, NGOs, donor agencies and community organizations, which are involved in the delivery of adult and continuing education programmes. Indeed, no clarity exists as to what ‘adult’ or “continuing” education means or comprises. There are cases of small children who are registered as adults under the Ministry of Home Affairs, National Heritage, Culture and Social Services. In essence, therefore, each agency involved in those programmes has, in practice, been free to determine their own parameters. The Commission has, therefore, found it necessary to replace the phrase adult education with alternative education. The latter phrase incorporates informal, non-formal and adult education.

Recommendation 18.13

The Commission recommends, therefore, that responsibility for the development and evaluation of all alternative and continuing education programmes be clearly defined in appropriate legislation.

Education for Professionals and Para-professionals

- 18.6.7 Further education for professionals and para-professionals is governed by legislations specific to those areas. These establish institutions with powers, *inter-alia*, to register, discipline and assess the professional competence of persons to which these legislations apply. These institutions include the Council of Legal Education, the Registration of Accountants Board, the Architects and Quantity Surveyors Registration Board, the Medical Practitioners and Dentists Board, and the Engineers Registration Board. The primary function of these and similar bodies is to ensure that the professionals they register have attained adequate proficiency levels to practise their professional discipline and that they do so in a manner which confirms with the ethics of that profession.
- 18.6.8 Despite clear indication that the exercise of professional calling entails much more than just academic training, existing legislations provide no clear guidelines on whether professionals are under an obligation to constantly upgrade their knowledge and skills bases in tandem with developments in their various fields. The law is also not clear on the need to train and assess the competence of para-professionals who perform the back-up services for these professionals. As a result, a host of unaccredited commercial colleges have set up training programmes for para-professionals, often without expert on any guidance as to content and quality.

Recommendation 18.14

The Commission recommends, therefore, that institutions for the further education of professionals and para-professionals be established by appropriate legislation for every professional discipline and that professionals be required under pain of deregistration to attend programmes designed by such institutions.

B. University Education

Evolution of the Legal Framework

- 18.6.9 Following the dissolution of the University of East Africa in 1970, university institutions in each country were created by Acts of Parliament, and funded from the public purse. The concept of a “public” university has, therefore, come to mean an institution of higher learning established and fully funded by the state. In Kenya, five such Universities now exist, namely, the University of Nairobi, Moi University, Egerton University, Kenyatta University and Jomo Kenyatta University of Agriculture and Technology. Some of these institutions have Constituent and/or Campus Colleges at various locations in their vicinities. The Acts establishing these universities are exhaustive as regards their mission, functions, powers, governance and financing.
- 18.6.10 Because public universities have never been able to fully absorb students graduating from secondary schools who meet their own admission requirements, there has been need over the years to expand university level opportunities locally. Indeed, the absence of such opportunities has led to a massive exit of secondary graduates to other countries in search of university education. Initially, private sector organizations, particularly religious organizations responded to this by establishing campuses in Kenya, of institutions accredited abroad. Such campuses, most of which were granted permission to operate under the Education Act, received funding from various sources both locally and overseas, and offered programmes of instruction approved by their associated institutions.
- 18.6.11 This development, however, led to several fears. The first was that because of the huge demand for university education, Kenya could easily become a dumping ground for institutions discredited abroad. The second was that an unregulated market for university education could lead to difficulties in the determination of equivalence of qualifications, especially in relation to those issued by public universities. These are what led to the establishment in 1985 of the Universities Act (Cap.210B).
- 18.6.12 The Universities Act established the Commission for Higher Education (CHE) whose functions were stated as follows:-
- a) to receive and consider applications from persons seeking to establish private universities in Kenya
 - b) to ensure maintenance of standards for courses of study and examinations in the universities
 - c) to examine and approve courses of study for private universities
 - d) to advise the Government on the standardization, recognition and equation of degrees, diplomas and certificates conferred or awarded by foreign universities
 - e) to arrange for regular visitations and inspections of private universities

- f) to co-ordinate education and training courses offered in post-secondary school institutions for the purposes of higher education and university admission
- g) to advise the Minister on the establishment of public universities
- h) to accredit universities, and
- i) to co-ordinate the long term planning, staff development, scholarship and physical development of university education

18.6.13 The procedure for the establishment of private universities as local institutions was elaborated in a set of rules, promulgated in 1989. The Universities (Establishment of Universities), (Standardization), (Accreditation and Supervision) Rules, 1989 set out detailed procedures for the submission of applications by those wishing to set up private universities, for the inspection and certification of facilities and infrastructure, for the design and approval of curricula and syllabuses, and for the assessment of staff development needs. Where the CHE was satisfied that adequate resources and expertise existed for the sustainable management of a university level enterprise, it had authority to advise the Ministry of Education that a Charter be granted by the President of the Republic of Kenya in response to any such application. The Charter once issued, and subject only to the supervisory powers of CHE and the authority of the Minister and the President under the Act, is exhaustive as regards the mission, functions, powers, and mode of governance and financing of that institution. In practice, private University Charters are substantially modelled on, and in some cases improved version of, Acts of Parliament establishing public universities.

18.6.14 The fact that universities in Kenya can be created in two different ways, namely by Act of Parliament, or through the grant of Charter under the Universities Act, has led to several anomalies. The first is that many Kenyans still regard public universities as somewhat superior to private institutions, and this precisely on the basis of the manner of their creation. They do not appear to understand what both categories of institutions have the full imprimatur of the State behind them. Secondly, because all it takes to establish a public university is a decision by the State to go to Parliament, institutions established in this manner do not have to undergo the very rigorous process of inspection, visitation and accreditation that private universities must undergo. While private university managers tended to view such processes as burdensome and expensive, many members of the public thought that the deterioration of standards and infrastructure in public universities could have been avoided if they too were subjected to such processes. Thirdly, the political consultations involved in arriving at a decision to create a public university have, in some cases, been used to delay the full establishment of some institutions. This has sometimes led to charges of bias or regional discrimination. Demands for a university in each province which the Commission heard everywhere were, in part, a response to this perspective. There is need, therefore, to remove politics from the issue of establishment of universities.

Recommendation 18.15

The Commission recommends, therefore, that as Kenya strives towards a liberalized framework for partnership in education at all levels, this dual system of establishment of university institutions be abandoned. Consequently:

- (i) **there should be only one process for the establishment of universities and that is by grant of Charter under the Universities Act or similar legislation and**
- (ii) **the current individual Universities Acts be repealed and converted *mutatis mutandis*, into Charters governed by a revised Universities Act or similar legislation.**

Internal Management and Quality Assurance

- 18.6.15 As indicated above, the constitutive instruments of public and private universities make substantially similar provisions when it comes to the internal management and functions of these institutions. Generally speaking, university functions include:
- a) the provision of facilities for university education either directly or in collaboration with other institutions of higher learning;
 - b) the administration of examinations and issue of degrees, diplomas, certificates and other awards;
 - c) the determination of who may teach, when it may be taught and how it may be taught;
 - d) the admission of students into programmes leading to awards which the universities might give;
 - e) the discrimination of the conduct of teaching, research and dissemination of knowledge; and
 - f) (in respect of public universities) co-operation with the government in the planned development of university education .
- 18.6.16 The only noticeable variation in private university Charters is that their philosophies, vision and mission are often explicitly stated and integrated into their programme development goals and strategies.
- 18.6.17 Except for private universities whose accrediting authority is CHE, no statutory system of external quality assurance exists for public universities. Although CHE appears to have been given authority to perform this function, public universities have systematically resisted the extension of its role in this matter. This important issue is, therefore, left to the various Senates and academic governing bodies set up under individual Acts of Parliament. The University Senate is, therefore, the sole author, supervisor and auditor on matters of quality in respect of each degree, diploma or certificate course approved by it. Although University Chancellors are empowered to order visitations and inspections in respect of any function entrusted to a public university, such powers are rarely exercised. Indeed, the Commission remembers only one occasion when a visitation was ordered into the affairs of the University of Nairobi.

- 18.6.18 In the absence of a statutory mechanism of external quality assurance, public universities use the much discredited external examiners system, and the fact that many of their graduates are easily accepted for higher degree studies in universities abroad, as “evidence” that their own standards are indeed competitive and comparable to others elsewhere. What that assumption ignores is the fact that both criteria assess only the very top quality students; not even the median. Besides, these criteria say nothing about the quality of research and staff, in relation to developments elsewhere.

Recommendation 18.16

The Commission recommends, therefore, that responsibility for external quality assurance in respect of all universities (whether public or private) be vested in CHE operating under an expanded and strengthened Universities’ Act.

University Governance and Welfare

- 18.6.19 As regards governance, University Acts and Charters create councils (or equivalent bodies) with authority to oversee the administration and finances of the various institutions. Councils of public universities are, however, dominated by Government appointees even though recent developments in some of these institutions have brought in many (though essentially administrative) members of the university community. And the fact that currently the Chancellor of all public universities is the President of the Republic and that all senior university administrators are appointed by him or on his approval, reinforces the political nature of governance in these institutions.
- 18.6.20 Private universities appear to have developed more democratic governance structures ensuring that sponsoring institutions do not dominate decision-making in administration and finance.

Recommendation 18.17

The Commission recommends, therefore, that the constitutive instruments of all universities establish governance structures that are free of political and bureaucratic overload and which are responsive only to their respective academic communities.

- 18.6.21 On security and welfare of staff, the constitutive instruments of the various universities set out the manner in which employees of the university are hired and how their welfare is to be determined. The current legal framework, however, is silent on how linkages between the university and the economy can be forged to give staff more opportunities to gain practical experience in the work place, and on how qualified and experienced workers can spend time as teachers in the universities. The framework does not even address the issue of whether staff having no previous training in pedagogy should be trained so that students receive quality education. Further, the framework is also vague on the terms and conditions of service of university staff; the need for regular review to attract and retain qualified staff or promote them, to ensure their career progression and remuneration.

- 18.6.22 In the case of students, the instruments empower universities to establish mechanisms that would ensure the welfare of students, student representation in university governing bodies, and facilities for study and recreation.

Recommendation 18.18

The Commission recommends that the constitutive instruments of all universities ensure that students, academic staff, and administrative cadres, are effectively involved in university governance structures

University Research and Staff Training

- 18.6.23 On research, all universities state in their constitutive instruments that one of the functions and objects of the university is to provide facilities for university education, including technological and professional education, and research. Nothing more is added beyond this. For example the Acts do not specify what percentage of the annual university budgets should be set-aside for research. Nothing is said of the contribution of industry to applied research at the universities; nor is a research fund created to give direct grants to universities. The percentage of GDP allocated to research is, in any event, very small.
- 18.6.24 The fact that research is often given cavalier treatment, especially in budget allocation by public universities, has led to the rise of university level research institutions operating under the Science and Technology Act, and producing results that should be the envy of any university establishment. Other institutions with rather questionable credentials, have also set up research operations either as NGOs or inter-governmental organizations and are demanding recognition as university level institutions. Because some of these are primarily donor funded, their work and output are limited to the narrow interests of their funders. Others believe that they are able to offer facilities and resources for research, research training and research utilization that are more superior to those currently offered by public universities. As a result, a significant proportion of university staff have shifted their bases to these institutions. Others have simply decamped to research institutions overseas.

Recommendation 18.19

The Commission recommends that the National Council for Science and Technology, in consultation with individual universities (whether public or private), establish and cause to be administered a research fund to support university level research.

Co-ordination of university institutions

- 18.6.25 As university institutions increase, the issue of co-ordination is bound to be critical to the overall development of the education system as a whole. Unfortunately, this is a largely neglected issue. The proposed harmonization bills published as Gazette Supplement No 40 of 30th May 1997; were meant to offer a better framework for co-ordination of public universities *inter se* and in relation to the functions of CHE. These bills have, however, received sharp reaction from public university Vice-Chancellors, who see them as an attempt to compromise the autonomy of the various institutions. Consequently the

problem still remains unresolved.

Recommendation 18.20

The Commission recommends, therefore, that appropriate legislation should vest the co-ordination of university functions and the standardization and certification of equivalence of degrees, diplomas and certificates awarded by all universities (whether public or private) primarily in CHE.

University Financing

- 18.6.26 Finally, the issue of university financing in general has not received innovative and systematic attention in Kenya. Here, the constitutive instruments of public universities are extremely conservative. Primary responsibility in the matter still lies with the Government. Recently, however, the realization that public university expenditures are rising faster than total budgetary allocations, and that in consequence, public universities are not able to balance their operating budgets, has prompted universities to establish income generating projects and programmes. These have not, however, made clear distinction between academic programmes which are directly paid for by consumers, but the quality of which must remain the sole responsibility of the various Senates, and ordinary business enterprises which any body-corporate can participate in. Unfortunately, many of the so called “parallel” or “module II” programmes are being run essentially as ordinary business enterprises. The various University Councils are, therefore, not fully accountable for the profits received from these enterprises.
- 18.6.27 The establishment of the Higher Education Loans Board (HELB) in 1995 has not substantially improved university level financing, even for direct entry students, or those enrolled in private universities. HELB rarely has enough resources to meet students’ demands and has not in any event, developed procedures for independent assessment of need as a basis for the equitable allocation of the meagre resources it has. Besides, loan recovery remains extremely low with the result that HELB has not been able to administer a system of revolving credit effectively.
- 18.6.28 Comprehensive needs-based criteria for planning university budgets must be legalized. Currently, university funding is based on a uniform capitation principle, thus failing to take into account the varying costs of different programmes. Consequently it does not enable universities to hold faculties and departments accountable for their out-puts. Lastly the heavy reliance by public universities on State funding has created a situation in which the expected balance between State authority and power over universities, on one hand, and university autonomy and accountability, on the other, would seem to have tilted in favour of the former.
- 18.6.29 The fact that no avenues exist for private sector participation in public university financing has also tended to exacerbate this dependency.

Recommendation 18.21

The Commission recommends, therefore, that the independent funding mechanism envisaged in Recommendation 18.10 takes over the functions presently entrusted to CHE with regard to the planning, budgeting, and management of university

finances.

18.7 Design of a New National Legal Framework

The Commission's Conclusions

18.7.1 On the basis of the Commission's own analysis and public assessment of the legislation in force, there is no doubt that the current legal framework is not a suitable vehicle for the provision of quality education in Kenya. Specifically the commission has concluded that the framework:-

- a) does not guarantee sound foundational development in early childhood education;
- b) does not promote transparency and democratic governance and management in all sectors of the education system;
- c) offers little guidance as regards the development and management of resources from the public and private sectors for quality education;
- d) offers no mechanism for the systematic formulation, review and monitoring of appropriate national and sectoral policies on education; and
- e) provides an inadequate framework for university education.

The Commission therefore recommends therefore that:

Recommendation 18.22

The current legal framework of education be completely overhauled and a new framework consisting of a re-designed basic law on education and training and a series of complementary legislations on particular areas or processes of education be put in place to supersede it.

18.7.2 The scope of the basic law should set the ground rules at the national level for the organization, development, management and co-ordination of education as an organic and integrated whole. Complementary legislations should supply detailed guidance on the content and quality of educational services to be rendered in particular areas or processes of education. As the system of education becomes progressively complex, it is expected that the range of complementary legislations will grow.

The Profile of the Basic Law

18.7.3 As indicated above, the function of the basic law is to provide a broad decision-making framework for the education system as a whole, and to ensure that firm foundation principles are laid for each area or processes of education. At the structural level, that framework will involve the establishment of national organs, each of which must be provided with a clear mandate to facilitate the execution of its statutory functions. The

Commission recommends in this regard that:

Recommendation 18.23

Four organs be established to facilitate the development of education as a national enterprise, namely:

- a) a National Council for Education (NCE)**
- b) a Commission for Basic Education (CBE)**
- c) a Commission for Higher Education (CHE), and**
- d) a Commission for Educational Financing (CEF)**

Recommendation 18.24

- The statutory functions of the NCE include:**
 - a) the formulation of educational and training policies for approval by Parliament;**
 - b) periodic review, monitoring and re-design of educational and training policies;**
 - c) the development of general guidelines for the establishment of educational infrastructure; and**
 - d) the establishment and maintenance of a register of educational and training institutions in the country, and liaison with the government and bilateral agencies in the development of education.**

Recommendation 18.25

- The statutory functions of the CBE include:**
 - a) the design, development and evaluation of basic education and training programmes;**
 - b) standardization and assurance of quality in registered basic education and training institutions;**
 - c) establishment of guidelines for the management of and discipline in, basic education and training institutions;**
 - d) certification of proficiency levels including the grant of certificates and diplomas in basic education and training institutions, and liaison with and co-ordination of, all agencies involved in the provision of basic education in the country; and**
 - e) the registration of basic education teachers and trainers.**

Recommendation 18.26

- **the statutory functions of the CHE include:**
 - a) **the establishment and accreditation of institutions of higher education and training;**
 - b) **the inspection and visitation of higher education and training institutions;**
 - c) **the establishment of general guidelines for the development and expansion of higher education and training programmes;**
 - d) **the provision of advisory services for higher education and training institutions;**
 - e) **the establishment and enforcement of standards for education in higher education and training institutions;**
 - f) **the administration of external quality assurance for all higher education institutions; and**
 - g) **the regulation, in liaison with the government, of expansion of higher education and training in the country.**

Recommendation 18.27

- **the statutory functions of the CEF include:**
 - a) **the mobilization and management of resources for education and training programmes;**
 - b) **the disbursement of finances for the development of education and training infrastructure; and**
 - c) **the management and disbursement of loans, scholarships, grants and bursaries for education and training.**

18.7.4 It is important that all these organs be autonomous corporate agencies and that they should be equipped with the professional expertise and competence necessary for efficient discharge of their statutory functions. For this reason, the system of representational or ex-officio membership; which dominates appointments to boards or committees of parastatal institutions; must be avoided in respect of those organs. The basic law must indicate quite clearly the level of professional attainment necessary for appointment to membership of each of these organs. Ideally, only eminent professionals in the field of education, training, and public service should run these organs both in terms of membership and personnel support.

18.7.5 Because its mandate is the formulation and review of policy, it is important that the NCE be chaired by the Minister himself/herself and that the Permanent Secretary should serve

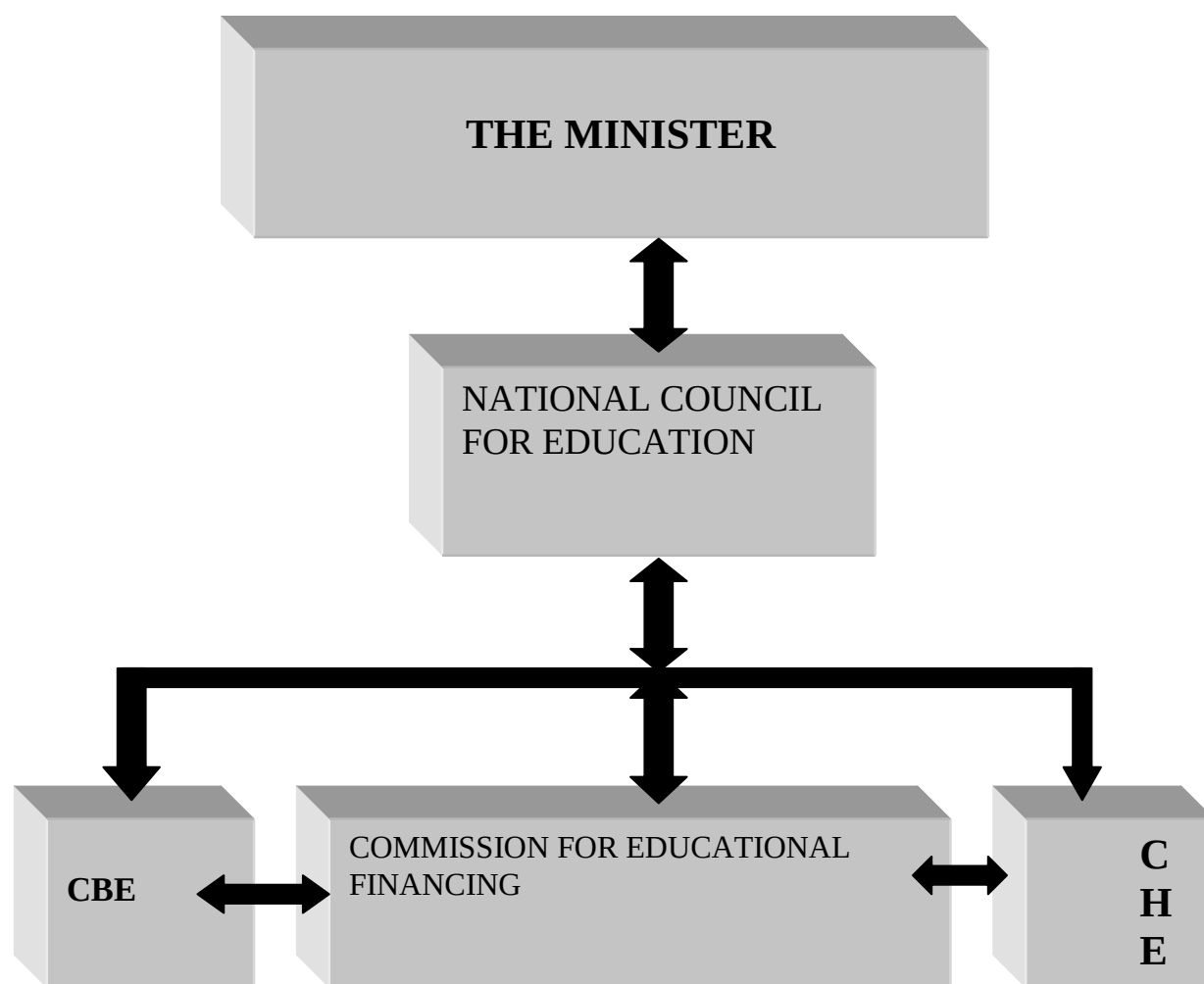
as its secretary. This would ensure direct in-put into other national policy processes through the Cabinet and Parliament. All other members of the NCE must, however, be professionals appointed in the manner aforesaid.

Recommendation 18.28

The Commission recommends that the establishment of the four organs above should conform to the organogram in Figure 18a

Figure 18a

National Framework for the Development, Management and Co-ordination of Education



The diagram illustrates relationships among the proposed organs of education.

CBE – Commission for Basic Education

CHE – Commission for Higher Education

Recommendation 18.29

The Draft Education Bill appended to this Report be accepted as a basis for the restructuring of Kenya's education system.

- 18.7.6 The task of co-ordinating the new education system as well as private and public institutions will fall primarily on the Minister. For this reason a cadre of professional staff will be needed to assist the Minister in the performance of his/her statutory functions. Such staff should be properly trained in educational administration and should be able to operate at all levels of the education system.

Recommendation 18.30

The Commission recommends, therefore, that:

- a) **there be established a separate education management service approved by an agency independent of the Public Service Commission but fully responsible to the Minister.**
- b) **because of the need to ensure proper liaison and collaboration with the teaching service, the education management service be appointed and controlled by the same agency responsible for the appointment and control of the teaching service and that both services be within as the National Education Service.**

The Profile of Complementary Legislation

- 18.7.7 As already indicated, it is to the relevant complementary legislation that one must look for detailed principles and rules governing particular areas or processes of education. Not every such area or process should receive detailed and specific legislative attention. The general principle is that only those areas or processes that require micro-management should receive such attention.

Recommendation 18.31

The Commission recommends, therefore, that initially, complementary legislation be developed for the following areas or processes:

- (i) **national examinations;**
- (ii) **the national education service;**
- (iii) **education for people with special needs;**
- (iv) **alternative and continuing education including further education for professionals and para-professionals; and**
- (v) **the regulation of higher education institutions**

- 18.7.8 It must be pointed out that there are, in existence, various legislations in these very areas and processes. These must be scrutinized, amended or revised for consistency with the general scheme of educational organization, developments, management and co-ordination recommended in this report. What must be emphasized is that when so amended and revised, the content of such existing legislation would be subject to the overall scheme of the basic education law.
- 18.7.9 It is anticipated that each complementary legislation may set up specific organs (proposed here to be referred to as “Boards”) to facilitate the micro-management of functions under it. These organs, however, must be subject to the general direction of the relevant organs created under the basic education law. That relationship must be clearly stipulated in each complementary legislation.

Recommended 18.32

The Commission recommends that the complementary legislative drafts appended to this Report be accepted as bases for the restructuring of the various educational areas or processes to which they apply.

Consequential Matters

- 18.7.10 The effect of recommendations above is that a number of legislations will be repealed and/or re-enacted, new legislations will need to be passed, and many other impacting either directly or indirectly on the education sector, substantially amended or revised.
- 18.7.11 Legislations that will need to be repealed and/or re-enacted include:
- a) The Education Act
 - b) The Board of Adult Education Act
 - c) The Higher Education Loans Board Act
 - d) The Teachers Service Commission Act
 - e) The Egerton University Act
 - f) The Jomo Kenyatta University of Agriculture and Technology Act
 - g) The Kenyatta University Act
 - h) The Moi University Act
 - i) The Universities Act, and
 - j) The University of Nairobi Act.
- 18.7.12 New legislations that will be needed include:
- a) An Alternative and Continuing Education Act.
 - b) A Special Education Act
 - c) A National Education Service Act and
 - d) A Higher Education Act.
- 18.7.13 Legislations that will need amendments and/or revision include:
- a) The Industrial Training Act and
 - b) The Kenya National Examinations Council Act.

18.7.14 In addition, the establishment of new institutions will require an aggressive and systematic programme of capacity building and infrastructural development. The policy, planning, programming and cost implications of all these changes are set out in the next two chapters.

Chapter Nineteen

POLICY FRAMEWORK OF EDUCATION AND TRAINING

19.1 Preamble

- 19.1.1 The recommendations of this Commission are designed not only to build on, solidify and give fresh impetus to the very considerable gains in education and training, which Kenya has made since independence, but also to define a brave new path for the future. These recommendations will require several strategic responses. Those recommendations which are designed to set beacons for the new education system will need to be programmed on a long-range basis and pathways to specific targets clearly defined. Recommendations which call for further public debate and consensus-building before implementation will require the participation of key stakeholders as well as organs of the Government at central and local authority levels. Others will require fundamental changes in educational infrastructure hence careful management by the Government and other agencies entrusted with the delivery of educational services at all levels. And yet others will require internal administrative and bureaucratic management by the lead Ministry responsible for education, including active inter-ministerial consultation and co-ordination for efficient execution of specific programmes required under them. It is important, therefore, that these recommendations be recast into a new policy framework setting out clearly not only where Kenya plans to go, but how, and how soon it can get there. This and the next chapter set out the Commission's views on these issues.

19.2 Definition

- 19.2.1 In this chapter, the Commission explains why a new policy framework is necessary and provides guidance on what it should contain. The Commission views policy as a statement of commitment by the Government to undertake specific programmes directed at the achievement of certain goals. Policy also constitutes notice to the citizens at large that new, revised or accelerated programmes of action on particular issues are intended within a given time-frame.

19.3 An Inventory of Current Policy Instruments

- 19.3.1 The design and promulgation of public policy on any issue is, per se, an important instrument of governance. It sets out a rational basis for decision making about resource allocation and utilization hence enables the public and organs of civil society to call the Government into account. This is particularly important where important social, economic and political changes are contemplated. The Commission does contemplate such changes if its recommendations are to be fully implemented, and hence regards policy development as a pre-requisite to any contemplated course of action.
- 19.3.2 Throughout this Report, the Commission has drawn attention to a variety of policy documents which have guided decision-making in the education sector since

independence. These have consisted of development plans; reports of a Commission, a working party and committees; other planning documents emanating from the ministry responsible for education; and sessional papers directed specifically at this sector. Other syntheses such as the 1994 analysis of the sector carried out by the United Nations Children's Emergency Fund and the Ministry, and the 1995 educational cost and financing studies sponsored by the World Bank and the Government of Japan, have played an important part in the policy-making and review process.

19.3.3 Up to the appointment of this Commission, the following instruments have guided educational development and training in Kenya:

19.3.4 **1964: Report of the Kenya Education Commission (The Ominde Report).** This was the first Commission set up immediately after independence on the 15th February 1964. It was chaired by the late Professor S. H. Ominde. Its terms of reference were to survey the existing resources of Kenya and to advise the Government, in the formulation and implementation of national policies for education which, *inter alia*, express the aspirations and cultural values of an independent African country, taking account of the need for trained manpower and contributing to the unity of Kenya. The Commission was also to establish and recommend ways of incorporating the educational needs of children and adults as well as have regard to resource allocation in the education sector.

19.3.5 **1965: Sessional Paper No. 10: African Socialism and its Application to Planning in Kenya.** This was and remains the definitive statement of national philosophy and the development blue print for all sectors of socio-economic and political life. On education the paper provided, *inter alia*,

“that control of education (whether general or vocational) and educational institutions (whether community or individual owned) will be vigorously enforced in order to ensure uniform standards and to relate educational development to the needs and resources of the country”.

The Sessional Paper accepted the Ominde Report as a basis for post-independence educational development.

19.3.6 **1976: Report of the National Committee on Educational Objectives and Policies. (The Gachathi Report).**

The Terms of Reference of this Committee were, *inter alia*,

to redefine Kenya's educational objectives and to recommend policies to achieve them giving consideration to national unity, economic, social and cultural aspirations of the people, the distribution of the costs and benefits of education, the need to relate education to employment, and how best to improve the quality of education, and to formulate a feasible programme of action to achieve those objectives with particular reference to the structure of the formal education system, the constitution of non-formal education, the role of the private sector, appropriate rates of expansion of educational opportunities and the content of education at all levels.

- 19.3.7 **1981: Report of the Presidential Working Party on the Second University in Kenya (The Mackay Report).** Its terms of reference were to establish whether there was a need to set up a second university.
- 19.3.8 **1980-1985: Second Report of the University Grants Committee. (The Kiano Report).** The Terms of Reference of this Committee were, *inter alia*, to examine the estimates and expenditure set out in the development plan of the University of Nairobi for the period 1979-83, and to consider the scale of expansion including academic and residential accommodation facilities proposed by the university in the light of those estimates.
- 19.3.9 **1988: Report of the Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond. (The Kamunge Report)** . Its terms of reference were, *inter alia*, to provide proposals and recommendations for the provision and expansion of education, training and research, their effective management and supervision, co-ordination and harmonization, financing and maintenance of quality and relevance for the next decade and beyond.
- 19.3.10 **1988: Sessional Paper No. 6 on Education and Training for the Next Decade and Beyond.** This constituted the Government policy statement based on the proposals and recommendations of the Kamunge Report.
- 19.3.11 **1991: Presidential Committee on Student Unrest and Indiscipline in Kenya Secondary Schools. (The Sagini Report).** Its terms of reference were to look into the causes of strikes and unrest in schools and to give proposals and recommendations aimed at eliminating the same.
- 19.3.12 **1995: Commission of Inquiry into the Cult of Devil Worship in Kenya (The Archbishop Kirima Report).** Its terms of reference among, others were to investigate into the allegations of the existence of the cult of devil worship in Kenya and to establish the extent to which the cult of devil worship may have affected our learning institutions and other elements of our society.
- 19.3.13 **1995: Future Development of University Education in Kenya. (The Mungai Report.)** Its terms of reference were, *inter alia*, to look into all aspects of university education in Kenya and make proposals and recommendations with a view to improving the administrative and financial management of universities in Kenya.
- 19.3.14 **1997: The Master Plan on Education and Training: 1997-2010.** This was an in-house document designed to review educational policies, strategies and objectives to guide the sector into the 21st Century.
- 19.3.15 In addition to national policy documents, Kenya as a member of the international community is a party to a number of instruments at that level which have important bearing on national educational policy. Although these instruments do not have automatic implementation status in national law, it is expected that in the formulation of such laws, the principles and values embodied in them would be incorporated.
- 19.3.16 The most important international instruments of relevance to educational policy in Kenya include:

- (i) **The United Nations Charter - adopted by the General Assembly of the UN on February 13, 1946**, which binds countries to create an enabling environment for and to observe basic human rights, including rights to safety, security, education, shelter and freedom of expression and association. Members of the UN are, therefore, expected to abide by the requirements of this charter and to domesticate it in their countries. Kenya became a member of the United Nations on 1st July, 1965 and is, therefore, bound by the provisions of the Charter.
- (ii) **The Convention on the Rights of the Child adopted by the UN General Assembly on 20th November 1989.** This Convention defines children as all persons under the age of 18. In articles 2 and 3 it states that: a child has a right against all forms of discrimination or punishment and further that in all actions concerning children, the best interests of the child shall be a primary consideration.

Four of the rights of the child enumerated in this Convention, which have direct relevance to education, are:-

- Education on the basis of equal opportunity.
- The highest standards of health facilities and rehabilitation of health.
- Absence of torture or other cruel, inhuman, degrading treatment or punishment.
- Access to information and materials aimed at the promotion of social spiritual and moral well-being.
- Protection from sexual exploitation and abuse.

- (iii) **The African Charter on the Rights and Welfare of the Child.**

This Charter recognizes and reinforces the UN Convention on the Rights of the Child. It expects African countries to enhance the protection of children's rights. Kenya ratified this Charter in July 1990 and as a member of the Organization of African Unity has to put in place mechanisms which will allow children to exercise their rights.

- (iv) **Convention on the Elimination of All Forms of Discrimination against Women - adopted by the UN General Assembly on 18th December, 1979.**

This Convention requires governments to promote gender equity by, *inter alia*, putting in place measures to give women access to programmes of continuing education and organising programmes for girls and women who have left school prematurely.

- (v) **International Labour Organization benchmarks protecting the youth from engaging in activities which might affect their participation in education.**

These include:-

- Convention No. 137.... fixing the minimum age for the recruitment of young persons into employment as trainees.
 - Convention No. 138 setting up the minimum age for recruitment into employment
 - Convention No. 58 fixing the minimum age admission into industrial employment.
 - Convention No. 59 fixing the minimum age of the admission of children into employment at sea.
- (vi) **The United Nations Educational, Scientific and Cultural Organization has (UNESCO) also made important pronouncements on the issue of education in general, and education for girls and literacy in third world countries in particular; some of the recent of these are:**
- a) The convention on Technical and vocational Education adopted by the General Conference of UNESCO meeting at its 25th Session, 1989;
 - b) The Dakar Declaration concerning Education strategies for the 1990s in Africa issued at the end of the Sixth Conference of Ministers of Education, and Economic Planning held in Dakar on July 8-11, 1991;
 - c) Recommendations to the Ministries responsible for education and culture concerning the contribution of education to cultural development, made at the 43rd Session of the International Conference on Education held on September 14-19, 1992; and
 - d) Proposals on higher education made at the World Conference on Higher Education in the 21st Century held in Paris on October 5-9, 1998 calling for the renewal of the education system.

19.3.17 These instruments are supplemented, from time to time, by international and regional declarations signifying the collective conscience of the international community. The most recent of these include:-

- (i) The World Declaration on Education for All and A Framework for Action to meet Basic Learning Needs (Jomtien, Thailand, March, 1990) which specifically commits governments to pursue urgently sustainable policies and frameworks for providing basic education for all by the year 2000.
- (ii) Declaration at the International Conference on Population and Development (Cairo, Egypt, September, 1994).
- (iii) The African Platform for Action adopted at the 5th African Regional Conference on Women (Dakar, Senegal, November, 1994).
- (iv) The World Summit for Social Development (Copenhagen, Denmark, March, 1995).

(v) The Beijing Declaration: A platform for Action (Beijing, China, September, 1995).

- 19.3.18 In the Cairo, Copenhagen and Beijing Conferences, governments and non-governmental organizations also agreed that the advancement of gender equity and the empowerment of girls/women, in particular, are important principles in development. The fora emphasized the need to eliminate constitutional and legal obstacles, which mitigate against girls/women's active access and participation in all aspects of development, including education.

19.4 A Critique of the Current Policy Framework

- 19.4.1 The Commission believes that effective implementation of the recommendations made in this report will not be possible on the basis of the current policy instruments. Many of the reasons for this conclusion have been ably presented and elaborated upon in the Master Plan on Education and Training (MPET). Seven of these are worth repeating here.
- 19.4.2 The first is that the current framework is primarily concerned with education as a school based and formally administered enterprise. It provides little guidance on the provision of knowledge, skills and attitudes as a continuous and life-long exercise hence one which requires facilitation in terms of infrastructure and resource mobilization at all times and in all social, economic, cultural and political contexts. The requirement that this Commission should, *inter alia*, recommend ways and means of enabling the educational system to facilitate the consolidation and enhancement of life-long learning (TOR 1.4) means that the new policy framework must reach beyond the school and other formal educational settings and processes, to stimulate all varieties of alternative and continuing education including informal, non-formal or simply experiential learning.
- 19.4.3 The second is that the current framework has substantially ignored important components of education. The most crucial of these is the formative stages of educational development at early childhood care and development. The general attitude appears to be that, although clearly foundational, this stage should be managed and controlled by private and largely voluntary agencies without any guidance as regards goals or curricula. The Commission is convinced that, for the education system to fully prepare the Kenyan youth for the challenges and opportunities of adult life, early childhood care and development must be fully integrated into the macro-level policies and programmes for which the state bears responsibility.
- 19.4.4 The third is that scant reference is made in the current instruments to the system and processes of education which Kenyans with special needs require, and to the need for a properly organized and nationally reorganized and accredited programme of technical and vocational education and training (TVET). As regards the former, it is clearly unacceptable that special education needs should still be regarded as residual to mainstream educational programmes. The sheer number of individuals with various categories and levels of disability and/or exceptional requirements alone, and who have no structured avenues for receiving quality training and skills development, is sufficient reason for integration of this subsector into the overall national policy framework. As regards TVET, it is now fully accepted that an adequate system of continuous education must provide alternative avenues for skills acquisition and development. Besides, the

aspiration to attain a newly industrialized country status by the year 2020 will require commitment to quality technical, alongside other forms of academic, education.

- 19.4.5 The fourth is that the current framework provides no ground rules for meaningful partnership between the Government and public agencies, on the one hand and private sector organs comprising individuals, communities and economic enterprises on the other. Although it is clear that the role of the private sector in education is already considerable and growing, national policy should recognize and facilitate that role as an important component of the country's human resource development. Any policy framework which proceeds on the basis that the public sector must continue to bear the cost of education and training, while all other sectors merely consume its output, is unlikely to offer a progressive way forward for expansion in the next millennium. Indeed with growing privatization and liberalization of economies both nationally and globally, the way to the sustainable delivery of quality education in the future lies in active partnership between the Government and private sector agencies.
- 19.4.6 The fifth is that the current framework has perpetuated the fragmentation and plural management of the education sector as a whole. As MPET correctly points out, too many agencies both public and private have their fingers in the sector and no framework exists for the co-ordination and rationalization of their activities. Whereas a good policy framework must provide opportunity for meaningful contribution by all stakeholders, it must also provide infrastructure for consultation and co-ordination, especially as regards policy interpretation, programme development and evaluation, standard setting and quality assurance, and the determination of equivalences. This area is perhaps the weakest chain in all the policy instruments which Kenya has accumulated since independence.
- 19.4.7 The sixth is that current policy instruments have very little to say about the organization, management and responsibility of universities both as important institutions of public or private investment and as traditional reservoirs of specialized resources and skills. The general impression that emerges from most of these instruments is that universities have, as a matter of course been left alone to determine how their specialized enterprise may be conducted and what the quality of their output should be. Although autonomy, self-governance and academic freedom have, historically, been the hallmarks of university development the world over, the Commission believes that short of radical changes in the financing and governance of universities, the specific economic and political context in which university education operates in this country will require clear and strong policy guidance and direction well into the 21st Century.
- 19.4.8 The seventh is that many of these policy instruments are outmoded and therefore unable to respond to the challenges facing education in the 21st century.
- 19.4.9 There are many other defects, which make the current policy framework an inappropriate vehicle for the execution of the recommendations offered by this Commission. Some of these will emerge in the course of analysis of the legal framework which currently supports that policy.

Recommendation 19.1

The Commission recommends therefore that a new policy framework specifying a new vision, mission and objectives be designed to carry the education sector into the next century.

19.5 Design of a New Policy Framework

The Vision

- 19.5.1 The starting point for the development of a new policy framework is to set out clearly, the country's vision for the long term development of the education sector.

Recommendation 19.2

The Commission recommends, therefore, that the vision which should guide the country's efforts in the education sector in the next century is to build a society in which every Kenyan, at any age, of whatever gender or special circumstance, and in every social, cultural, religious, political and economic context, has access to and is able to benefit from an education which prepares him or her morally, intellectually and physically for the challenges, opportunities, responsibilities and experiences of life in a millennium which will be essentially globalized and technological.

- 19.5.2 That statement of vision contains several important principles. The first and perhaps most important principle is that of universality of access to quality education. It is crucial that the ultimate goal of leadership in the next century should be to steer Kenya towards a society in which quality education is regarded as a basic right for every citizen. The second is holistic personal and social development. It is important that education should not simply impart knowledge and skills but that it should also enable Kenyans to confront the real and practical opportunities offered by community living. The third is preparation for a globalized and technological culture. Education in the 21st Century must, enhance scientific literacy and technological culture and enable Kenyans to confront the challenges posed by the transformation of world economies and political systems into a complex global system.

The Mission

- 19.5.3 The next task to clarify the mission which will guide the country's strategies in this sector.

Recommendation 19.3

The Commission recommends that the fundamental mission of all educators and administrators within this and other complimentary sectors, should be to ensure that all Kenyans receive quality education and training as a life-long entitlement in the next century.

Primary Objectives and Strategies

- 19.5.4 The attainment of that vision and the prosecution of that mission require that clear public policy objectives be defined and agreed upon. The process of agreement may involve further public discourse and consensus building.

Recommendation 19.3

The Commission recommends that the following be accepted as the primary objectives of and strategies for educational development, management, control and co-ordination in the next century.

◆ Objective 1

To develop and manage a national policy framework for education and training in the 21st Century by the end of the year 2000.

The implementation of this objective will require the following strategies:

- i) Develop a white paper for consultation and discussion with all relevant stakeholders;
- ii) Develop a cabinet memorandum and draft Sessional Paper for discussion and approval by the Executive and Parliament;
- iii) Promulgate, monitor and evaluate policy implementation and achievement of national norms and standards in the education system;
- iv) Develop education management information systems to facilitate the planning and monitoring functions of the National Education Service and other institutions charged with similar functions; and
- v) Develop strategies and plans to meet the needs of the education system to enhance the delivery of the overall national development programme.

◆ Objective 2

To develop and implement a comprehensive legal framework for education and all its sub-sectors in a phased-in manner by the end of the year 2001.

The implementation of this objective will require the following strategies:

- i) Prepare a draft framework legislation replacing the current Education Act for discussion with all relevant stake-holders;
- ii) Prepare drafts of, or amendments to, legislations complementary to the framework legislation specifying how each sub-sector of education is to be managed and controlled, for discussion with all relevant stake-holders;

- iii) Prepare and approve a legislative programme for submission of all draft legislations to Parliament for enactment; and
- iv) Develop instruments for the monitoring and evaluation of performance of the new legal framework.

◆ **Objective 3**

To establish, train and recruit personnel for an effective, responsive, proactive professional national education service under the control of the Minister by the end of the year 2001.

The implementation of this objective will require the following strategies:

- i) Develop and implement operational guidelines for the discharge by the service of its statutory functions;
- ii) Develop and implement management training programmes for all staff of the service to upgrade skills and contribute to the creation of a new culture of work; and
- iii) Procure the resources and infrastructure necessary for the effective management by the service of its statutory functions.

◆ **Objective 4**

To design and establish appropriate mechanisms for the continuous review and evaluation of educational policies and programmes and for the professional management and co-ordination of education as an integrated system by the end of the year 2003.

The implementation of this objective will require the following strategies:

- i) Establish, install, fund and staff institutions created by new or amended legislations enacted in response to this report;
- ii) Develop and implement operational guidelines for the discharge, by these institutions, of their statutory functions;
- iii) Establish channels for continuous consultation with the public on development in national education; and
- iv) Procure the resources and infrastructure necessary for the effective management by these institutions of their statutory functions.

◆ **Objective 5**

To establish and install an effective democratic and community based infrastructure for the management of and monitoring of performance and discipline in, educational institutions by the end of the year 2003.

The implementation of this objective will require the following strategies:-

- i) Develop and install structures for the sharing of management and financial accounting by parents, community agencies (including religious organizations, teachers and learners in schools and other educational institutions;
- ii) Establish channels for the continuous monitoring of these management structures by the National Education Service and other institutions charged with the management, organization, control and co-ordination of education at the national level; and
- iii) Provide modalities for resource mobilization by community based institutions for the development of education infrastructure in their various jurisdictions.

◆ **Objective 6**

To develop programmes and structures (either separately or as an integral part of the formal system) for the provision of quality education for people with special needs and requirements by the end of the year 2005.

The implementation of this objective will require the following strategies:

- i) Conduct a census and establish a data base of Kenyans with special education needs as a basis for planning and implementation of recommendations made in this report;
- ii) Establish, install, fund and staff institutions created by appropriate legislation for the management of special education needs;
- iii) Initiate an awareness campaign of education for people with special needs, in liaison with other government agencies, organs of civil society and community organizations; and
- iv) Provide infrastructure and facilities in all educational institutions for use by, and facilitation of, people with special education needs.

◆ **Objective 7**

To develop programmes and structures for the management and delivery of Quality University level education by public and private institutions, and to strengthen and enhance research, research training and research utilization for science-led development by the end of the year 2005.

The implementation of this objective will require the following strategies:

- i) Equip the Commission for Higher Education with machinery to monitor, evaluate and direct the execution of measures designed to ensure accountability and the maintenance of quality standards in respect of all programmes offered by universities;

- ii) Develop and ensure compliance with minimum standards for the organization, welfare and discipline of students and staff at the universities;
- iii) Develop institutions for the co-operative governance of universities by staff, students and administrative cadres;
- iv) Provide adequate resources or funding mechanisms for research, research training and research utilization by universities;
- v) Create a framework for collaboration between universities, other higher education institutions and the private sector in the co-operative advancement of Kenya's educational goals; and
- vi) Develop links between middle level colleges and universities.

◆ **Objective 8**

To create an enabling environment for the training, recruitment, discipline and welfare of a professional teaching service for all cycles of education, including universities, by the end of the year 2005.

The implementation of this objective will require the following strategies:

- i) Create an enabling environment for the training and professional development of a teaching service;
- ii) Establish, maintain and constantly update a register of qualified teachers at all levels of the educational system
- iii) Provide adequate resources for the recruitment into service and retention of qualified and dedicated professionals within the teaching service; and
- iv) Develop and enforce a comprehensive code of ethics for the conduct of the teaching service.

◆ **Objective 9**

To develop and manage a framework of partnership between the public and private sectors in the procurement and management of educational resources by the end of the year 2005.

The implementation of this objective will require the following strategies:

- i) Encourage and provide incentives for the private sector to invest in education by way, inter alia, of scholarships, bursaries, endowment and direct sponsorship;

- ii) Encourage and provide incentives for the private sector to establish, fund and manage research laboratories and facilities, either on their own or in partnership with universities and other research institutions; and
- iii) Establish and administer mechanisms that would encourage private sector agencies to found and administer educational institutions, either on their own or in partnership with the Government.

◆ **Objective 10**

To establish and manage a sustainable mechanism for the funding of education and especially the provision of facilities and infrastructure throughout the country by the end of the year 2010.

The implementation of this objective will require the following strategies:

- i) Establish and equip a funding mechanism with autonomy to raise, administer, and disburse finances for education programmes and infrastructure in the country;
- ii) Decentralize and transparently manage the funding mechanism at all levels of the Government;
- iii) Develop and implement training programmes on financial and fiscal management, and audit for staff employed by the funding mechanism; and
- iv) Mobilize and co-ordinate international development co-operation, the private and parastatal sectors and other donor agencies to contribute to the budget of the funding mechanism for the transformation of the education system.

◆ **Objective 11**

To develop appropriate programmes and structures for the effective delivery of basic education (comprising Early Childhood Care, Development and Education, Primary Education and Secondary Education), including education for persons with special needs, as a basic right of all Kenyans by the end of the year 2010.

The implementation of these objectives will require the following strategies:

- i) Develop and implement a national curriculum for Early Childhood Care, Development and Education which ensures that the child's basic rights to education, growth and development are within a comprehensive and integrated context;
- ii) Develop and implement a national curriculum for primary education, which ensures that the learner is able to acquire literacy, numeracy and manipulative skills, to develop an ability for self-expression, self-discipline, self-reliance, and a clear logical thought, and acquire a basic foundation for further education;
- iii) Develop and implement a national curriculum for secondary education which ensures that the learner is able to attain all round mental, social, moral and spiritual development, to make positive contribution to society and to

acquire a firm foundation for higher education;

- iv) Establish and administer a strategic plan designed to achieve compulsory basic education for all Kenyan's below the age of 18 years;
- v) Develop appropriate infrastructure for the delivery of quality basic education throughout the country; and
- vi) Develop programmes to reduce repetition and drop-out rates, and achieve equity in basic education.

◆ **Objective 12**

To develop appropriate programmes and structures for effective delivery of further education (comprising technical and vocational education and training, professional and para-professional training, and ancillary forms of skills acquisition outside the formal school system) as an integral component of life-long learning by the end of the year 2010.

The implementation of this objective will require the following strategies:

- i) Develop middle-level colleges to provide opportunities for further education for Kenyans who are unable to proceed to university education;
- ii) Develop clear avenues of re-entry into the formal education system including the determination of equivalences by Kenyans who wish to undertake or resume further education studies;
- iii) Develop and equip institutions for technical and vocational education and training in all districts to enhance employment creation;
- iv) Develop training schemes of continuing education for professional and para-professional cadres to enhance delivery of services to the community; and
- v) Link vocational education and training components in further education to the country's macro-economic and human resources development strategies.
- vi) Develop programmes and institutions for pre-university education.

◆ **Objective 13**

To develop programmes and structures for the provision of alternative and continuing education (comprising adult literacy, skills acquisition and development, and other life sustaining modalities) as an integral component of life-long learning by the end of the year 2010.

The implementation of this objective will require the following strategies:

- i) Create formal and informal structures for adult and continuing education as part of life-long learning;

- ii) Develop and implement a national curriculum for alternative and continuing education which ensures that Kenyans who need it have the opportunity to acquire academic and practical skills for life;
- iii) Establish community learning resource centres in all districts to facilitate alternative and continuing education;
- iv) Strengthen and equip the Kenya National Library Services; and
- v) Establish and administer a strategic plan designed to achieve universal literacy and numeracy for all Kenyans outside the formal education system.

◆ **Objective 14**

To design and implement a mechanism for the assessment of excellence and quality assurance in respect of all cycles of the educational system by the end of the year 2005.

The implementation of this objective will require the following strategies:

- i) Establish and administer a system or systems for the determination of equivalence of qualifications and transfer of credits across and within various sub-sectors of and levels in the education system;
- ii) Develop a mechanism for the assessment of excellence and quality assurance suitable for various levels of the education system; and
- iii) Design and implement rules for the establishment, supervision, inspection and visitation of all higher education institutions.

◆ **Objective 15**

To mobilize Kenyans to support and internalize the principles and values embodied in the new education system as a continuous exercise.

The implementation of this objective will require the following strategies:

- i) Publish and distribute the new Sessional Paper on the recommended education and training system;
- ii) Simplify and distribute all relevant legislations and statutory instruments of relevance to the education system;
- iii) Establish and administer a mechanism to receive reactions and feed-backs from the public on the operation of the new education system;
- iv) Decentralize the management and delivery of educational services to community based organs and agencies throughout the country; and

- v) Develop popular manuals on the new education system for distribution to divisional levels.
- 19.5.5 The implementation of the objectives and strategies enumerated above will depend entirely on how soon and effectively the first objective and complementary strategies are managed. A set of action programmes, performance indicators and cost estimates will need to be worked out to facilitate that exercise. This is outlined in Chapter 20 of this Report.
- 19.5.6 The first of the objectives requires that a national policy framework be developed as a basis for implementation of all recommendations contained in this Report. That framework should spell out clearly what subsidiary objectives flow from each of the objectives listed above, the strategies and specific tasks necessary for their attainment, performance indicators in each aspect, the cost estimates and the time-frame needed to complete each task.

Recommendation 19.4

The Commission recommends that a new Sessional Paper on Education Policy be prepared, discussed, approved and promulgated to supersede Sessional Paper No.6 of 1988 (Education and Manpower Training for the Next Decade and Beyond) and the MPET, 1997-2010.

Chapter Twenty

STRATEGIC PLAN OF ACTION

20.1 Preamble

- 20.1.1 In this Report, the recommendations have been grouped into two sets on the basis of implementation time frame. The first set of recommendations is those that can be dealt with immediately the Report is received and accepted by the Government without change of policy.
- 20.1.2 The second set of recommendations is those that are to be implemented in a phased manner. In this second category the recommendations are strategized into short, medium and long term time frame. The short and medium term activities constitute the pre-launching requirements.
- 20.1.3 To facilitate strategization of the recommendations the Commission has prepared measurable and monitorable objectives translated into activities. For monitoring purposes the activities have performance indicators and duration targets. A *critical path analysis* has been employed to schedule these activities in order to attain these objectives with optimum utilization of time and other resources.

Strategizing Rationale

- 20.1.4 The recommendations made in this report are strategize in this chapter. There are three main reasons for doing so.
- 20.1.5 Firstly, the recommendations are inter-related. Selection of just a few recommendations results in loss of the breadth and depth of many other functionally inter-connected recommendations. This is one of the reasons for this Commission reproducing the recommendations of previous education reviews so as to reconstruct the evolutionary pattern of their implementations. The 1000 previous recommendations form an evolutionary system of what Kenyans have wanted their education system to be like since independence.
- 20.1.6 Secondly, it is not feasible to finance the recommended developments all at once. They have to be prioritized and evolved over time.
- 20.1.7 Thirdly, the strategy can be continually modernized and liberalized on a continuing basis through the use of research. This will make it possible to undertake the necessary curricular and managerial changes on a regular basis. This will in turn make it unnecessary to have review commissions except when one is critically required to deal with major national and international problems affecting education and training.

Strategization criteria

- 20.1.8 The Commission has generated some 600 recommendations under the various chapters of the report. The following criteria have been used to select the most suitable recommendations to form a critical path process of implementation activities.
- 20.1.9 Firstly there is the functional aspect in which the recommendation must lead to the achievement of a specific objective. Each objective must in turn come from a reasoned out text, be specific, measurable, achievable, realistic and time-bound.
- 20.1.10 Secondly, there is the organizational aspect whereby the recommendation must function within the legally established organizational structures of educational and related systems.
- 20.1.11 Thirdly, there is the developmental aspect in which the recommendation must give rise to the development of other critical path functions which will ensure continued improvement of quality education.

20.2 Definition

Strategic Planning

- 20.2.1 Strategic Planning is the process by which recommendations are coordinated, prioritized and translated into an action plan taking into account the resources needed, the time frame and the anticipated problems. A strategic plan is a blueprint governing the implementation of the various recommendations that have been made.

20.3 Implementation Phases

Short term activities: By December 1999

Pre-launching activities

- 20.3.1 Reduce the number of subjects in primary and secondary schools.
- 20.3.2 Set up the National AIDS Council
- 20.3.3 Brief the Government on the proposed guidelines for implementation of recommendations.
- 20.3.4 Set up a Task Force to co-ordinate all the preparatory activities leading to the launching of the new education system. These activities shall include, but not limited to, the following:
 - a) Generation of the necessary momentum for effective co-ordination of inter-ministerial roles.

- b) Steering, drafting and passing of Sessional Paper, Cabinet Memorandum and Bills which are necessary for structural change.
- c) Identify potential managers of the change needed for effective implementation.
- d) Pre-conditions for effective for effective implementation.
 - i) Major popularization campaign to increase understanding regarding the functions of school Boards of Management (BOM) and District Education Management Boards (DEMB).
 - ii) Impress on communities on the need to find the right people with the necessary knowledge and skills to form BOMs and DEMB and provide help for those with difficulties.
 - iii) Insist on book-keeping procedures for the purpose of accountability and reduction of corrupt practices.
 - iv) Establish efficient communications systems with schools.
 - v) Cost education and training in its totality.
 - vi) Resource funds from the Government and other sources in order to close the gap between Government funds and the total cost.
 - vii) Calculate the finances needed by every institution and ensure that they get there.
 - viii) Reduce the high proportion spent on personnel emoluments by resourcing more funds for non-salary components.
 - ix) Appoint a catalytic change agent to close down the 8+4+4 and usher in the new one by 31 December 2000, bringing into legal existence the National Council for Education, The Commission for Basic Education and The Commission for Higher Education.
 - x) Appoint a project planner to work out planning procedures and draw up all the action time tables.
 - xi) Appoint a person with journalism and public relations experience to work out communications strategies do TV/radio advertising, press releases, responses to negative stories in the media, and print materials in order to build consensus on all aspects of the education reform.
 - xii) Set up working parties to work on the details of the various aspects of education and training necessary to implement the changes effectively, including the expansion of middle level colleges.
 - xiii) Recruit and reorientate personnel, including officials, school heads, PDEs and DEOs, into the working parties to help in creating the new education system.

- xiv) Set up monitoring and evaluation groups to scrutinize the work of the working parties.

20.3.5 Provide a programme and organizational mechanisms for dealing with the following unresolved issues:

- a) teachers' salaries;
- b) costing/resourcing/financing;
- c) problems associated with decentralization, including cost;
- d) acceptability of the learning outcomes of the new system;
- e) facing reality after the initial euphoria has worn out;
- f) autonomy versus accountability; and
- g) special education.

Medium term activities: January – 31 December, 2000

20.3.6 Developing and managing a national policy framework for education and training for the 21st century.

Institutional development

20.3.7 Setting up of institutional requirements.

- a) appointing staff;
- b) popularising the new education system to the teachers and to the public so that they are inspired to identify themselves with it;
- c) in-service training of teachers on the new education system, including AIDS education.
- d) specify areas which are crucial in teacher training e.g. converting from examination-driven rote learning to problem solving, analytical and creative learning; use of continuous assessment in talent development;
- e) curriculum development;

Costing, resourcing and financing

- g) Stock-taking of existing structures to avoid building new classrooms
- h) Work out real cost of education at all levels.

- i) Establish sources and clarify role of each source.
 - j) Decentralize funding
 - k) Include Financial Management in all teacher education curricula and in-service headteachers on the same.
 - l) Establish and/or strengthen special audit units for educational institutions
 - m) Deal effectively with corrupt headteachers and other managers of educational institutions.
- 20.3.8 Revise primary and secondary curricula in line with the recommendations of the needs assessment survey from 17/5/99 to 28/8/99.
- 20.3.9 Develop syllabuses for the revised curriculum from 5/7/99 to 24/7/99.
- 20.3.10 Develop curriculum support materials from 6/9/99 to May 2000.

Long-term activities: January 2001

Launching of the new education system

Year 2001

- 20.3.11 Develop and implement a comprehensive legal framework for the education system and all its sub-sectors in phases.
- 20.3.12 Establish, train and recruit personnel for an effective, responsive, proactive professional National Education Service under the control of the Minister.

Basic education

- 20.3.13 Establish the concept of Basic Education cycle as a continuous process embracing one year pre-primary, primary and secondary levels in January 2001.
- 20.3.14 Establish ECCDE centres in all current primary schools and refer to them Basic Education.
- 20.3.15 Curriculum development by NACECE
- 20.3.16 Recruitment of pre-primary teachers by GOK
- 20.3.17 **Convert primary education** to Basic Education in January 2001.
- 20.3.18 **Convert secondary education** to Basic Education.
- 20.3.19 **Establish Higher Education** to mean Further (middle level colleges) and University Education in January 2001.

- 20.3.20 Curriculum review towards unit approach.
- 20.3.21 Establish mechanisms for enhancing and sustaining the participation of Kenyans in educational development through Alternative (adult literacy, non-formal, informal) and Continuing Education in January 2001.
- 20.3.22 Establish mechanisms for enhancing and sustaining girls education
- 20.3.23 Establish mechanisms for strengthening and sustaining science and technical education
- 20.3.24 Establish mechanisms for strengthening and sustaining religious education and social education and ethics.
- 20.3.25 Establish mechanisms for reversing school dropout rates and sustaining enrolments
- 20.3.26 Establish mechanisms for enhancing and sustaining co-ordination and efficiency management and use of education resources.
- 20.3.27 Establish mechanisms for enhancing and sustaining effective monitoring and evaluation systems.
- 20.3.28 Establish mechanisms for strengthening and sustaining research and development activities.
- 20.3.29 Design and establish appropriate mechanisms for the continuous review and evaluation of educational policies and programmes and for the professional management and co-ordination of education as an integrated system.
- 20.3.30 Pre-test the curriculum in Primary 1 and 4 and Secondary I in secondary from January, 2001.
- 20.3.31 NAC to review progress on AIDS control and intensify fight against HIV.

Year 2002

- 20.3.32 Implement the curriculum in Primary 1 and 4 and Secondary I from January 2002.
- 20.3.33 Pre-test the curriculum in Primary 2 and 5 and Secondary 2 from 2002.
- 20.3.34 NAC to review progress on AIDS control and intensify fight against HIV.

Year 2003

- 20.3.35 Establish and install an effective democratic and community based infrastructure for the management and monitoring of performance and discipline in educational institutions.
- 20.3.36 Implement the curriculum in Primary 2 and 5 and Secondary 2 from January 2003.

- 20.3.37 Pre-test the curriculum in Primary 3 and 6 and Secondary 3 from January 2003.
- 20.3.38 NAC to review progress on AIDS control and intensify fight against HIV.

Year 2004

- 20.3.39 Implement the curriculum in Primary 3 and 6 and Secondary 3 from January 2004.
- 20.3.40 Pre-test the curriculum in Primary 7 and Secondary 4 from January 2004.
- 20.3.41 NAC to review the status of AIDS control.

Year 2005

- 20.3.42 Develop programmes and structures (either separately or as an integral part of the formal system) for the provision of quality education for people with special needs and requirements.
- 20.3.43 Develop programmes and structures for the management and delivery of quality university level education, by public and private institutions and to strengthen and enhance research, research training and research utilization for science-led development.
- 20.3.44 Create an environment for the training recruitment, discipline and welfare of a professional teaching service for all cycles of education, including universities.
- 20.3.45 Develop and manage a framework of partnership between the public and private sectors in the management and procurement of educational resources.
- 20.3.46 Implement the curriculum in Primary 7 and Secondary 4 from January 2005.
- 20.3.47 Pre-test the curriculum in Primary 7 from January 2005.
- 20.3.48 NAC to carry out comprehensive evaluation of sustained fight against HIV and control of AIDS and drug abuse.

Year 2006

- 20.3.49 Implement the curriculum in class 8 in primary from January 2006.

Year 2010

- 20.3.50 Complete the development of basic education as a basic right for all Kenyans.
- 20.3.51 Complete the development of higher education as an integral component of life-long learning.

- 20.3.52 Complete the development of alternative and continuing education as an integral component of life-long learning, including an open university.
- 20.3.53 Complete the development of a sustainable mechanism for the funding of education, especially the provision of facilities and infrastructure throughout the country.
- 20.3.54 Review, in its totality, the contribution of education and training towards the realization of the appropriate types and numbers of the personnel required for enhancing the industrialization process.
- 20.3.55 Sustain and evaluate control of AIDS annually.

Year 2020

- 20.3.56 Review level of contribution of manufacturing to GDP, from the 1999 level of 13% to the planned level of 30%, in the enhancement of industrial development.
- 20.3.57 Review the contribution of education and training in the industrialization process.

20.4 Logical Framework

- 20.4.1. Although a detailed list of activities has been given in the previous paragraph, the Commission is of the opinion that a thorough planning exercise should be undertaken for successful implementation of all the recommendations in this Report. As a first step towards this planning exercise, a logical framework has been drawn. From this Logical Framework, an Activity/Task Schedule has been drawn.
- 20.4.2. The Commission hopes that from this Logical Framework, other tools that are necessary for the success of the implementation exercise will be drawn, such as performance budget, organisation responsibility chart, work breakdown structure and individual task chart.

Logical Framework

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
Goal Improved quality education for increasing number of students.	☞ A system of education and training which meets the new quality requirements and is accessible to more students established and operational.	☞ Documentation on the new quality control requirements for education and training. ☞ National statistics on net enrolment and completion rates in education.	☞ Education and training will continue to be viewed as the key to better life. ☞ A reliable Management Information System will be put in place.
Objective To establish improved mechanisms for provision of quality education for increasing number of students	☞ The number of improved mechanisms established for provision of quality education and training. ☞ Increase in student enrolment at all levels/cycles of education. ☞ Reduction in the number of students seeking education and training abroad.	☞ Documentation on the quality control mechanisms established for delivery of education. ☞ Statistics on student enrolment at all levels/cycles of education and training. ☞ Data on students undertaking studies abroad on areas of study that are available locally.	☞ The management structure in all areas of education and training will be strengthened.
Outputs 1. Development and management of pre-launch activities for the new system of education and training. 2. A policy framework for the new system of education and training.	☞ Launching of the new system of education and training. ☞ Sessional paper on education and training for the 21st century and beyond approved and implemented.	☞ Strategic plans for the various components. ☞ Action plans. ☞ Performance budget. ☞ Organisational responsibility charts. ☞ A copy of the approved Sessional Paper.	☞ Resources will be available for the pre-launch activities. ☞ The approval of the Sessional Paper will be effected without delay.

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
3. New/revised legislation for education and training.	☛ New/revised legislation for education and training enacted and operational.	☛ Copies of the new approved legislation for education and training.	☛ There will be no major objection on the enactment of the new legislation.
4. Revised curricula for all levels/cycles of education and training.	☛ New syllabi developed and being used in teaching and evaluating the various levels/cycles of education and training.	☛ Copies of the new syllabi.	☛ Teachers will be adequately in-serviced for the implementation of the new education system.
5. Structures and mechanisms for the management and administration of the new system of education and training.	☛ Established Commissions, Boards and Associations for the management of education and training.	☛ Gazette notices ☛ Minutes of the various Commissions, Boards and Associations indicating their membership.	☛ The various Commissions, Boards and Associations will execute their duties diligently.
6. Mechanisms for financing the new system of education and training.	☛ Cost-effective procedures for financing education and training established and operational.	☛ Documentation on the new procedures of financing education and training.	☛ The new procedures of financing education and training will be acceptable to all the stakeholders.
7. Structures and mechanisms for monitoring and evaluation for the new system of education and training.	☛ Criteria developed for continuous monitoring and evaluation of education policies and programmes.	☛ A copy of the developed criteria.	☛ The criteria will be adjusted from time to time.

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
Activities 1. Development and management of pre-launch activities for the new system of education and training. 1.1 Establishment of a Taskforce to co-ordinate the transition from the current to the new system. 1.2 Publicity/popularisation of the CIESK report.	Inputs/Resources ☛ Staff with expertise in Education, Economics, Planning, Law, Management, Information Technology appointed by the end of 1999. ☛ Adequate transport facilities. ☛ Office equipment and stationary purchased by the end of 1999 to include: Computers, Printers, Photocopiers, Fax machines, Office furniture. ☛ Finances for recurrent expenditure and other expenses.	☛ Letters of appointment of staff. ☛ Documents on transport allocation/or procurement. ☛ Procurement documents for equipment and stationary. ☛ Budgetary allocations and Copies of AIEs issued.	☛ Adequate resources will be available for carrying out pre-launch activities.
2. Development of a policy framework for the new system. 2.1 Development and discussion of a white paper. 2.2 Development and publication of a Sessional paper.	☛ Staff to include: an education administrator, a curriculum developer, a school inspector a planner/economist and a secretary to draft the Sessional paper by the year 2000. ☛ Offices.	☛ Communication on appointment/identification of staff. ☛ Letters on identified/designated offices.	☛ Identified staff will have the expertise to draft the policy document.

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
3. Development and implementation of a comprehensive legal framework for education and training. 3.1 Preparation of draft legislation. 3.2 Preparation of drafts or amendments to complementary legislation. 3.3 Preparation of a legislative programme. 3.4 Development of instruments for monitoring and evaluation of the new legal framework.	• Staff to include: A legal expert/ Adviser, a legal assistant, a Draftsman and a secretary. • Fully equipped and furnished offices. • Finances.	• Letters of appointment of staff. • Copies of the approved legislation • Copy of the instruments for monitoring and evaluation of the new legislation. • Documentation on offices, office equipment and furnishings available. • Budgetary allocation and AIEs issued.	• The new legislation will be approved and accepted by all the stakeholders.
4. Revision and implementation of curricula for all levels/cycles of education and training. 4.1 Revising the curriculum for each level/cycle of education and training. 4.2 Pilot testing of the new curricula. 4.3 Publication of syllabi. 4.4 Development of curriculum support materials. 4.5 Establishment of Public Examinations Board. 4.6 Establishment of Examinations Syndicates.	• Human resource to include: Education Administrators and Planners, Curriculum Developers, Teachers, Lecturers/Instructors, School Inspectors/Advisers, Pupils/Students and the appropriate support staff. • Appropriately furnished and equipped offices and educational institutions. • Adequate appropriate means of transport. • Adequate financial resources.	• Responsibility chart for various cadres of staff. • Documentation on office allocations, furnishings and equipment. • Documentation on equipment and facilities for educational institutions. • Documentation on allocated/procured means of transport for the various cadres of staff and respective tasks. • Budgetary allocations and AIEs issued.	• Teachers/lecturers/instructors will be adequately equipped with skills for implementing the new curriculum. • Adequate resources will be available for curriculum development and implementation. • The new curriculum will be acceptable to all the stakeholders.

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
5. Establishment of structures for the management and administration of the new system of education and training. 5.1 Establishment of a National Council for Education. 5.2 Establishment of the Commission for Higher Education. 5.3 Establishment of the Commission for Basic Education. 5.4 Establishment of District Education Management Boards. 5.5 Establishment of Boards of Special Education. 5.6 Establishment of the Board of Adult education. 5.7 Establishment and installation of Boards of Management for Basic Education Institutions. 5.8 Establishment of Parents Associations.	Adequate numbers of specified cadres of staff recruited/appointed by the end of 2001. Funds for financing the functions of various Commissions and Boards. Elected Officials of Parents Association for each educational institution.	Letters of appointment for the various cadres of staff. Budgetary allocations and AIEs issued to the various Commissions and Boards. Minutes of Parents Associations indicating the elected office bearers for each educational institution.	Adequate numbers of staff with the right qualification and skills will be available.
6. Establishment and management of a sustainable mechanism for the funding of education and training. 6.1 Establishment of the Commission for Educational Financing.	Number of Commissioners and staff appointed/recruited to manage the Commission.	Gazette notice on appointment of Commissioners. Letters of appointment for various cadres of staff.	The teachers will not resist the transformation of the current Parents Teachers Associations into Parents Associations.

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
6.2 Development and management of a framework of partnership between the public and the private sector for the procurement and management of educational resources and services.	☞ Adequately furnished and equipped offices. ☞ Funds. ☞ Representatives of the public and the private sector who should include: Educationists, Economists, Planners, Bankers and Lawyers.	☞ Documentation on office allocation and procurement of office furnishings and equipment. ☞ Budgetary Allocations and issuance of AIEs. ☞ Minutes of the meetings of the representatives of the private and the public sector. ☞ Memoranda of understanding between the Public and private sector on financing of education and training.	☞ There will not be delay in the establishment of the Commission for education financing. ☞ There will be adequate funding for financing of the activities of this Commission. ☞ The Public and private sector will be willing to collaborate in financing education and training.
7. Establishment of structures and mechanisms for monitoring and evaluation of the new system of education and training. 7.1 Establishment and installation of democratic community based infrastructure for monitoring performance and discipline in educational institutions. 7.2 Setting up operational mechanisms for quality assurance for all levels of education and training.	☞ Elected officials for each educational institution. ☞ A number of appropriately qualified education quality controllers appointed for each level/cycle of education and training.	☞ Minutes of the institutional organisations indicating the elected officials. ☞ Appointment letters for quality controllers for each level of education and training. ☞ Criteria developed for quality control at each level/cycle of education and training.	☞ Elected people shall be capable of handling disciplinary cases according to the legal provisions of education.

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Assumptions
7.3 Designing and establishing appropriate mechanisms for continuous review and evaluation of educational policies and programmes.	☛ An adequate number of appropriately trained staff appointed to continuously review and evaluate educational policies and programmes. ☛ Adequately equipped and furnished offices. ☛ Funds for financing the monitoring and evaluation functions and cover the recurrent expenditure.	☛ Appointment letters. ☛ Criteria developed for monitoring and evaluation of education policies and programmes. ☛ Documentation on office allocation and procurement of furnishings and equipment. ☛ Budgetary allocations and issuance of AIEs.	☛ Adequate funds will be availed.

CONCLUSION

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Conclusion Highlights

- A totally integrated quality system
- Alternative to numerical titles
- Totality and Quality
- Integrated Linkages
- Quality improvement and management
- Learning and moving together in the 21st Century
- Totally Integrated Quality Education and Training (TIQET)
- TIQET as a TICKET to a promising future for all Kenyans
- **TIQET**, Kenya

Chapter Twenty One

EDUCATION AND TRAINING: A NEW CONCEPT

21.1 A Totally Integrated Quality System

- 21.1.1 In order to realize the critical path processes advanced in this Report, the Commission has come to the conclusion that a goal-and a process-oriented education and training system is necessary instead of the present examination- driven system. The Commission is expected to forecast into the 21st Century and the Third Millennium (AD/CE). In this connection, the Commission observes that future policies in education and training should lay emphasis on, and give priority to, the quality and relevance of education and training; the eradication of illiteracy; the development of science and technology; the vocationalization of education; research; management and entrepreneurship training; the development of the handicapped; the identification and development of the specially gifted and talented persons and the development of centres of excellence.
- 21.1.2 The Commission believes that this is the desire of the Government. The question now is how to conceptualize the kind of education system that will make it possible for the nation to achieve its vision. It must be the kind of education that makes the learner literate, numerate and aware of the surroundings. It must also be the kind of education that imparts preliminary skills for self-sustenance, within the context of creativity and innovation.
- 21.1.3 Guided by the Mission statements, the specific Terms of Reference and recommendations from Kenyans, the Commission has come to the conclusion that education and training must be total, integrated and increasingly of enhanced quality. A system of **Totally Integrated Quality Education and Training (TIQET)** is, therefore, proposed as an alternative to the numerical titles such as the 8+4+4 and 7+4+2+3 that may have been used in the past. Presentations from members of the public called for the abolition of the 8+4+4 system of education and its replacement with either the former 7+4+2+3 or a modification derived from the two systems. The Commission is convinced that it is not the number of years as such that matter. **TIQET** is preferred because it implies the sustained enhancement of quality and relevance embedded in each cycle of education, as well as the existence of harmony in the curriculum sequence at the connecting links in the entire education system, which we must strive to. The previous education systems have served the country well in their time. They cannot be expected to go on serving the country, as they have been, in a rapidly changing environment of the 21st Century. In this sense, **TIQET** is dynamic, not static like a numerical title. It conveys a value, a desire that the system must itself undergo improvements so that it can, in turn, stimulate improvements in the society that it serves. This, therefore, means that it is not a question of going back to the 7+4+2+3 system or staying with the 8+4+4 system. The Commission believes that the task before Kenyans is more complex than merely a question of shifting numbers. It is a question of moving on with a constantly **evolving** and **improving system**. The proposed **TIQET** system incorporates desirable characteristics of **totality, integration** and **quality**.

- 21.1.4 The word **total** stands for the totality of human resources that will be required to fulfil the challenges of the 21st Century. This includes the totality of the Kenyan population where total participation in educational development through mainstream formal, and alternative and continuing education will be necessary. It incorporates equity and access, and invariably promotes national unity.
- 21.1.5 The word **integrated** stands firstly for all the inter-sectoral linkages between real life situations, the national objectives and philosophy, and the processes of education and training. It also stands for all the linkages among the subjects and processes of teaching and learning themselves. Nationally, it also means the closely co-ordinated balance of national skills at different levels.
- 21.1.6 The word **quality** stands for the deliberately planned levels of excellence that are necessary for the achievement of industrialization and other national objectives. It implies sustainable maintenance of quality assurance and quality control in the education system.
- 21.1.7 **Quality** involves the process of improvement. It involves a vigorous search for new knowledge and courage for injecting valuable lessons and efficiency into the implementation process. Internal self-assessment exercises are the essence of quality assurance which results in system-wide quality improvement. In time, the system becomes a dynamic force of change.
- 21.1.8 **Quality improvement** is a key component of the strategic plan of action. It involves the loosening of the control of the methodology by top managers so that all staff participate and see the methodology as their own. They see it as a methodology that they can modify and employ in order to serve their students better, and increase their own level of job satisfaction. They have the confidence not only to undertake regular internal self-evaluation, but also to be externally evaluated. The internal and external examination system of public universities has been the solid basis of assuring academic quality improvement. A similar system is necessary for institutional management and for the education system as a whole.
- 21.1.9 The words **total** and **quality** are borrowed from the concept and practice of total quality management which is based heavily on the involvement of the entire personnel in an organization, including their continuous training for the achievement of high levels of performance.
- 21.1.10 Quality improvement is thus a process that emphasizes the participation of staff and students, at all levels of our learning institutions. It is primarily a student -centred approach that places the learning needs of the student at the centre of all education and training activities. It is necessary for everyone involved to play their roles efficiently for the purpose of improving the quality of participation. This is one of the basic characteristics of **total quality management**. It also involves training all levels of staff on the goal of improvement. With such training, the staff feel empowered to have more control over their environment, more scope to take initiative and more authority over logistics such as supplies and key aspects of financing. It allows them to make responsible and accountable judgements according to changing circumstances. This is another basic characteristic of total quality management.

- 21.1.11 The involvement of all personnel in the institutions, including students, will make teaching and learning enjoyable, interesting, inviting, accommodating and an embodiment of quality, relevance, meaning and flexibility. It is life goal-oriented rather than examination-driven.
- 21.1.12 Apart from the training of all levels of staff, sustaining **quality improvement** also demands the utilization of research. Fortunately, Kenya has a relatively strong tradition of research which has been carried out in the universities and other research institutions. However, the mechanisms for its utilization are either ineffective or non-existent. These mechanisms, therefore, need to be made effective and/or set up. They are required for collecting, collating, storing, analysing, synthesizing, popularizing and applying the knowledge generated through research.
- 21.1.13 Research knowledge shares the common objective of facilitating the enhancement of planned industrialization. This means that, by identifying the linkages which exist between the topics of research and industrialization, it will be possible to show how research contributes to development. Research can be used to continually modernize and otherwise modify education in accordance with changing circumstances. This will reduce the need for frequent education commissions and enhance the ideal of continuous quality improvement.

21.2 Learning and Moving Together in the 21st Century

- 21.2.1 In order to develop and sustain this kind of service, the universities will have to consistently maintain the 1:10 agreed ratio of postgraduate to undergraduate students. Universities have to stabilize the basic requirements for carrying out sustained research. They also have to develop the capacity to be contracted to do research to meet the needs of national development. This is the essence of research and development. It is one of the basic processes in industrialization.
- 21.2.2 **Totally Integrated Quality Education and Training (TIQET)** therefore means the co-ordinated extent and scope of all the education and training activities which are required to enable Kenya to realize the vision of becoming a newly industrialized nation in the 21st Century. The totality of the quality of education, therefore, means continuous improvement of all levels of education and training in order to improve the quality of life of all Kenyans.
- 21.2.3 The question of purpose of, and benefit from, education poses a major challenge. With the growing numbers of school drop-outs and unemployed graduates from higher educational institutions, there are many people who are unable to see the purpose of education that matches or exceeds the current or previous systems. This means that the desirable characteristics of **Totally and Integrated Quality Education and Training** have to be an effective “**ticket**” to the benefits that are tangibly available to Kenyan parents.
- 21.2.4 The **TIQET** system will, therefore, ensure that a sound foundation is laid in Early Childhood Care, Development and Education. In this connection, the Commission has given a detailed attention to Early Childhood Care, Development and Education in this Report. The Commission has also noted with appreciation the effort the

Ministry of Education has made in establishing the National Centre for Early Childhood Education (NACECE) at the Kenya Institute of Education and its branches in the districts and municipalities. However, the Commission has observed the need to train mothers as the primordial teachers. It must also be emphasized that the linkage between nutrition and brain development and functional capacity has become an increasingly important educational issue in early childhood. The linkage between nutrition, brain development and education provides a good example of integration.

- 21.2.5 Beyond early childhood care, development and education, the **TIQET** system must create continuous academic improvement as well as providing counselling on such issues as adolescent development and courtship values and ethics. The latter kind of counselling has assumed significance because of the AIDS epidemic. The youth constitute the majority of people dying from the disease.
- 21.2.6 In terms of the national vision of industrialization, this process requires firstly a balance between arts and science subjects. Secondly, there is need for a practical orientation and a blend of the practical subjects with arts and science subjects, in order to build a pre-technological system. Thirdly, the subject of social education and ethics, derived from all the main religious establishments found in Kenya, provides the necessary social education and ethical base on which to relate academic subjects to real life situations in building an ethical and moral society. These requirements apply to both the classical and alternative institutions of formal education and training. Classical institutions here include those of pre-primary through primary and secondary to university education. The post-primary and non-university tertiary institutions as well as the adult and continuing education programmes constitute alternative forms of education and training.
- 21.2.7 The **TIQET** system will, therefore, provide education on a co-operative basis so that groups of youth can get together and undertake income generating activities. The challenge to schools and other educational institutions is to ensure that young persons are educated on the spirit and practice of co-operation. This is of particular importance to the large numbers of school leavers who find themselves with nothing to do who and are anxious to go on with educational development. Although the Government is doing a lot in trying to increase the rate of retention of students, especially in primary schools, the challenge still remains as to what to do for the large numbers of out-of-school youth, who are already there, and who should benefit from continuing education, which has the potential for enhancing the quality of life of such persons.
- 21.2.8 Failure to do this means that these young persons may get into problems associated with idleness and youth. The Commission noted that at the National Leaders Conference held at KIA in 1980, the problem of school leavers was described as a time-bomb. AIDS and social drugs are now considered as the fuse which will ignite that time-bomb. With the passage of time, AIDS together with the associated abuse of social drugs such as alcohol has increasingly become an educational issue. The Commission believes that among the central responsibilities of the education system is the promotion of the processes of adolescent development, courtship values and ethics, in collaboration with parents and religious leaders. This calls for an increased and deliberate involvement of parents and religious leaders in educational programmes aimed at the personal development of young persons.

- 21.2.9 Non-formal education for out-of- school children, youth and adults has been envisaged by the Government as a viable alternative way of solving the problem of high early drop-out. In its Policy Guidelines on Non-Formal Education (NFE) in Kenya, the Government has defined NFE as any organized, systematic learning activity outside the formal school system and university. In 1994 the Ministry of Education and Human Resources Development set up an NFE desk and a project through which ways are devised for addressing the educational needs of out-of-school children.
- 21.2.10 Continuing education has also been used successfully in the past to enable teachers to continually enhance their knowledge. Teachers are also learners who need to learn on a continuing basis. This is now even more desirable in view of the long-term vision of enhancing industrial development. The role of teacher training colleges needs to be expanded for this purpose. Apart from teachers, Kenyans will need to adopt and assimilate the tradition of alternative and continuing education. This is necessary in order to enhance the concept of life-long learning.
- 21.2.11 All what this points to is a growing need to provide quality education to the growing numbers of learners within the confines of available resources. Learning institutions should be more resourceful in finding ways and means of creating, enhancing, and sustaining a balanced educational, agricultural, environmental and industrial development, in the 21st Century. For this to happen, education and training must be total, integrated and of sound quality.
- 21.2.12 **It is this system of Totally Integrated Quality Education and Training that the Commission recommends to the nation.**

**TIQET
(Kenya)**

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Appendix One

List of Consultants and Members of the Secretariat

Experts and Specialists

<u>Name</u>	<u>Area of Specialization</u>
1. Dr. Katherine Getao	Computer Science
2. Dr. Gituro Wainaina	Statistician
3. Dr. Ahmed Ferej	Technical & Vocational Education & Training
4. Mr. Akumu Owuor	Technical & Vocational Education & Training
5. Mr. Samuel Tororei	Visually Impaired
6. Mrs. Rachel Kang'ethe	Gifted and Talented
7. Mrs. Wambui Kennedy	Physically Handicapped
8. Mrs. Phyllis N. Makau	Costing, Financing and Resourcing
9. Dr. John M. Boit	Costing, Financing and Resourcing
10. Mr. Anthony K.M. Kilele	Costing, Financing and Resourcing

Secretariat

<u>Name</u>	<u>Designation</u>
1. Mr. John N. Kariuki	Administrative Co-ordination
2. Mr. Paul G. Kenga	Finance Co-ordinator
3. Dr. Kipsang' Metet	Assistant Co-ordinator
4. Mrs. Joyce M. Mutinda	Assistant Co-ordinator
5. Mr. Josiah O. Okumu	Assistant Co-ordinator
6. Mrs. Elizabeth Wafula	Assistant Co-ordinator
7. Ms. Eliza W. Chege	Information Co-ordinator
8. Mr. Daniel C. Koech	Information Co-ordinator
9. Ms. Pauline N. Muriuki	Information Co-ordinator
10. Mrs. Mary Mwendwa	Information Co-ordinator

Appendix Two

EDUCATION BILL

Arrangement of Clauses

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2. Interpretation
3. Application and effect
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8. Preparation of early childhood care and development guidelines
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11. Functions of National Centre for Early Childhood Education
12. Staff of the National Centre for Early Childhood Education
13. Prohibition of pre-admission tests
14. Minimum age of admission into early childhood care and development institutions

DIVISION B: THE BASIC EDUCATION CYCLE

15. Basic education to be compulsory
16. Registration of basic education institutions
17. Preparation of basic education guidelines

DIVISION C: THE HIGHER EDUCATION CYCLE

18. Higher Education to be available without restriction
19. Registration of higher education institutions
20. Preparation of higher education guidelines
21. Professional and para-professional training

DIVISION D: EDUCATION ACROSS CYCLES

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22. Technical and vocational education

ADULT ALTERNATIVE AND CONTINUING EDUCATION

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(ii) THE COMMISSION FOR BASIC EDUCATION

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SCHEDULES

EDUCATION BILL

A Bill for

An Act of Parliament to repeal and re-enact the Education Act; to consolidate all laws relating to education in Kenya, to provide a legal framework for the organization, development, management and co-ordination of education; and for connected purposes.

ENACTED by the Parliament of Kenya as follows:-

Part I – Preliminary

Short title and commencement	1. This Act may be cited as the Education's Act and shall come into operation on a date to be appointed by the Minister by notice in the Gazette and different dates may be appointed for different sections.
Interpretation	2. In this Act unless the context otherwise requires:- "alternative education" has the meaning assigned to the term in the Board of Alternative and Continuing Education Act; "Appeals Tribunal" means the National Education Service Appeals Tribunal established by Part V of the National Education Service Act; "basic education" means pre-primary, primary and secondary education; "continuing education" has the meaning assigned to the term in the Board of Alternative and Continuing Education Act "early childhood education" means any education administered to a child of or above the age of 3 years prior to or in preparation for basic education; "education" means the formal or informal process of acquisition of knowledge and includes the training of learners in any skill; "educational corporation" means the National Council for Education, the Commission for Higher Education, the commission for Basic Education or the Commission for Educational Financing established under Part VI of this Act. "education institution" means an institution or facility by whatever name called used or to be used wholly or partly regularly or

intermittently for the conduct of education and includes what is commonly referred to as a school, a tuition facility, an educational centre, an academy, or a research institution;

"educator" means any person engaged in the administration of education to a learner and includes a teacher, an instructor; or researcher;

"further education" means higher education other than education offered by universities;

"governing body" means anybody or authority by whatever name called, responsible for the management and administration of an educational institution

"higher education" means education offered in any post-secondary school institution and includes education offered by technical institutes, polytechnics, colleges and universities;

"learner" means any person receiving, obliged to receive or desirous of receiving education;

"local authority" has the meaning assigned to that term under the Local Government Act'

"Management board" means a district management board established pursuant to Part VI of this Act;

"National Education Service" means the National Education Service established under section 3 of the National Education Service Act

"national examination" means a public or private examination;

"officer" means a member of staff of the Ministry or such other public officer as the Minister may designate;

"parent" means the parent of a child and includes any person who understands or is legally obliged to fulfil the obligations of parent towards a child;

"pre-primary" education means the first stage of the basic education cycle for the time being prescribed as such by the National Council for Education;

"primary education" means the stage in the basic education cycle for the time being prescribed as such by the National Council for Education;

"private educational institution" means an educational institution which is not a public educational institution;

"public educational institution" means an educational institution registered as such and maintained out of public funds

"secondary education" means the stage in the basic education cycle for the time being prescribed as such by the National Council for Education;

"sponsor" means any entity which is the founder of an educational institution or which has committed itself to be, or is a benefactor of an educational institution, or where more than one such entity exists, a representative of such entities, and includes any religious organization providing spiritual guidance through religious institution or pastoral care to the educational institution;

"teacher" in relation to a basic education institution means a person whose name is for the time being in the register of teachers maintained under section 57 of this Act;

Application and
effect

(Cap 237)

3. (1) This Act shall apply to all institutions or facilities by whatever name called offering or organized for purposes of offering education, educational services or educational infrastructure to any number of learners whether public or private, formally or informally but shall not apply to any institution-
 - (a) in which the instruction is in the opinion of the Minister wholly or mainly of a religious character; or
 - (b) set up for the purpose of training persons for admission to the ordained ministry of a religious order; or
 - (c) subject to Part IX, providing instruction solely for the purposes of apprenticeship or indentured learnership as defined in the Industrial Training Act;
- (2) The Minister may, after consultation with the National Council for Education, exempt any other institution from all or any of the provisions of this Act.
- (3) Unless otherwise expressly stated in any law, the provisions of this Act shall override the provisions of any other legislation relating to education as defined herein.

4. The objectives of this Act are to:-

- (a) develop and manage a comprehensive national policy framework for education;
- (b) develop appropriate guidelines for the management of early childhood care and development as part of the education system;
- (c) develop appropriate programmes and structures for the co-ordination and effective delivery of quality basic education as a fundamental right of all Kenyans;
- (d) develop appropriate programmes and structures for the management, co-ordination and delivery of quality higher education by public and private institutions and to strengthen and enhance research, research training and research utilization for science-led development;
- (e) develop appropriate programmes and structures for the co-ordination and management of quality alternative and continuing education for all Kenyans;
- (f) develop appropriate programmes and structures for the co-ordination and management of quality education for Kenyans with special needs;
- (g) create an appropriate environment for the training, recruitment, discipline and welfare of a professional national education service for all cycles of education;
- (h) establish and install an effective democratic and community friendly infrastructure for the inspection and management of and discipline in educational institutions;
- (i) develop and manage a framework of partnership between the public and private sectors in the management and procurement of educational resources; and
- (j) establish and manage a sustainable mechanism for the funding of education throughout the country.

Part II – The Education System

5. (1) The education system shall provide adequate access to and facilities for every Kenyan who desires or is required to receive basic and higher education including, education for

Kenyans with special needs, adult, alternative and continuing education, and technical education and training in the manner provided for in this Act.

- (2) Basic education shall consist of three progressive stages involving pre-primary, primary and secondary.
- (3) Higher education shall consist of two parallel but interactive streams, namely:-
 - (a) further education comprising education of all descriptions of persons with basic education qualifications, with or without pre-university education, who are not enrolled in universities or undertaking university level programmes of study or research; and
 - (b) university education comprising the education of persons with basic and pre-university education, or further education qualifications who are enrolled in universities or undertaking university level programmes of study or research.
- (4) The Commission for Higher Education shall, from time to time, determine the category into which each programme of higher education belongs.
- (5) The Minister shall ensure that persons presented for enrolment into the basic education cycle shall have undergone at least two years of a programme of early childhood care and development

The structure of
the education
system

- 6. (1) The education system shall be so structured as to enable Kenyans to acquire education at any level in such sequence, and at such pace as is commensurate with the learners' physical and mental abilities and the resources available to them.
- (2) The National Council for Education shall, from time to time, by Notice in the Gazette, prescribe for each cycle, an appropriate structure for education at that level.
- (3) Notwithstanding the generality of the above provisions, the Council may prescribe different structures of education for different areas of Kenya or levels of special need where such differentiation is, in the opinion of the Council, necessary for the attainment of the objectives of education as set out in this Act.

Division A. Early Childhood Care and Development

Registration of
early childhood
care and
development
institutions

7. (1) Every institution offering facilities or services for early childhood care and development whether or not for purposes of preparation of children for entry into the basic education cycle shall be registered with the Minister in the prescribed manner.
- (2) Where the Minister is satisfied that an institution offering or intending to offer facilities or services for early childhood care and development meets the requirements set by the Minister he/she shall issue a certificate of registration to such institution.
- (3) Every registered institution offering early childhood care and development facilities or services shall display, at all times, a certificate of registration issued by the Minister in accordance with this section.
- (4) The Minister may, where good cause is shown, the onus whereof shall be on the Minister, cancel or amend such a certificate.
- (5) It shall be an offence for any institution whose certificate has been cancelled to offer early childhood care and development facilities and services until such certificate is reissued or restored.
- (6) The Minister may charge appropriate fees to facilitate the processing of application for registration of institutions offering or intending to offer facilities or services for early childhood care and development.

Preparation of
early childhood
care and
development

8. It shall be the responsibility of the Minister to ensure that appropriate guidelines for the management of early childhood care and development are prepared and implemented by institutions set up for that purpose.

Matters to be
provided for in
guidelines

9. The guidelines issued by the Minister under section 8 shall stipulate inter alia, that programmes and curricular in early childhood development and education must seek to-
- (a) improve the nutrition and health status of children;
- (b) provide a secure physical and psycho-social setting for

children;

- (c) develop in an integrated manner, children's affective, cognitive and physical attributes; and
- (d) develop children's knowledge, self-confidence and free expression, spiritual and social values and appreciation of other people's needs and views.

Establishment of
the
National Centre
for Education

10. (1) For purposes of Section 8, there is hereby established under the direction and control of the Minister, a centre to be known as the National Centre for Early Childhood Education hereinafter referred to as the Centre.
- (2) The Minister may, by order make provision with respect to any matters relating to the conduct and management of the Centre as it may consider necessary or desirable to provide for.
- (3) The Minister may establish District Centres for Early Childhood Education as may be necessary for purposes of this Act.

Functions of
National Centre
for Early
Childhood
Education.

11. The functions of the National Centre for Early Childhood Education shall be-
- (a) the co-ordination of institutions offering early childhood development and education facilities;
 - (b) to supervise the compliance with guidelines issued under this Act by institutions offering early childhood care and development facilities; and
 - (c) such other functions as may be conferred on the Centre by the Minister.

Staff of the
National Centre
for early
childhood
education

12. The Minister shall ensure that all persons employed as staff of the Centre and are involved in the implementation of the provisions of this Part, are suitably trained and qualified in the provision of early childhood education.

Prohibition of
pre-admission
tests

13. (1) No academic test or examination shall be administered by or on behalf of an early childhood care and development institution as a pre-requisite for admission to that institution.
- (2) A person who contravenes subsection (1) commits an offence and is liable to a fine of twenty thousand shillings.

Minimum age of early childhood care and development institutions.	14.	The minimum age for admission into an early childhood care and development institution shall be 3 years. Provided that a child who is presented for admission before he/she is three years old may be admitted into an early childhood care and development institution if he/she is over the age of two and a half years.
Basic Education to be compulsory	15.	Division B. The Basic Education Cycle (1) Basic education shall be compulsory for all Kenyans between the ages of 5 and 16 years. Provided that any child who has not attained the age of 5 years but has attended at least two years in an early childhood care and development institution shall be deemed to have attained the age of five years. (2) No academic test or examinations shall be administered by or on behalf of a basic education institution as a pre-requisite for admission to that institution. (3) The Minister shall, in consultation with the Commission for Basic Education and the Commission for Educational Financing ensure that public institutions offering facilities or services for basic education are developed in sufficient numbers and diversity to enable Kenyans have access to basic education.
Registration of basic education institutions	16.	(1) Every institution offering or intending to offer facilities or services for basic education in Kenya whether foreign or local, public or private formal or informal shall be registered in the prescribed manner by the Commission for Basic Education established under this Act. (2) Where the Commission for Basic Education is satisfied that an institution offering or intending to offer facilities or services for basic education meets the requirements set by Part III of this Act, it shall issue a certificate of registration to such institution. (3) The provisions of subsections (3) to (6) of Section 7 shall apply <i>mutatis mutandis</i> to institutions registered under this section as they apply to institutions registered under that section

Preparation of
Basic Education
guidelines

17. (1) The Commission for Basic Education shall prepare detailed guidelines setting out the requirements to be met before a certificate of registration can be issued to an institution offering or intending to offer facilities or services for basic education.
- (2) The guidelines shall contain specifications on such matters as:
- (a) the standards required for all instructional materials, buildings and other facilities;
 - (b) the quality of physical infrastructure in or around the institution;
 - (c) the extent of financial outlay or capacity to raise the resources needed to sustain quality education at the institution; and
 - (d) the level of staff commensurate with the expected student enrolment at the institution;

Division C: The Higher Education Cycle

Higher
Education to be
available without
restriction

18. (1) Higher education shall be available to those who desire and are qualified to receive it without any restriction as to age, gender, religious orientation handicap or other special characteristic or orientation.

Provided that nothing in this subsection shall prevent any person or institution from establishing a higher education institution one or more of whose objectives is the propagation or inculcation of specific religious or ethical values.

- (2) The Minister shall in consultation with the Commission for Higher Education and the Commission for Educational Financing ensure that public institutions offering facilities and services for higher education are developed in sufficient numbers and diversity to enable Kenyans have access to higher education.

Registration of
higher education
institutions

19. (1) In addition to the requirements of any other laws of education every institution offering or intending to offer facilities or services for higher education in Kenya whether foreign or local; public or private shall be registered in the prescribed manner by the Commission for Higher Education.

- (2) The Commission for Higher Education shall establish and maintain a register of all higher education institutions and such register shall be open to inspection by the public.
- Preparation of higher education guidelines 20. (1) In addition to matters set out in Part VII of this Act the Commission for Higher Education shall prepare detailed guidelines setting out the requirements to be met before registration is granted to an institution offering or intending to offer services or facilities for higher education.
- (2) The guidelines shall contain such specifications and/or requirements including those relating to physical and academic infrastructure, financial and human resources as the Commission may consider to be appropriate in specific circumstances.
- Professional and para-professional training 21. (1) Every professional organization or discipline shall establish and manage an institution for the continuing education of its members and shall put in place assessment procedures that would enable it determine the proficiency level of those members on a continuing basis.
- (2) The Commission for Higher Education shall ensure that the provisions of subsection (1) are implemented and enforced.

Division D: Education Across Cycles

(i) Technical and Vocational Education

- Technical and vocational education 22. (1) The Minister shall, in consultation with the relevant educational corporation, ensure that public institutions offering facilities or services for technical and vocational education are developed in sufficient numbers and diversity to enable Kenyans have access to technical and vocational education and training.
- (2) The provision of technical and vocational education shall take into account the need to:-
- (a) deliver knowledge values and skills that are consistent with Kenya's overall development policy;
- (b) provide avenues for re-entry into mainstream academic programmes in institutions offering university education;

- (c) provide opportunities for continuous interaction with the industrial sector.

- (3) For the purposes of subsection (I) the registration of every institution offering technical and vocational education shall indicate whether or not such institution is offering education which is equivalent to basic or higher education and such registration shall be carried out in accordance with the appropriate provisions of this Part relating to the basic or higher education cycles.

(ii) Adult, Alternative and Higher Education

Adult
Alternative and
Continuing
education

- 23. (1) The Minister shall, in consultation with the appropriate educational corporations ensure that public institutions offering facilities or services for adult alternative and continuing education are developed in sufficient numbers and diversity to enable Kenyans have access to alternative and continuing education.
- (2) The provision of adult alternative and continuing education shall take into account the need to:-
 - (a) reduce the level of or eliminate adult illiteracy among Kenyans promote a culture of learning and reading among Kenyans;
 - (b) provide avenues for re-entry into mainstream academic programmes at all levels;
 - (c) ensure that professionals and paraprofessionals are kept in constant touch with developments in their various disciplines.
- (3) Subsection (3) of Section 22 shall apply *mutatis mutandis* to the registration of institutions under this section as it applies to registration thereunder.

Establishment of
Board
of Alternative
and Continuing
Education

- 24. (1) For the purposes of section 23, there is hereby established under the management and direction of the Minister, a board known as the Board of Adult, Alternative and Continuing Education which shall be a body corporate with perpetual succession and a common seal and capable of suing and being sued and doing and suffering all such acts and things as bodies corporate may do and suffer.
- (2) Subject to this Act, the constitution and the functions, powers and immunities of the Board of Adult, Alternative and

Continuing Education with respect to the conduct of adult alternative and continuing education shall be specified in appropriate legislation.

Division E: Special Education Needs

Facilities for
special education
needs

25. (1) The Minister and educational corporations shall provide and keep under review, adequate arrangements aids, services facilities and resources including resources that would, in appropriate cases, support the provision of subsidized or free education in educational institutions under their care for the provision of special educational needs.
- (2) Any person or authority exercising functions under this Act in respect of a person with special educational needs shall ensure that such a person is educated in an institution which is not a special education institution unless that is incompatible with the wishes of his/her parents or would exclude such a person from receiving the benefits of special education.
- (3) Provisions shall be made in appropriate legislation, *inter alia*, for:-
- (a) the general conduct of delivery of special education services;
 - (b) the identification and assessment of persons with special educational needs;
 - (c) the provision of special educational needs otherwise than in schools;
 - (d) separate funding for the provision of services and facilities for persons with special educational needs;
 - (e) governance of special schools; and
 - (f) the manner of progression by persons within special education needs through the education system.

Establishment of
Kenya Institute
of Special
Education

26. (1) There is hereby established under the control and direction of the Minister a body corporate known as the Kenya Institute of Special Education.
- (2) The Minister shall, by order published in the Gazette make provision for the legal personality, constitution, functions and powers of the Kenya Institute of Special Education including such other matters relating to the management of the Institute as may be necessary to provide for.

Registration of
special education
institutions

27. (1) Every institution offering or intending to offer facilities or services for Kenyans with special educational needs whether public or private, foreign or local shall be registered with the educational corporation responsible for the management of the educational cycle in which that institution wishes primarily to operate.
- (2) Where such institution is already registered by the relevant educational corporation for purposes of basic or higher education no further certificate of registration shall be required.

Division F: The Basic Education Curriculum

Design and
approval of basic
education
curriculum

28. (1) The Commission for Basic Education after consultation with the Minister shall be responsible for the design, or approval and supervision of the administration of the curriculum for basic education for all education institutions in the country.
- (2) No curriculum shall be offered by an educational institution unless such curriculum has been designed or approved by the Commission under this section.
- (3) A person who contravenes subsection 2 commits an offence and is liable to a fine of one hundred thousand shillings or to imprisonment for a term of two years or to both.

Content of Basic
education
curriculum.

29. (1) The Commission for Basic Education shall not approve an education curriculum under section 28 unless:
- (a) it is balanced and broad based as to contents;
 - (b) it promotes the spiritual, moral, cultural, intellectual and physical development of the learners; and
 - (c) it prepares the learners for the opportunities, responsibilities and experiences of life.
- (2) Notwithstanding the generality of subsection (1) of this section, the curriculum for basic education shall include-
- (a) a National or Core Curriculum for all education institutions specifying the subjects which must be offered to all learners in such institutions;
 - (b) an agreed curriculum for a religious education; and

(c) adolescent development and AIDS education at the secondary school stage of the basic education cycle.

(3) The Commission shall make regulations concerning:-

(a) the conduct of design or approval of the curriculum in accordance with this section; and

(b) procedure for arriving at an agreed curriculum on religious education.

Establishment of
Kenya Institute
of Education

30. (1) For purposes of section 29 there is hereby established under the control and direction of the Minister a body corporate known as the Kenya Institute of Education.

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(2) The Commission may by order published in the Gazette make provisions with respect to any matters relating to the legal personality constitution, functions, powers and the general conduct and management of the Institute as he/she may consider necessary or desirable to provide for.

Part III – General Provisions on Establishment and Registration of Educational Institutions

Division A: Basic Education Institutions

Definition

31. For the purposes of this Part, "basic education institution" means any institution offering pre-primary or centre, primary school or secondary education by whatever name called.

Establishment of
registration areas

32. The Commission for Basic Education may by order published in the Gazette declare any area of the Republic to be a basic education institution registration area and may appoint any person, authority or Board, herein referred to as the licensing authority centre on its behalf application for a registration of basic education institutions from that area.

Register of basic
education
institutions

33. (1) Any person who wishes to establish a basic education institution shall first make application to the relevant licensing authority appointed to receive applications for that area.

(2) An application for the grant of a certificate under this Part shall be made in such form and manner, and shall contain or be accompanied by such information as may be prescribed by the Commission for Basic Education.

(3) In this section, "establish" in relation to a basic education

institution includes:

- (a) providing any additional class or form not included in any previous registration; or
- (b) providing any type of education not falling within the classification in which the institution was previously registered; or
- (c) changing ownership or management of the institution; or
- (d) transferring the institution to a new site; or
- (e) re-opening an institution that has been closed under section 38.

Application for
registration

34. (1) On receipt of an application for a certificate for the registration of a basic education institution the licensing authority shall issue forthwith a provisional licence in respect of the institution concerned if it is satisfied that -

- (a) the establishment of the institution is consistent with the needs of Kenya and the economical and efficient provision of education;
- (b) the premises and accommodation are suitable and adequate, having regard to the number, ages and sex of the learners who are to attend the institution and fulfill the prescribed minimum requirements of health and safety and conform with any building regulations for the time being in force under any written law;
- (c) the institution has a sufficient number of qualified educators; and other management staff;
- (d) the applicant is capable of complying with such conditions as may be imposed or attached to the licence;
- (e) the manager is a fit and proper person to be the manager of the institution:

Provided that where the establishment of the institution consists only of one or more of the acts specified in section 33(3), the licensing authority may advise the Commission that the institution be registered forthwith without first receiving a provisional licence.

		(2) At the end of twelve months from the issue of a provisional licence under subsection (1), the licensing authority shall cause the institution provisionally registered to be inspected by an inspector who shall report on the institution to the licensing authority. (3) The licensing authority shall consider the report and any representations made thereon by the applicant and if the licensing authority is satisfied that suitable education is being provided at the institution, it shall advise the Commission to register such institution.
Provisional Licence	35.	(1) A certificate of registration issued shall authorize the holder of the certificate to establish and maintain a basic education institution. (2) The Commission for Basic Education shall cause a register of all registered basic education institutions to be established and maintained and such register shall indicate whether or not the institution so registered is private or public. (3) The register established and maintained under subsection (1) shall be open to public inspection at all reasonable times.
Legal personality of Registered basic Education institutions	36.	Upon registration under this Act a basic education institution shall be a body corporate by the name entered in the register with perpetual succession and a common seal and shall in that name be capable of- (a) suing and being sued, (b) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property; (c) entering into contracts; and (d) doing or performing all such other things or acts for the proper performance of its functions which may lawfully be done or performed by a body corporate.
Reasons for refusal of registration	37.	Where the licensing authority or the Commission, as the case may be, refuses to provisionally register or to register a basic education institution, it shall as soon as practicable inform the person making the application in writing of the grounds of refusal.

Cancellation of
licence and
closure of basic
on education
institutions

38. (1) Where the Commission has reasonable grounds for believing-
- (a) that the premises of a basic education institution are no longer fit to be used by such institution; or that a basic education institution no longer complies with the provisions of section 34(1); or
 - (b) that a basic education institution does not comply with regulations made under section 39 the Commission may after giving the institution the opportunity of being heard or making representations, by notice in writing require such institution before the date specified in the notice to remedy, to the satisfaction of the Commission, the defects specified in the notice.
- (2) If the institution fails to comply with the requirements of a notice under subsection (1) before the date specified therein, the Commission after calling upon the institution to show cause why its certificate should not be cancelled, may cancel the license and order the basic education institution closed.
- (3) Notwithstanding the provisions of subsection (1) and (2), the Commission may if it is satisfied that an emergency situation exists and that it is in the best interests of the learners so to do, order a basic education institution to be closed with immediate effect pending the procedure prescribed under subsections (1) and (2).
- (4) A person who operates a basic education institution whose certificate of registration has been cancelled or which has been ordered closed under this section commits an offence and is liable to a fine of a one hundred thousand shillings or imprisonment for twelve months or to both.

Regulations as to
registration

39. The Commission for Basic Education may make regulations with respect to the registration of basic education institutions and without prejudice to the generality of the foregoing, such regulations may –
- (a) prescribe the particulars to be entered in the register;
 - (b) prescribe the manner in which an application for registration shall be made and the particulars, proof or evidence to be supplied by the applicant;
 - (c) prescribe with respect to any application for registration the procedure to be followed, the forms to be used and the fees to be paid;

- (d) prescribe the conditions which may be attached to provisional registration and certificates of registration;
- (e) provide for the issue, variation and revocation of provisional licenses and certificates of registration;
- (f) require the submission from time to time or at any time, of any particulars; information, documents or returns by the manager of a registered basic education institution; and
- (g) provide for any other matter that the Minister may consider necessary or desirable to provide for the purposes of this part.

Division B: Higher Education Institutions

Definition	40.	For the purposes of this Part, "higher education institution" means a further education institution or a university.
Licensing of higher education institutions	41.	Subject to Section 19 the Commission for Higher Education shall be responsible for the issue in accordance with the provisions of this or any other Act of licences authorizing the holder of the licence to establish a higher education institution.
Adaptation of certain sections of the Act	42.	Subject to this or any other Act, the provisions of sections 33 to 39 of Division A of this part shall apply <i>mutatis mutandis</i> to the establishment and registration of higher education institutions as they apply to the establishment and registration of basic education institutions

Part V – The Responsibility of the Minister

Minister to promote education	43.	(1) In addition to any other responsibility entrusted to the Minister, under this or any other Act, it shall be the responsibility of the Minister to promote the education of the people of Kenya and the progressive development of institutions devoted to the promotion of education in the country. (2) Notwithstanding the generality of the foregoing provision the Minister shall, in particular, (a) carry political responsibility and accountability in all matters relating to education; (b) secure the effective co-operation of all public bodies concerned with education in implementing the national

policy for education prepared in accordance with this Act;

- (c) ensure that the services offered by educational corporations established by this Act are co-ordinated;
- (d) establish and manage an effective service for the inspection and evaluation of infrastructure for the provision of early childhood care and development and basic education;
- (e) exercise budgetary control over public education expenditure; and
- (f) establish and manage a comprehensive information system on education in Kenya and worldwide.

Objectives of Minister's responsibility

44. The Minister shall execute his/her responsibilities under this Act with a view to (among other things) improving standards, encouraging diversity and increasing opportunities for choice.

Staff of the Minister

45. (1) For the purpose of carrying out his responsibility under this Act the Minister shall be assisted by such professional staff as may, from time to time, be recruited for that purpose.
- (2) Procedure for the appointment, deployment remuneration and discipline of the professional staff referred to in subsection 1 shall be specified in appropriate legislation.

Delegation by the Minister

46. (1) Subject to this Act and to any regulations made thereunder, the Minister may, by order, entrust any of his responsibilities to such local organs of Government as may appear to him/her to be desirable and on such terms and conditions or restrictions as he/she may think fit.
- (2) The Minister may, by order, revoke, suspend, vary or amend an instrument made under subsection (1).

Part V – The Responsibility of Parents

Compulsory attendance

47. (1) Every parent shall cause every learner for whom he or she is responsible to attend a basic educational institution, in this part referred to as a school, from the first school day of the year in which such learner reaches the going age of five years until the last school day of the last class of the basic education cycle or the attainment of the age of sixteen years whichever last occurs.

Provided that any learner who completes the last school day of the last class of the basic education cycle before attaining the age of sixteen years shall be deemed to have attained that age.

- (2) If a learner who is subject to compulsory attendance under sub-section (1) is not enrolled at or fails to attend a school, the Minister shall appoint an officer to:-
 - (a) investigate the circumstances of the learner's absence from school;
 - (b) take appropriate measures to remedy the situation; and
 - (c) failing such a remedy, issue a written notice to the parent of the learner requiring compliance with subsection (1).
- (3) Subject to this Act and any other applicable law:-
 - (a) a parent who, without just cause and after a written notice from an inspector fails to comply with sub-section (1); or
 - (b) any other person who without just cause, prevents a learner who is subject to compulsory attendance from attending a school, commits an offence.

Exemption from compulsory attendance

48. (2) The Minister may exempt a learner entirely, partially or conditionally from compulsory attendance if it is in the best interest of the learner.
- (3) The Minister shall maintain a register of all learners exempted from compulsory school attendance in which shall be recorded in respect of each learner, the reasons for such exemption.

Admission into schools

49. (1) All schools shall admit learners and serve their educational requirements without any discrimination whatsoever.
- (2) Schools shall not administer any academic test as a prerequisite for the admission of a learner to the school.
- (3) The parents of a learner who has been refused admission into any school may apply to the Minister for an order instructing the governing body of that school to admit the learner into the school and upon the issue of such order, the school shall admit the learner forthwith.

Part VI – The Management of the Education System

A: Establishments of Educational Corporation

(i) The National Council for Education

Establishment of the National Council for Education	50.	(1) There is hereby established a body corporate known as the National Council for Education hereinafter referred to as the Council. (2) The Council shall consist of the Minister as Chairman, the Permanent Secretary as Secretary, a Deputy Chairman and not less than nine nor more than thirteen other members appointed by the President.
Term of office of Members of the Council	51.	A member of the Council other than the Minister and the Permanent Secretary shall serve for a term of five years and shall be eligible for re-appointment.
Functions and powers of the Council	52.	(1) The functions of the Council shall be:- (a) The formulation of national education policies; (b) the periodic review, monitoring and re-design of education policies; (c) the development of general guidelines for the establishment of educational infrastructure; (d) the establishment and maintenance of a data bank of all educational institutions in the country, and (e) the performance of such other functions as may be conferred by this Act or any other law. (2) The Council shall meet at least three times a year or as often as may be necessary to discharge its functions under the Act.
Determination of national education policy	53.	(1) For the purpose of carrying out its functions under Section 52(1), the Council shall provide guidelines for programme development and evaluation, standard setting and quality assurance, governance and co-ordination, and the management of educational infrastructure in all educational sub-sectors; (2) Without prejudice to the generality of the foregoing, the Council may determine the national policy for:-

- (a) the organization, management and governance of the national education system;
- (b) education management information systems, including the provisions of data in accordance with the international obligations of the Government;
- (c) facilities, finance and development plans for education including advice to the Commission for Educational Financing;
- (d) innovation, research and development in the field education;
- (e) the ratio between educators and learners;
- (f) the professional education and accreditation of educators;
- (g) the organization, management, governance, funding, establishment and registration of educational institutions;
- (h) compulsory education;
- (i) the admission of learner into educational institutions, including the determination of the age of admission into such institutions;
- (j) the minimum number of hours per day and days per year during which education shall be provided for different phases and types of education in educational institutions;
- (k) curriculum frameworks, core syllabi education programmes, learning standards, examinations and the certification of qualifications;
- (l) languages of instruction;
- (m) control and discipline of learners at educational institutions;
- (n) education support services, including health, welfare, career and vocational development, guidance and counselling in educational institutions;
- (o) the design of programmes and infrastructure, and the procurement of resources for the provision of education

for persons with special education needs;

- (p) co-operation between Government and non-governmental organizations with a view to advancing the national education policy;
- (q) international relations in the field of education; and
- (r) executive functions required to implement the national education policy determined under this Act.

Directive
principles of
national
education policy

54. The national education policy provided for under section 52 shall be directed toward:-

- (a) the advancement and protection of the fundamental rights of every person guaranteed in terms of chapter 5 of the Constitution and in terms of international instruments to which Kenya is party and in particular the right:-
 - (i) of every person to be protected against unfair discrimination;
 - (ii) of every person to basic education and equal access to educational institutions;
 - (iii) of a person or guardian in respect of the education of his child or ward;
 - (iv) of every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association within educational institutions;
- (b) enabling the education system to contribute to the full personal development of each learner and to the moral, social, cultural, political and economic development of the nation at large, including the advancement of democracy and human rights;
- (c) providing equitable education opportunities including the promotion of gender equality and the advancement of the status of women;
- (d) ensuring that no person is denied the opportunity to receive an education to the maximum of his/her ability as a result of any disability;
- (e) providing opportunities for and encouraging life-long learning;

- (f) recognizing the aptitudes, abilities, interests, prior knowledge and experience of learners;
- (g) encouraging independent and critical thought;
- (h) promoting enquiry, research and the advancement of knowledge;
- (i) enhancing the quality of education and educational innovation through systematic research and development on education;
- (j) monitoring and evaluating education provisions and performance and the training of educators and education managers;
- (k) promoting broad public participation in the development of education policy and representation of stakeholders in the governance of all aspects of the education system;
- (l) achieving the cost-effective use of education resources and sustainable implementation of education services;
- (m) fostering the attainment of national unity; and mutual social responsibility.

Consultation on
national
education
policy

55. (1) The Council shall prior to the exercise of its powers under section 53 consult with appropriate bodies as may be established for that purpose under this Act or other applicable law, and in particular with-
- (a) the Commission for Basic Education;
 - (b) the Commission for Higher Education;
 - (c) the Commission for Educational Financing;
 - (d) such national organizations representing parents as the Council may recognize for this purpose;
 - (e) such national organizations representing learners as the Council may recognize for this purpose;
 - (f) such national organizations representing the teaching profession as the Minister may recognize for this purpose;

- (g) such national organizations representing the disabled as the Council may recognize for this purpose;
- (h) such other national stakeholder bodies as the Council may recognize for this purpose.

- (2) Nothing in this section shall limit the discretion of the Council to consult with any person on the determination of the national education policy and the Council may subject to any applicable law by notice in the Gazette, establish such consultative bodies as may be necessary to advise it.

Publication of
national
education policy

- 56. (1) The Council shall, not more than thirty days after the determination of national policy under section 53 give notice of such determination in the Gazette and indicate in such notice where the policy instrument issued with regard thereto may be obtained.
- (2) The Minister shall lay before Parliament the policy instrument referred to in sub-section (1) within twenty one days after the notice has appeared in the Gazette, if Parliament is then in session or if Parliament is not in session, within twenty one days after the commencement of the first ensuing session thereof.

Establishment of
Register of
teachers

- 57. (1) It shall be the responsibility of the Council to establish and keep a register of teachers qualified to teach in education institutions in Kenya.
- (2) Subject to subsection (3) of this section, a person shall be entitled to be registered as a teacher if-
 - (a) he/she is a holder of any certificate, licence or authority to teach issued to him/her under this or any other Act previously in force and valid immediately before the commencement of this Act, or
 - (b) he/she has fulfilled requirements as to qualifications prescribed by regulations made under subsection 6 of this section.
- (3) The Council shall refuse to register a person as a teacher if-
 - (a) it is not satisfied that he/she is entitled to be registered under subsection (2) of this section;
 - (b) it is satisfied that he/she is an unsuitable person to be a teacher on grounds that he/she is not of good moral

character, or has been convicted of a criminal offence which, in the opinion of the Council, renders him/her unfit to be a teacher, or is guilty of infamous conduct in any professional respect, or has been engaged in activities which, in the opinion of the Council are detrimental to the proper management of the education system;

(c) it is satisfied that he/she suffers from some illness or condition rendering him/her in the opinion of the Council, unsuitable to be a teacher.

(4) Where the Council refuses to register a person under this section, the Council shall cause a notice to be served on that person informing him/her of the refusal and stating the grounds thereof.

(5) Any person aggrieved by the refusal of the Council to register him/her under this section may within twenty-eight days of the service on him/her of the notice, appeal to the Appeals Tribunal.

(6) The Council shall make regulations with respect to the register and the registration of teachers and such regulations may prescribe further requirements as to qualifications for registration; the nature of documentation or other evidence required to be furnished on application for registration; the issue, variation and revocation of certificates of registration; the particulars and information to be included in the register; and reinstatement of persons whose names have been removed from the register.

Disciplinary
proceedings
against
registered
teachers

58. (1) The Council shall investigate, consider and determine any case where it is alleged that a registered teacher shall have his/her name removed from the register on the ground that if her/she were not registered, the Council would refuse to register him/her.

(2) In any proceedings under this section, the Council shall adhere strictly to the rules of natural justice.

(3) Where the Council determines in any case under subsection 2 that the name of a registered teacher be removed from the register, the Council shall cause notice of such determination to be served on that person and shall subject to subsection 4 of this section, remove the name of that teacher from the register.

(4) Any person aggrieved by the Council's determination under

this section may, within twenty-eight days of the service on him/her of the notice appeal to the Appeals Tribunal.

(ii) The Commission for Basic Education

Establishment of
the Commission
for Basic
Education

59. (1) There is hereby established a body corporate known as the Commission for Basic Education.
- (2) The Commission for Basic Education shall consist of a chairman, deputy chairman a secretary and not less than seven, nor more than eleven other members appointed by the President.

60. The members of the Commission for Basic Education shall hold office for a period of five years and shall be eligible for re-appointment.

Functions and
powers of the
Commission

61. (1) The functions of the Commission for Basic Education shall be:-
- (a) the co-ordination and supervision of all bodies charged with the management of basic education institutions under this Act;
 - (b) the design, development and evaluation of basic education and training programmes;
 - (c) standardization and assurance of quality in registered basic education institutions;
 - (d) certification of proficiency levels including the grant of certificates and diplomas in basic education institutions; and
 - (e) the execution of policies relating to basic education determined by the National Council for Education;
 - (f) the performance of such other functions as may be conferred on the Commission for Basic Education by this Act or any other law.
- (2) The Commission shall meet at least six times a year or as often as may be necessary to discharge its functions under the Act.

(iii) The Commission for Higher Education

Establishment of the Commission for Higher Education	62.	(1) There is hereby established a body Corporate known as the Commission for Higher Education. (2) The Commission for Higher Education shall consist of a Chairman, deputy chairman, a secretary and not less than nine nor more than thirteen other members appointed by the President.
Terms of office for the members of the Commission for Higher Education	63.	The members of the Commission for Higher Education shall hold office for a period of five years and shall be eligible for re-appointment.
Repeal of Universities Act Cap.210B	64.	Upon the coming into operation of this Act, the Commission for Higher Education established by the Universities Act shall cease to exist and all its functions, assets and liabilities shall be transferred to the Commission for Higher Education created under this section 62
Functions and powers of the Commission for Higher Education	65.	(1) The functions of the Commission for Higher of the Commission Education shall be:- (a) to formulate and administer general guidelines governing the establishment and accreditation of institutions of higher education and to accredit and promote the development of such institutions; (b) the inspection and visitation of institutions of higher education; (c) to establish general guidelines for the development and expansion of higher education programmes; (d) the provision of advisory services for higher education institutions; (e) the establishment and enforcement of external quality standards for the provision of education in institutions of higher education; (f) the regulation of the expansion of higher education in the country; (g) to set and from time to time revise standards, guidelines and procedures for admission of applicants to higher

education institutions;

- (h) to secure the co-operation of all institutions providing higher education in the country;
- (i) to receive and process applications for upgrading of programmes offered by accredited further education institutions to university level status;
- (j) to accredit foreign university institutions and programmes;
- (k) to collect, analyse, examine and disseminate information relating to higher education and research;
- (l) to set standards for recognition and equation of degrees, diplomas and certificates conferred or awarded by foreign institutions and to equate such degrees, diplomas and certificates accordingly;
- (m) to authorize and approve the award of degrees or other academic awards by accredited further education institutions whose programmes have been upgraded;
- (n) the execution of policies relating to higher education determined by the National Council for Education; and
- (o) the performance of such other functions as may be conferred by this Act or any other law.

- (2) The Commission shall meet at least six times a year or as often as may be necessary to discharge its functions under this Act.

(iv) The Commission for Educational Financing

Establishment of the Commission for Educational Financing

- 66. (1) There is hereby established a body corporate known as the Commission for Educational Financing.
- (2) The Commission for Educational Financing shall consist of a chairman, deputy chairman, a secretary and not less than seven nor more than eleven other members appointed by the President.

Term of office of the Members of the Educational Financing

- 67. The member of the Commission for Educational Financing shall hold office for a term of five years and shall be eligible for re-appointment.

Repeal of Higher
Education Loans
Board Act
Cap.213

68. Upon the coming into operation of this Act, the Higher Education Loans Board established by the Higher Education Loans Board Act shall cease to exist and all its functions, assets and liabilities shall be transferred to the Commission for Educational Financing created under section 66.

Establishment of
the
Education
Development
Fund

69. (1) There is hereby established under the control and management of the Commission for Educational Financing, a fund to be known as the Education Development Fund.

(2) There shall be credited to the Fund-

- (a) such sums of money as may from time to time be provided by Parliament;
- (b) the income from any investments made by the Commission for Educational Financing;
- (c) any gifts , trust funds or donations of money made to the Commission for Educational Financing;
- (d) any levies or fees which may accrue to the Commission for Educational Financing; and
- (e) all other moneys lawfully received by the Commission for Educational Financing for its purposes.

(3) There shall be paid out of the Fund all expenditure required in accordance with the functions of the Commission for Educational Financing as provided for under this Act.

Functions and
powers of
the Commission
for Educational
Financing

70. (1) Subject to Part X, the functions of the Commission for Educational Financing shall be:-

- (a) the administration of the Education Development Fund;
- (b) the mobilization and management of resources for education programmes in partnership with the Government and private sector organizations;
- (c) the disbursement of finances for the development of educational infrastructure;
- (d) the management and disbursement of loans, scholarships, grants and bursaries for educational purposes;

- (e) the execution of policies relating to education defined by the National Council for Education;
 - (f) to receive on behalf of educational institutions, gifts, donations, endowments, grants, bequests and scholarships intended for the general development of education;
 - (g) to plan and provide for the financial needs of educational institutions relating to education and research including recurrent and non-current needs of universities;
 - (h) to determine the allocation of grants of money appropriated by Parliament to meet the needs of educational institutions, other than funds specifically meant for the operation of the staff of the Ministry, and to review the expenditure incurred by such institutions of moneys so appropriated;
 - (i) to determine and fix financial and performance targets for educational institutions;
 - (j) to manage such other funds as may be entrusted to it for specific educational needs;
- (2) The Commission shall meet at least six times a year or as often as is necessary for the discharge of its functions under the Act.

Division B: General Provisions Relating to Educational Corporations

Decentralization
of operations
and services

71. Educational corporations shall ensure that their operations and services are effectively decentralized and shall, in particular:-
- (a) set up branches in every province or district as may be appropriate;
 - (b) maintain liaison with the staff of the Ministry at all levels of their operation;
 - (c) establish linkages with every local organ of Government to which the Minister's responsibility has been delegated, and
 - (d) where appropriate, delegate any of its functions to local organs of Government.

Legal personality of educational corporations	72.	An educational corporation shall have perpetual succession and a common seal and shall be capable of holding real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.
Eligibility for membership of educational corporations	73.	(1) A person shall be qualified for appointment as a member of an educational corporation only if such person- (a) has at least ten years of experience and has shown capacity in the provision of education or has held for not less than seven years and has shown capacity in a position of responsibility for the provision of such education; or (b) has at least seven years of experience in industrial, commercial or financial matters or the practice of any profession; or (c) has at least five years of experience and has shown capacity in providing education for persons with special educational needs; and (d) is a person of integrity and good character; and (e) is educated up to a minimum of university level education or its equivalent. (2) The Chairman and secretary of an educational corporation other than the Chairman and Secretary of the Council shall be ex officio members of the other educational corporations. (3) At least one third of the members of an educational corporation shall be women. (4) The requirements of subsection (1) shall not apply in the case of an ex-officio member of an educational corporation.
Funds and property of educational corporations	74.	Subject to Section 70, the funds and resources of an educational corporation shall consist of- (a) such sums as may be provided by Parliament for the purpose; (b) any sums or property which may be donated to the educational corporation, but an educational corporation

shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation;

- (c) all moneys paid to the educational corporation by way of grants, subsidies, gifts, fees, subscriptions, rent and interest;
- (d) all other moneys and property lawfully received by the educational corporation for the purpose of the educational corporation.

Investment of funds

75. Any money belonging to an educational corporation may from time to time be invested-
- (a) in Government securities;
 - (b) on deposit in any bank or banks approved by the Minister of Finance; or
 - (c) in any manner, or in any securities, that may from time to time be authorized by the Minister of Finance.

Annual report and audit

76. (1) The accounts and financial transactions of an educational corporation shall be audited annually by the Controller and Auditor - General.
- (2) An educational corporation shall not later than three months after each thirtieth day of June occurring after the commencement of this section, transmit to the Minister a statement relating to the activities of the educational corporation including the financial statement of the educational corporation during the year ended on that date, together with the Controller and Auditor-General's report thereon, and the Minister shall cause such statement to be laid before Parliament within twenty one days after the receipt thereof, if Parliament is then sitting or if Parliament is not then sitting, within twenty one days next thereafter that Parliament is sitting.
- (3) An educational corporation may cause to be published such studies and reports prepared for the use of the educational corporation as the educational corporation may deem fit.

Staff and
services

77. An educational corporation may-

- (a) appoint on such terms and conditions as it may consider fit such officers and servants as it may consider necessary for carrying out its functions under this Act; and
- (b) enter into arrangements with persons firms or agencies for the supply of such services or facilities as the educational corporation may consider necessary.

Special advice

78. (1) An educational corporation may invite any person who in the opinion of the educational corporation has expert knowledge concerning the functions of the educational corporation which is likely to be of assistance to the educational corporation to attend any meeting of the educational corporation and to take part in the proceedings;
- (2) A person attending a meeting under this section shall not have any voting rights.

Supply of
information to
educational
corporations

79. (1) An educational corporation may require a person to furnish, within such time as is specified by the educational corporation, any returns or information in relation to the functions of the educational corporation as is in the opinion of the educational corporation required to enable it to perform its functions under this Act.
- (2) A person who without reasonable cause fails to comply with the provisions of subsection (1) commits an offence.

Subsidiary
legislation

80. Subject to this Act, an educational corporation may make regulations-
- (a) for the regulation of its proceedings, including the establishment of special and standing committees of the educational corporation, the delegation to such committees of any of its duties and the fixing of quorums for meetings of the educational corporation or of such committees;
 - (b) for the management by an educational corporation of funds specifically designated for the recurrent and capital expenditure of the corporation;
 - (c) for the establishment of advisory committees consisting of members of the educational corporation and persons

other than members;

- (d) subject to the approval of the Treasury, fixing the remuneration and travelling and living expenses to be paid to members of the educational corporation as provided for in this Act;
- (e) for effective decentralization of its functions and services; and
- (f) generally for the conduct and management of its activities.

Personal immunity of members and officers

81. No member, agent, officer or servant of an educational corporation shall be personally liable for any act or default of the educational corporation done or omitted to be done in good faith and without negligence in the course of the operations of the educational corporation.

Execution of documents and seal of educational corporations

82. (1) The common seal of an educational corporation shall be kept in such custody as the corporation may direct and shall be used as directed by the corporation from time to time.
- (2) All documents other than those required by law to be under seal, made on behalf of an educational corporation and all decisions of the corporation shall be signified under the hand of the Chairman, the Secretary or any other member of the corporation duly entrusted by the corporation in that behalf.
- (3) The seal shall be authenticated by the signature of the Chairman and the Secretary and in the absence of either of them of any other member or an officer of the corporation duly entrusted by the corporation in that behalf
- (4) The seal when affixed to any document and duly authenticated under this section, shall be judicially noticed and unless and until the contrary is proved any authorization of the Corporation signified by the affixation of the seal shall be presumed to have been duly given.

Oath of office

83. Before entering upon the exercise of the duties of his office, a member shall take and subscribe to the oath or affirmation set out in the First Schedule to this Act.

Vacation of office

84. (1) A member of an educational corporation may at any time resign by giving notice in writing to the President and from the date specified in the notice or, if no date is specified, from the date of the receipt by the President of the notice, he/she shall cease to be a member of the educational corporation.

- (2) Where the members of an educational corporation are satisfied that a member of the educational corporation-
 - (a) has without the permission of the educational corporation been absent from more than three consecutive meetings of the educational corporation or has become bankrupt or made an arrangement with his creditors; or
 - (b) is incapacitated by physical or mental illness; or
 - (c) is otherwise unable or unfit to discharge the functions of a member; the members of the educational corporation may declare his office as a member of the educational corporation to be vacant and shall notify the President in such manner as the educational corporation may think fit and thereupon the office shall become vacant.

Disclosure of
interest by
members

85. (1) A member of an educational corporation who is in any way directly or indirectly interested in a transaction or project of the educational corporation shall disclose the nature of his interest at a meeting of the educational corporation and the disclosure shall be recorded in the minutes of the educational corporation and the member shall not take any part in any deliberation or decision of the educational corporation in relation to that transaction or project.
- (2) A member of an educational corporation who contravenes the provision of this section commits an offence and is liable to a fine of twenty thousand shillings or to imprisonment for three months or to both such fine and imprisonment; and the court before which the member is convicted may order that he shall vacate his seat as such member, and thereupon his seat shall become vacant.

Remuneration
and expenses of
members

86. Members of the educational corporations including persons invited to meetings of the educational corporations under section 78 shall be paid in respect of their services, such remuneration as the educational corporation shall with the approval of the Treasury determine and shall be entitled to be paid their travelling and other expenses in connection with the work of the educational corporation.

Vacancies or
defects in
appointment not
to invalidate
proceedings

87. A vacancy in an educational corporation shall not impair the right of the remaining members to act and no proceedings or act of an educational corporation shall be invalidated by only reason of a defect in the appointment of a member or the presence or participation in the proceedings of an educational corporation of a person not entitled to be present or to so participate.

Minister to make regulations 88. The Minister may make regulations for the better performance by educational corporations of their functions under this Act.

Division C: District Education Management Boards

Establishment of District Education Management Boards 89. (1) The Minister shall, in consultation with educational corporations, by notice in the Gazette, establish a District Management Board in this Part referred to as a district board for any district or for such area or areas as may be specified in the notice.

(2) A notice under this section shall specify the classification or types of educational institutions or groups of educational institutions in respect of which the district board concerned shall have jurisdiction within the area for which it is established.

Composition of boards 90. (1) Each district board shall consist of not less than ten nor more than fifteen members appointed by the Minister of whom-

(a) four shall be appointed by the Minister from among teachers in educational institutions within the area of jurisdiction of the board;

(b) one shall be the principal manager or administrator of the local authority for the area of jurisdiction of the board or where there is more than one local authority such principal manager or administrator as the Minister may direct;

(c) one shall be the district administrator of the area of jurisdiction of the board;

(d) four shall be nominated by any association of Parents Associations in the area of jurisdiction of the board;

(e) one shall be a person with qualification in special education.

(2) The Minister shall appoint one member of the district board other than an ex-officio member to be chairman and a member of the staff of the Ministry to be the Secretary and Executive Officer of the board.

(3) A member of the district board shall hold office for a period of three years from the date of his/her appointment and shall be eligible for re-appointment unless earlier-

- (a) he/she dies;
 - (b) he resigns his office by writing under his hand addressed to the Minister;
 - (c) the Minister revokes his appointment.
- (4) Where the office of a member of a district board becomes vacant by reason other than the expiry of the period of that office, the Minister may in accordance with subsection (1) appoint a person in place of that member who shall hold office for the remainder of the period of office of the member he replaces.

Functions of
Boards

91. The functions of a district board, in respect of the area and the educational institutions under its jurisdiction shall be -

- (a) to prepare and submit to the Commission for Educational Financing estimates of revenue and expenditure;
- (b) to receive grants-in-aid from public or local authority funds;
- (c) to administer grants or grants-in-aid in respect of the educational institutions in accordance with the approved estimates of expenditure;
- (d) to submit to the appropriate educational corporations for approval plans for the development or promotion of education in the area and to carry out plans if approved;
- (e) to tender advice to the Minister and to the appropriate educational corporation or corporations on the establishment of new educational institutions;
- (f) to submit such statistical, financial and other reports as the Minister or the appropriate corporation may require;
- (g) to superintend the management of public education institutions;
- (h) to fulfil such other functions as may be specified in this Act or as the Minister may prescribe.

Procedure of
Boards

92. (1) A district board shall meet at least three times in every year and the chairman may and shall at the written request of not less than six members of the district board, at any time summon a special meeting of the district board, and in the case of such request the meeting shall be held within six

weeks of the receipt of the request by the chairman.

- (2) The Permanent Secretary of the Ministry of Education or his representative and the provincial administrator or his representative, any member of the National Assembly duly elected to represent the constituents of an area within the jurisdiction of the district board, and any person invited by the district board may be present at any meeting of a district board and may take part in the proceedings but shall not be entitled to vote on any question.
- (3) Subject to this section and save as may otherwise be prescribed, a district board shall regulate its own procedure.

Disciplinary
jurisdiction of
boards

93. (1) Without prejudice to any other functions of a district board, the board shall consider and resolve all disciplinary cases arising from the exercise by a board of management of an education institution, of its functions under section 98(1)(k).
- (2) In any proceedings under this section, a district board -
- (a) shall inform the person concerned of the nature of the allegations made against him, shall afford that person adequate time for the preparation and presentation of his defence and shall afford him the opportunity of being heard in person;
 - (b) may act on general evidence on or statements relating to the character or conduct of the person concerned and shall not be bound to receive and consider only evidence admissible in a court of law.

Disciplinary
procedures of
Boards

94. (1) Where a district board makes a decision in any case under section Boards 93(1) the board shall not cause notice of its decision to be served on that person indicating whether nor not it upholds, modifies or annuls the decision of the board of management of the educational institution in question.
- (2) No decision under subsection (1) shall take effect until the expiration of the period limited by subsection (4) for the exercise of the right of appeal and where that right has been exercised until the appeal has been withdrawn or dismissed.
- (3) Any notice served under this section shall include a statement of the facts found to have been proved in the proceedings before a district board and the reasons for the decision.
- (4) Any person or institution aggrieved by the decision of a

district board under this section may within twenty-eight days of service on him or it of the notice appeal to the Tribunal.

Regulations on
management of
Boards.

95. The Minister may make regulations as to the operation of district boards and such regulations may provide for such matters as the Minister consider it necessary or desirable to provide for or prescribe.

Part VII – The Management of Education Institutions

Division A: Basic Education Institutions

Governance and
management

96. The provisions of this Division shall apply in relation to basic education institutions.

(i) Mainstream Institutions

Constitution of
boards of
management

97. (1) Subject to this Act and any other applicable law, the governance of every basic education institution shall vest in its governing body hereafter referred to as the board of management, consisting of not less than thirteen nor more than seventeen members.
- (2) The board of management of a basic education institution shall function in terms of a constitution providing for all of the following-
- (a) meeting of the board of management at least thrice in every year;
 - (b) meeting of the board of management with parents, learners, educators and staff of the public educational institution respectively, at least once a year;
 - (c) recording and keeping of minutes of board meetings of the board of management;
 - (d) making available such minutes for inspection by a competent authority; and
 - (e) rendering a report on its activities to parents, learners, teaching and non-teaching staff at least once a year.

Functions of
boards

98. (1) Subject to this Act, the functions of the board of management of a basic education institution shall include-

- (a) to promote the best interests of the educational institution and strive to ensure its development through the provision of quality education for all learners at the education institution;
- (b) the adoption of a constitution in accordance with section 97 (2);
- (c) to develop the mission statement of the education institution;
- (d) to adopt a code of conduct for learners and teachers at the education institution;
- (e) to support the principal manager, educators and other staff of the education institution in the performance of their professional functions;
- (f) to administer and control the property of the education institution;
- (g) to encourage a culture of dialogue and democratic governance of the education institution;
- (h) to encourage parents, learners, teachers and other staff at the school to render voluntary services to the education institution;
- (i) subject to any other applicable law, to approve the appointment of non-teaching staff at the education institution; and
- (j) upon request to approve the reasonable use under fair conditions of the facilities of the education institution for educational programmes not conducted by the education institution;
- (k) the discipline of teachers including interdiction thereof for violation of any applicable code of professional ethics;
- (l) making representatives on the appointment of headteachers at the educational institutions; and
- (m) to discharge all other functions imposed upon the governing body by or under this Act or regulations made thereunder.

- (2) The board of management may allow the reasonable use of the facilities of the education institution for community, social and fund-raising purposes, subject to such reasonable and equitable conditions as the board of management may determine which may include the charging of a fee which accrues to the educational institution.
- (3) Subject to this Act and any other applicable law, the board of management of a basic education institution may establish posts for and employ qualified educators and non-educators additional to those provided for under this Act and any other applicable law.

Membership of
the boards

99. (1) The membership of the board of management of a basic education institution shall comprise-
- (a) elected members;
 - (b) the principal manager or head of the institution;
 - (c) the sponsor or founder of the education institution;
 - (d) co-opted members.
- (2) The elected members of the board of management of the education institution shall comprise a member or members of each of the following categories-
- (a) the teaching staff at the education institution;
 - (b) members of the non-teaching staff at the education institution;
 - (c) representatives of an association of parents of learners at the education institution; and
 - (d) learners who are of or above the age of 16 years.
- (3) A parent who is employed at the education institution may not represent parents on the board of management in terms of sub-section 2 (c).
- (4) The board of management of the education institution which provides education to learners with special needs shall where practicable, co-opt a person or persons with expertise regarding the special education needs of such learners.
- (5) No person shall be elected to or co-opted into the Board of management of an education institution unless he/she is

educated up to or beyond the basic education cycle.

Failure by Board to perform functions	100. (1) If a board of management has ceased to perform its functions the Commission for Basic of Education shall appoint a sufficient number of persons to perform those functions for a period not exceeding three months. (2) The Commission for Basic Education may extend the period referred to in sub-section (1) by further periods not exceeding three months each, but the total period may not exceed one year. (3) The Commission for Basic Education shall ensure a board of management is elected in terms of this Act within a year after the appointment of the persons referred to in sub-section (1).
Recusal by members of the board	101. A member of a board of management must withdraw from meeting of the governing body for the duration of the discussion and decision-making on any issue in which the member has a personal interest whether direct or indirect.
Reimbursement of members of the board	102. The board of management of an education institution may reimburse the necessary expenses incurred by a member in the performance of his duties but no remuneration shall be paid to any member for the performance of such duties.
Election of members of the board	103. The Commission for Basic Education shall by notice in the Gazette determine- (a) the term of office of members and office-bearers of a board of management; (b) the number of members in each category of elected members; (c) the designation of an officer to conduct the process for the nomination and election of members of the board of management; (d) the procedure for the disqualification or removal of a member of the board of management or the dissolution of a board of management, for sufficient reason in each case. (e) the procedure for the filling of a vacancy on a board of management; and (f) any other matters necessary for the election, appointment

or assumption of office of members of a board of management.

Office-bearers of the board 104. A board of management shall elect from among its members, office bearers who shall include at least a chairman, a treasurer and a secretary.

Committees of boards of management 105. (1) A board of management may-

- (a) establish committees including an executive committee; and
- (b) appoint persons who are not members of the board of management to such committees on grounds of expertise, but each committee shall be chaired by a member of the board.

(2) A board of management of any education institution which provides education to learners with special education needs shall establish a committee on special education needs.

Status of minors on boards of management 106. A member of a board of management who is a minor-

- (a) may not contract on behalf of a public educational institution;
- (b) may not vote on resolutions of a board of management which impose liabilities on third parties or on the public educational institution; and
- (c) does not incur personal liability for any consequence of his/her membership of the board of management.

Procedure of boards of management 107. (1) Subject to this Act the board of management of a basic education institution may hold such number of meetings at such places and times as the board of management may determine.

(2) The board of management of an education institution may regulate its own procedure at the meetings referred to under subsection (1).

(ii) Special Education Institutions

Boards of special education 108. (1) The provisions of this Division notwithstanding each of the following categories of persons shall be represented on the board of management of a basic education institution for learners with special education needs, in each case by a member or members of the respective category:-

- (a) parents of the learners at the education institution, if reasonably practicable;
 - (b) the teaching staff at the education institution;
 - (c) members of staff at the education institution who are not teachers;
 - (d) learners of or above the age of 16 if reasonably practicable;
 - (e) representatives of sponsoring bodies, if applicable;
 - (f) representatives of organizations of persons with disabilities, if applicable;
 - (g) persons with disabilities if applicable;
 - (h) the principal manager; and
 - (i) experts in appropriate fields of special education.
- (2) The Commission for Basic Education may by notice in the Gazette determine the number of members in each category referred to in sub-section (1) and the manner of election or appointment of such members.

(iii) General Management Issues

Establishment of
parents
associations

109. (1) There shall be established in every basic education institution an association of parents of learners at the education institution herein referred to as the "Parents Association".
- (2) The legal or corporate status of the Parents Association shall be determined by the parents establishing it.
- (3) Subsection (2) notwithstanding the Parents Association shall assist the board of management of an education institution in the performance of its functions under this part and shall in particular:
- (a) advise the board of management on matters relating to the welfare of learners and staff at the education institution;
 - (b) assist the board of management in the development of resources and finances for the education institution; and

(c) offer such other advice as it may be requested to give.

(4) The Commission for Basic Education may by notice in the Gazette determine the procedure for the establishment of Parents Association under this section.

Inspection of
basic education
institutions

110. (1) The Minister shall appoint officers with authority enter any basic education institution at any time, with or without notice, to-
- (a) inspect the institution and report to him with respect to the institution or any aspect thereof;
 - (b) inspect or audit the accounts of the basic education institution or advise the principal manager of the institution on the maintenance of accounting records, and may temporarily remove any books or records for the purpose of inspection of audit.
- (2) On being so requested by an officer appointed under this section, the manager head of a basic education institution shall place at the disposal of the officer all the facilities, records, accounts, books and other materials belonging to the institution that the officer may reasonably require for the purpose of the inspection of the basic education institution or audit of its accounts.

Division B: Higher Education Institutions

Application of
division

111. The provision of this division shall apply in relation to higher education institutions.

Establishment of
governing bodies

112. (1) Subject to this Act and any other applicable law, the governance of every higher education institution shall vest in its governing body by whatever name called.
- (2) The governing body of a higher education institution shall function:-
- (a) in the case of a further education institution, in terms of a constitution approved by the Commission for Higher Education at the time of its registration under this Act; and
 - (b) in the case of a university or university level institution, in terms of the relevant instrument establishing or constituting such university or university level institution in accordance with this Act or any other applicable law.

Part VIII – Discipline in Education Institutions

Code of conduct	113. (1) Subject to any other applicable law, the board of an educational institution shall adopt a code of conduct for the learners after consultation with the learners, parents and educators at the public educational institution.
	(2) The code of conduct referred to in subsection (1) shall be aimed at establishing a disciplined and purposeful learning environment dedicated to the improvement and maintenance of the quality of the learning process.
	(3) The Commission for Basic Education may after consultation with the Ministry determine guidelines for the consideration of boards of management in adopting a code of conduct.
	(4) Every learner shall comply with the code of conduct of the education institution attended by such learner.
	(5) The code of conduct of an education institution shall contain provisions relating to due process and the safeguarding of the interests of the learner and any other party involved in disciplinary proceedings and may prescribe appropriate punishment for breach of, or non-adherence thereto.
Suspension and expulsion of a learner	114. (1) The principal manager or head of an education institution, may after affording the learner an opportunity to be heard, suspend a learner from attending the institution if his language or behaviour is habitually or continually such as to endanger the maintenance of a proper standard of moral and social conduct in the institution or if any single or series of acts subversive of the code of conduct provided for under this Division is committed.
	(2) The fact of the suspension shall be communicated in writing to the learner and to his parent or guardian.
	(3) The principal manager shall, within fourteen days of the suspension, report the suspension to the Board of management of the education institution for consideration.
	(4) The board of management may, after considering the report and affording the learner a fair hearing-
	(a) terminate the suspension;
	(b) confirm the suspension and determine the conditions, if

any, on which the learner may be re-admitted to the institution;

(c) make recommendations to the District Education Management Board on the appropriate course of action.

(5) The District Education Management Board may after considering the recommendations of the board of management and holding such inquiry as it may deem necessary:-

(a) terminate the suspension;

(b) confirm the suspension and determine the conditions on which the learner may be re-admitted to the same or to any other education institution.

(c) confirm the suspension and order the expulsion of the learner, in which case the learner shall not be re-admitted to an education institution without the special sanction of the Minister.

Provided that the Minister shall not order the re-admission of a learner under this sub-section without the concurrence of the Commission for Basic Education.

Cases of mass
indiscipline

115. (1) In cases of mass indiscipline involving the whole or part of the learning community the principal manager may declare an education institution closed and the learners suspended.

(2) The principal manager shall, not later than seven days after closure of the education institution report, the matter to the management board who shall within fourteen days after receipt of such report, consider the matter.

(3) The provisions of section 114 (4) and (5), shall apply *mutatis mutandis* to cases of mass indiscipline under this section as they apply to the discipline of learners thereunder.

Appeal against
decision of
District
Education
Management
Board
Prohibition of
Corporal
punishment

116. Any learner or the parents or guardian of any learner who is aggrieved by a decision of the District Education Management Board under this Division may appeal in writing to the Commission for Basic Education whose decision shall be final.

117. (1) Except as may be prescribed by the Commission for Basic Education and only in exceptional cases, no person may administer corporal punishment at an education institution to a learner.

- (2) Any person who contravenes this section commits an offence and is liable to a fine not exceeding twenty thousand shillings or imprisonment for six months or to both such fine and imprisonment.

Division B: Discipline in Higher Education Institutions

Adaptation of
certain sections
of the Act

118. (1) The provisions of section 113 to 117 shall apply *mutatis mutandis* to matters of discipline in further education institutions under this section as they apply to basic education institutions thereunder:-
- (2) Provision shall be made in the relevant instrument establishing or constituting a university or university level institution for the discipline of learners in those institutions and such provision may provide for some or all of the matters provided for in section 113-117 of this Act.

Part IX – The Conduct of National Examinations

Division A: Public Examinations

Definition

119. (1) Examinations are "public" for the purposes of this Division if:-
- (a) they are conducted for purposes of progression through the basic education cycle, or are for purposes of admission into accredited higher education institution, or
 - (b) they are conducted by or on behalf of the Minister or an educational corporation, or
 - (c) they are required to be taken under this or any other law relating to university education.

Equation of
public and other
examinations

120. An appropriate educational corporation may by notice in the Gazette provide for a system or systems of equation to public examinations, of examinations not covered by subsection (1).

Conduct of
public
examinations
and award of
certificates, etc.

121. (1) The Minister, in consultation with an appropriate educational corporation may provide for the conduct of public examinations at basic and further education levels.
- (2) The award of certificates, diplomas, degrees or other qualifications to learners who have been successful in a public examination for the conduct of which the Minister has provided shall be made in the name and under the seal of the

appropriate educational corporation.

- (3) Provided that the award of degrees in respect of upgraded programmes offered by further education institutions shall in addition bear the name and seal of the relevant further education institution.
- (4) Public examinations at university level shall be conducted and certificates, diplomas, degrees and other qualifications in respect thereof awarded by universities in accordance with the instruments establishing or constituting them.

Establishment of
Public
Examinations
Board

122. (1) For the purpose of section 121(1) there is hereby established under the management and direction of the Minister a board, known as the Public Examinations Board which shall be a body corporate with perpetual succession and a common seal and capable of suing and being sued and doing and suffering all such acts and things as bodies corporate may lawfully do and suffer.
- (2) Subject to this Act, the constitution, functions, powers and immunities of the public Examinations Board with respect to the conduct of public examinations shall be specified in appropriate legislation.

Establishment of
syndicates

123. (1) The provisions of section 122 notwithstanding, the Commission for Higher Education may authorize the establishment by universities of examination syndicates with authority to conduct public examinations at the further education level.
- (2) Syndicates so established shall comply with the provisions of such legislation as may be established under section 122 (2).

Division B: Private Examinations

Definition

124. Examinations are "private" for the purposes of this Division if:-
- (a) they are conducted by professional or paraprofessional associations solely for entry into or continuation in the service of that profession or para-profession;
 - (b) they are conducted by organizations or institutions whose sole or primary concern is to assess the proficiency level of any person for purposes other than admission to any institution or the grant of a certificate,

diploma, degree or other award for which a public examination is required or is mandatory; or

- (c) they are conducted by an institution as part of the requirements for progression through or promotion in employment or industrial attachment situations.

Conduct of
private
examinations

125. (1) Subject to any system or systems of equation that may be provided under Section 120, authority to conduct private examinations and to certificates, diplomas and other awards shall, unless, otherwise provided in any law for the time being in force, first be sought and obtained-
- (a) in the case of candidates who have not completed basic education, from the Commission for Basic Education; and
 - (b) in the case of candidates who have completed basic education, from the Commission for Higher Education.
- (2) The institutions named in the second schedule shall be deemed to have obtained authority from the relevant educational corporation in accordance with subsection 1 of this section

No unauthorized
issue of
certificates, etc.

126. No person or institution except a person or institution who has received the consent of an appropriate educational corporation or is otherwise authorized to do so under this Act shall conduct any Examination or issue any certificate, diploma, degree or other qualification as a result of such Examination to any person indicating or purporting to indicate that a person has successfully completed a course of education or has attained a particular educational standard or possesses any skill, knowledge or professional competence.

Regulations as to
examinations,
certificates, etc.

127. (1) An appropriate educational corporation, may make regulations:-
- (a) prescribing the manner in which certificates, diplomas, degrees or other qualification may be issued under section 121;
 - (b) prescribing the manner in which various examinations shall be conducted and the conditions of admission to and the fees to be charged for such examinations;
 - (c) concerning the submission of applications to an

educational corporation or for authority to conduct examinations and issue of certificates, diplomas, degrees or other qualifications, and the revocation of such authority;

- (d) concerning any other matter in relation to the conduct of examinations as the education corporation may consider necessary or desirable to provide for.
- (2) Any regulations made under subsection (1) shall make special provision as to the time allowed and necessary facilities for candidates with special education needs taking into account their specific needs or disabilities so as to secure that as far as is reasonably practicable candidates with special education needs are fairly tested.

Part X – Funding of Education Institutions

Funding of
education
institutions

128. (1) The Commission for Educational Financing shall fund registered educational institutions on an equitable basis in order to ensure the proper exercise of the rights of learners to education and the redress of past inequalities in the promotion of education.
- (2) The Commission for Educational Financing shall, on an annual basis, provide sufficient information to registered educational institutions regarding the funding referred to in sub-section (1) to enable them to prepare their budgets for the next financial year.

Procedures and
processes of
funding

129. (1) The National Council for Education after consultation with Commission for Educational financing shall determine the procedures, provisions and minimum standards for the funding or provision of subsidies to education institutions and the proportion of the budget of the Commission for Educational Financing to be allocated between public and private education institutions.
- (2) Where funding is provided to an education institution, the Commission for Educational Financing may attach such conditions as to the use of such funds as it may deem appropriate.
- (3) If a condition upon which funding or a subsidy was granted has not been complied with, the Commission for Educational Financing may terminate or reduce the funding or subsidy.
- (4) The governing body of an education institution may appeal to

the Minister against the termination or reduction of funding or subsidy unless the reason for such termination reduction is the continuation of section 137.

Responsibility of governing bodies

130. The governing body of a public education institution shall take all reasonable measures within its means to supplement the resources supplied by the Commission for Educational Financing in order to improve the quality of education provided by the education institution.

Funds and assets of education institutions

131. (1) The governing body of an education institution shall establish a fund for the education institution and shall administer it in accordance with directions issued by the Commission for Educational Financing.

(2) Subject to sub-section (3) all moneys received by an education institution including fees and voluntary contributions shall be paid into the fund.

(3) Money or goods donated or bequeathed to or received in trust by an education institution shall be applied in accordance with such reasonable conditions as may be attached to the donation, bequest or trust.

(4) All assets acquired and all moneys or goods donated or bequeathed to or received by an education institution on or after the commencement of this Act shall be the property of the education institution.

(5) All proceeds from the fund of the education institution established under sub-section (1) and any other assets of the education institution shall be used only for-

(a) educational purposes at or in connection with the education institution;

(b) educational purposes at or in connection with another education institution in collaboration with such other education institution;

(c) the performance of the functions of the governing body; or

(d) any other educational purpose agreed upon by the governing body and the Commission for Educational Financing.

Annual budget of education institution	132.	(1)	The governing body of an education institution shall prepare a budget each year according to guidelines determined by the Commission for Educational Financing showing the estimated income and expenditure of the education institution for the following financial year.
		(2)	A budget referred to in sub-section (1) shall, in the case of basic education institutions, be presented to a general meeting of the parents association of the education institution, for approval before it is approved by the governing body.
Fees at public education institutions	133.	(1)	The Commission for Educational Financing with the approval of the Minister shall determine in respect of public education institutions-
		(a)	the amount of fees to be charged; and
		(b)	equitable criteria and procedures for the total, partial or conditional exemption of parents who are unable to pay the fees charged.
Financial records and statements	134.		The governing body of an education institution shall keep records of funds received and spent by the education institution and of its assets, liabilities and financial transactions and shall as soon as practicable but not later than three months after the end of each financial year, draw up annual financial statements in accordance with the guidelines determined by the Commission for Educational Financing.
Audit of financial records	135.	(1)	The governing body of an education institution shall appoint a duly qualified person in terms of the Accountants Act to audit the records and financial statements referred to in section 134.
Cap 531		(2)	The Commission for Educational Financing shall if it deems it necessary request the Controller and Auditor-General to undertake an audit of the records and financial statements of an education institution.
		(3)	A governing body must submit to the Commission for Educational Financing within six months after the end of each financial year, a copy of the annual financial statements audited in terms of this section.
		(4)	The governing body of an education institution shall make available for inspection by any interested person the records referred to in section 135 and the audited financial statements referred to in this section.

Financial year of education institutions	136. The financial year of an education institution shall commence on the first day of January end on the last day of December in each year.
Disqualification from receiving funds	137. A private education institution which, in any particular financial year, fails to comply with the provisions of sections 134 and 135 shall not qualify for the provision of funding by the Commission for Educational Financing in the financial year next following.
Levy of fees	138. (1) An education institution may, with the authority of its board of management levy such fees for the provision of educational services provided to learners admitted to it as are reasonable, cost effective and necessary for the provision of such services at the institution. (2) Notwithstanding the generality of subsection (1), the Minister in consultation with the appropriate educational corporation and district management boards. (a) shall prescribe standard fees to be paid by learners attending public basic and further education institutions and, upon such prescription, no learner shall be required to pay fees other than the standard fee so prescribed, (b) Provided that any standard fees determined under this provision may vary from one district to another; (c) may issue guidelines for the levying of fees by private basic and further education institutions. (3) The Commission for Higher Education in consultation with the universities may issue guidelines for the levying of fees by universities. (4) Any person or institution which levies or demands fees in excess of the standard fee prescribed by the Minister or levies fees otherwise than in accordance with guidelines issued under any of the provisions of this section commits an offence.

Part XI – Miscellaneous

Medical
examination

139. The principal manager or head of an education institution may require any person attending the educational institution or applying for admission to the institution to undergo a medical examination by a licensed medical practitioner.

Provided that a report submitted by a medical practitioner under this section shall not be used as the sole basis for refusing to admit any person to an education institution to which he/she has applied.

Exemption from
or attendance at
religious
worship or
institution

140. (1) If a learner who is of or above the age of 18 years, or in the case of a learner below that age the parent or guardian of such learner, requests that he/she or the learner be wholly or partly exempted from attending religious worship, or religious worship and religious instruction in the education institution, the learner shall be exempted from such attendance.
- (2) Where a learner of or above the age of 18 years, or in the case of a learner below that age the parent or guardian of that learner, wishes and or desires the learner to attend religious worship or religious instruction of a kind which is not provided in the education institution, the education institution shall provide such facilities as may be practicable for the learner to receive religious instruction and attend religious worship of the kind desired by the learner or learners' parent or guardian.

Right of public
basic education
institutions to
use Government
land

141. (1) Where a public basic education institution is established on land owned by the Government including land held in trust by a local authority, the public basic education institution shall have the right for the duration of its existence to occupy and use the land for educational purposes at or in connection with the public basic education institution without interference.
- (2) The right referred to in subsection (1) may only be restricted-
- (a) by the Commission for Basic Education;
- (b) if the land is not utilized by the public educational institution in the interests of education.
- (3) The Commission for Basic Education may not act under subsection (2) unless it has-
- (a) informed the governing body of the public basic education institution of its intention so to act and the reasons therefor;

- (b) granted the governing body of the public basic education institution a reasonable opportunity to be heard; and
- (c) duly considered any representations made by or on behalf of the public basic education institution.

Prohibition of alienation of land used by public basic education institutions

142. (1) No land owned by the Government and occupied by a public basic educational institution may be alienated except with the prior approval of the Commission for Basic Education.
- (2) Notwithstanding anything contained in the Government Lands Act or any law relating to transfer of land, any transaction in land entered into in contravention of this section shall be void.

Private basic education institutions

143. Subject to this Act and any other applicable law any person may at his own expense set up a private education institution.

Declaration of private basic education institution as public basic education institution

144. (1) The Commission of Basic Education after consultation with the Commission for Educational Financing may enter into an agreement with the governing body of a private basic education institution under which such private basic education institution is declared to be a public basic educational institution.
- (2) The Commission for Basic education shall publish the change of status provided for under subsection (1) in the Gazette.

Registration of learners for education at home

145. (1) Any person having charge of a learner who is required to attend compulsory basic education may apply to the Commission for Basic Education for the registration of the learner to receive education at home.
- (2) the Commission for Basic Education shall register a learner in respect of whom an application is made if it is satisfied that –
- (a) the registration is in the interests of the learner;
 - (b) the education likely to be received by the learner at home-
 - (i) will meet the minimum requirements of the curriculum at basic education institutions; and
 - (ii) be of a standard not inferior to the standard of education provided at basic education

institutions; and

- (c) the applicant will comply with any other reasonable conditions set by the Commission for Basic Education.

Offences

146. (1) Any person who –

- (a) manages, maintains or conducts an education institution which has not been provisionally licenced or registered or whose provisional licence has expired or;
 - (b) hinders or obstructs any officer lawfully acting in the course of his duty as such or any person exercising any powers, or performing any duties conferred or imposed by or under this Act, commits an offence and is liable to a fine of twenty thousand shillings or to imprisonment for a term of six months or to both.
- (2) Every person who commits an offence under this Act for which no other penalty is provided is liable to a fine of ten thousand shillings or imprisonment for a term of three months or to both.

Part XII – Repeals, Savings and Transitional

Amendments
and repeals

147. The enactments specified in the second column of the Third Schedule are amended to the extent specified in the third column of that Schedule.

Preservation of
proceedings and
rights of appeal

148. Any proceedings and any right of appeal subsisting immediately before the commencement of this Act by virtue of an enactment repealed thereby shall after that commencement be treated as subsisting by virtue of the corresponding enactment in this Act.

Continuance of
periods of time

149. Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

Preservation of
licences and
registration

150. (1) Any register kept, registration effected, certificate issued, notice or information given, return made or other thing done under the repealed legislation which, immediately before the date of commencement of this Act, was of force or effect shall continue in force and have effect as if kept, effected, issued, given, made or done under the corresponding provision of this Act.

- (2) Any form used and any requirement as to the particulars to be entered in any form used for the purposes of the repealed legislation which was of force or effect immediately before the date of commencement of this Act shall continue in force and have effect as though prescribed under this Act until forms or particulars are so prescribed.

SCHEDULES

First Schedule

Section 83

Oath of office for Members of an Educational Corporation.

Second Schedule

Section 125

Persons and Institutions Authorized to Issue Certificate, Diplomas, Degrees, etc.

Third Schedule

Section 147

Amendments and Repeals

Chapter	Short Title	Extent of Amendments
Cap. 211	Education Act.	Repeal
Cap. 210B	Universities Act	Repeal
Cap. 213	Higher Education Loans Board Act	Repeal
Cap. 237	Industrial Training Act	Amendments
Cap.223	The Board of Adult Education Act	Amendments
Cap 225	The Kenya National Examinations Council Act	Amendments

NATIONAL EDUCATION SERVICE BILL

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2. Commencement
3. Interpretation

PART II – THE NATIONAL EDUCATION SERVICE

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6. Functions and powers of the Commission
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Provisions as to the National Education Service Appeals Tribunal

SECOND SCHEDULE (Section 13(3))

Provisions as to the Teaching Service Remuneration Committee

THIRD SCHEDULE (Section 25)

Oath of office for members of the Commission, the Tribunal and the Committee

NATIONAL EDUCATION SERVICE BILL

A Bill for

An Act of Parliament to establish a National Education Service and a National Education Service Commission and for connected purposes.

ENACTED by the Parliament of Kenya as follows:-

Part I – Preliminary

Short title	1. This Act may be cited as the National Education Service Act and shall be read subject to the Education Act.
Commencement	2. The Act shall come into operation on a date to be appointed by the Minister by notice in the Gazette and different dates may be appointed for different sections.
Interpretation.	3. In this Act unless the context otherwise requires:- “Commission” means the National Education Service Commission established under section 4 of this Act; “Committee” means the Teachers Service Remuneration Committee established under section 11 of this Act; “Council” means the National Council for Education established under section 50 of the Education Act; “Educational corporation” has the meaning assigned to it in the Education Act; “Education management service” means the service referred to in section 8 of this Act; “Service” means the National Education Service established under section 4 (1) of this Act; “Teaching Service” means the service referred to in section 11 of this Act; “Tribunal” means the National Education Service Appeals Tribunal established under section 16 of this Act;

Part II – National Education Service

Establishment of National Education Service	4. (1) There is hereby established under the supervision of the Minister a service to be called the National Education Service.

		(2) The Service shall consist of two divisions namely- (a) the Education Management Service; (b) the Teaching Service. (3) The Service shall form part of the Public Service.
Establishment of the National Education Service Commission	5.	(1) There is established a body corporate to be called the National Education Service Commission. (2) The Commission shall consist of a Chairman and eight other members appointed by the Minister after consultation with the Council. (3) A person shall not be qualified for appointment as a member of the Commission unless such person is qualified to be appointed as a member of an educational corporation in terms of section 73 of the Education Act. (4) A member of the Commission shall not, within a period of three years commencing with the day on which he has held or acted in the office of a member of the Commission be eligible for appointment to any position in the Service or as manager of an educational institution.
Functions and powers of the Commission	6.	(1) The functions of the Commission shall be- (a) to exercise budgetary control over the Service; (b) to determine the size and organization of the Service and subject to Part III to determine the services to be provided by the Service; (c) to recruit, employ and pay staff of the Service, to promote and transfer any such staff and to terminate the employment of any such staff; (d) to supervise the administration of the services performed by the Service; (e) to keep under review the standards of training and fitness to serve appropriate to persons entering into or in the Service and to tender advice to the Council and the Minister from time to time on the aforesaid matters; and (f) such other functions as may be conferred on the

Commission by this Act or any other law.

- (2) The Minister after consultation with the Council, may give to the Commission such directions of a general or special character with respect to the performance of any functions of the Commission as appear to the Minister to be requisite in the public interest.
- (3) In the exercise of its functions and powers under sub-section (1), the Commission shall comply with the general policy of the Government with respect to education and shall comply with any general or special directions given to it by the Minister pursuant to the policy of the Government in relation thereto as provided for under sub-section (2).
- (4) The Commission shall to the greatest possible extent consistent with the performance of its functions and powers under this Act co-operate with the educational corporations and with departments and agencies of the Government having duties related to, or having aims or objects related to those of the Commission.

Control and Discipline
of Staff of the Service

- 7. (1) Subject to Part IV the Commission shall by notice in the Gazette publish detailed procedures for the control and discipline of all staff employed in the service and shall, as far as possible ensure that such procedures are not substantially different from those applicable to the control and discipline of the rest of the public service.
- (2) Any procedures published in accordance with sub-section (1) shall ensure that any person against whom disciplinary proceedings are instituted:-
 - (a) is informed of the nature of the allegations made against him/her;
 - (b) is afforded adequate time for the preparation and presentation of his/her defence, and
 - (c) is afforded an opportunity of being heard in person.
- (3) Any person aggrieved by a decision of the Commission may within twenty-eight days of the service on him/her of the decision of the Commission appeal to the Appeals Tribunal.

Part III – Education Management Service

Establishment of
Education
Management Service

8. (1) The Commission shall establish and maintain a service to be called the Education Management Service adequate for the proper management of the educational system of Kenya.
- (2) The management service shall consist of the Director of Education, two or more Deputy Directors and such number of professional and support staff as the Commission may after consultation with the Minister determine.
- (3) A member of staff of the Education Management Service or a person seconded to the service shall not hold any office in, belong to or participate in any activities sponsored or organized by a trade union whose membership is made up exclusively or primarily of teachers.

Functions of
Education
Management Service

9. The Functions of the Education Management Service shall be to:-
- (a) assist the Minister in the exercise of his/her statutory functions under the Education Act and this Act;
- (b) assist educational corporations in the exercise of their statutory functions when specifically requested by any of them to do so;
- (c) perform such other functions as the Commission, or Minister may assign to them.

Scheme of Service of
the Management
Service

10. The Commission shall after consultation with the Minister establish a scheme of service for staff of the Education Management Service and such scheme shall specify the grades into which the management service shall be divided the qualifications for appointment to any such grade and the appropriate remuneration for each grade.

Part IV – The Teaching Service

Establishment of the
Teaching Service

11. (1) The Commission shall establish and maintain a service to be called the Teaching Service adequate to the needs of public educational institutions in Kenya.
- (2) For the purposes of the provisions of subsection (1), the Commission shall have power-
- (a) to recruit, employ and pay registered teachers, to assign teachers employed by the Commission for service in any public educational institution, to

promote or transfer any such teacher, to terminate the employment of any such teacher and to exercise the powers conferred on the Commission by the code of regulations published under section 12 of this Act;

- (b) to delegate to any person or body any of its powers under paragraph (a) of this subsection;
 - (c) to do anything which in its opinion is incidental or conducive to the exercise of its powers under the foregoing paragraphs of this subsection.
- (3) The Commission may, after consultation with an appropriate educational corporation, assign any teacher employed by the Commission for service in a private educational institution.
- (4) The Commission with the approval of the Council may make regulations prescribing the grades into which the Teaching Service shall be divided and the qualifications for appointment in any such grade.

Code of regulations

12. (1) The Commission shall with the approval of the Council, compile and publish a code of regulations which shall apply to all teachers employed by the Commission.
- (2) The Commission may with the approval of the Council from time to time modify or amend the code of regulations in such manner as it thinks fit.

Establishment of
Teachers Service
Remuneration
Committee

13. (1) The Commission after consultation with the Minister shall establish, for the purpose of considering the remuneration payable to teachers in the Teaching Service, a Committee to be known as the Teachers Service Remuneration Committee.
- (2) The Committee shall consist of-
- (a) a chairman, appointed by the Minister as being an independent person having experience in matters of education in Kenya;
 - (b) five persons of whom three shall be nominated from time to time by the Minister and two shall be nominated from time to time by the Commission.
 - (c) five persons nominated from time to time by the

organization or organizations appearing to the Minister to represent teachers in the Teaching Service.

- (3) The Second Schedule to this Act shall have effect with respect to the Committee.

Review
remuneration
teachers

of
of

14. (1) The Committee shall, whenever they think fit or are required by the Minister or the Commission to do so, review the remuneration of teachers in the Teaching Service as that remuneration exists (whether in pursuance of this Act or of any previous enactment or otherwise) at the time of review.
- (2) Where, in consequence of such a review, the Committee agree on any recommendations with respect to the remuneration of teachers in the Teaching Service, they shall transmit those recommendations to the Commission.
- (3) Upon the receipt of any recommendations agreed by the Committee the Commission shall after preparing a draft order to give effect to those recommendations, and after consulting the committee with respect to that draft and considering any representations made by the committee with respect thereto, make and publish in the Gazette an order directing that the remuneration of teachers in the Teaching Service shall be determined in accordance with the provisions thereof.
- (4) Any order made under this section shall take effect on the date specified in the order, may be made to have retrospective effect, and may revoke or amend any previous order.
- (5) The remuneration due and payable by the Commission to teachers employed by the Commission shall be in accordance with any order having effect under this section.

Provision
Reference

for

15. (1) The Commission may make arrangements whereby, in such circumstances and subject to such exceptions as may be provided in the arrangements, matters in respect of which agreement has not been reached in the Committee after they have been considered by the Committee in accordance with section 14 of this Act, may be referred for further consideration and recommendations to such persons, and in such manner as may be so provided.
- (2) Before making any arrangements under subsection (1) of this section, the Commission shall consult the organizations

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by whom persons are nominated to be members of the Committee.

- (3) Any such arrangements may include provision-
- (a) for the appointment by the Commission of any number of persons for the purpose of any reference under this section; and where any persons are so appointed, the Commission may provide such facilities as may be required for the purposes of any such reference;
 - (b) for the appointment by the Minister for the time being responsible for labour of a Board of Inquiry under the Trade Disputes Act and for that purpose the matters for the reference of which the arrangements are made shall be deemed to be matters which under the said Act the said Minister is empowered to refer to a Board of Inquiry.
- (4) Any such arrangements shall be published in the Gazette, and may be varied from time to time or revoked in the Gazette.
- (5) The Arbitration Act shall not apply to any reference under this section.

Part V – The National Education Service Appeals Tribunal

Establishment of
National Education
Service Appeals
Tribunal

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16. (1) There is established a tribunal to be called the National Education Service Appeals Tribunal hereinafter referred to as the Appeals Tribunal which shall consider and determine appeals required to be referred to it under this or the Education Act 1999 and whose decision in any such appeal shall be final.
- (2) The Appeals Tribunal shall consist of-
- (a) a Chairman appointed by the Minister who shall be the holder of a university degree and have at least 10 years of experience in the education sector;
 - (b) not less than two nor more than four other members appointed by the Minister after consultation with the appropriate educational corporation or corporations.
- (3) There shall be an assessor to the Appeals Tribunal who shall be an advocate eligible to be appointed as a judge of the

High Court, appointed by the Appeals Tribunal with the approval of the Minister and who shall, when the Appeals Tribunal may so require, attend the proceedings of the Appeals Tribunal and advise it on questions of law.

- (4) The provisions of the First Schedule to this Act shall have effect with respect to the Appeals Tribunal.

Procedure of Tribunal

17. (1) Subject to subsection (2) of this section, the Minister may make rules for regulating the practice and procedure of the Appeals Tribunal and such rules may-
- (a) prescribe who, in addition to the appellant shall be a party to any proceedings;
 - (b) provide that any party to the proceedings shall, if he so requires, be entitled to be heard by the Appeals Tribunal;
 - (c) empower the Appeals Tribunal to determine whether any party to proceedings shall be permitted to be represented by an advocate or by some other person;
 - (d) prescribe the manner in which decisions of the Appeals Tribunal shall be recorded and, in cases where it is alleged that a person is guilty of infamous conduct in any professional respect, that where the Appeals Tribunal determines that the allegation has not been proved it shall record a finding that the person is not guilty of such conduct in respect of the matters to which the allegation relates;
 - (e) empower the Appeals Tribunal to impose fees and award costs.
- (2) The Appeals Tribunal may administer oaths and may, for the purpose of dealing with any matter before it, summon any person to attend and give evidence and to produce any relevant documents.
- (3) Subject to sub-sections (1) and (2) of this section, the Appeals Tribunal may regulate its own practice and procedure.

Grants for Purposes of the Tribunal and the Committee

18. (1) The Minister may with the consent of the Treasury-
- (a) make to the Appeals Tribunal such grants as may be

necessary to enable it to discharge its functions under this Act;

- (b) pay to the members of the Appeals Tribunal such remuneration and travelling and other allowances as he/she may determine;
 - (c) pay to any persons appointed under arrangements made under section 14 (provision for reference) of this Act such remuneration (whether by way of fees or otherwise) and such allowances as he may determine;
 - (d) make such other payments as may be necessary to give effect to the provisions of this Act;
- (2) Any expenses incurred by the Minister under this Act shall be defrayed out of moneys provided by Parliament.

Part VI – Financial

Funds and resources
of the Commission

19. The funds and resources of the Commission shall consists of:-

- (a) such sums as may be provided by Parliament for the purpose;
- (b) any sums or property which may in any manner become payable to or vest in the Commission in respect of the performance of its functions;
- (c) any sums or property which may be donated to the Commission, but the Commission shall not be obliged to accept a donation for a particular purpose unless it approves of the terms and conditions attached to such donation; and
- (d) all other moneys and property lawfully received by the Commission for the purposes of the Commission.

Estimates of Revenue
and Expenditure

20. (1) The Commission shall every year cause to be prepared and shall adopt annual estimates of income expenditure of the Commission for the ensuing year.
- (2) Supplementary estimates may be adopted by the Commission at any of its meetings.
- (3) A copy of all annual estimates and supplementary estimates

shall upon their adoption by the Commission be sent forthwith to the Minister.

Financial Statements
and Reports

21. (1) The Commission shall as soon as practicable after each thirtieth day of June occurring after the commencement of this section or such other date as the Commission may with the approval of the Minister appoint, prepare and furnish to the Minister a report on the operation of this Act during the year ended on that date, together with financial statements in respect of that year in such form as the Commission approves.
- (2) Before furnishing the financial statements to the Minister, the Commission shall submit them to the Controller and Auditor-General who shall report to the Minister-
- (a) whether the statements are based on proper accounts and records;
 - (b) whether the statements are in agreement with the accounts and records and show fairly the financial operations and state of the affairs of the Commission;
 - (c) whether the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the Commission during the year have been in accordance with this Act; and
 - (d) as to such other matters arising out of the statements as the Controller and Auditor-General considers should be reported to the Minister.
- (3) The Minister shall cause the report and financial transactions of the Commission together with the report of the Controller and Auditor-General to be laid before Parliament within fifteen sitting days thereof after their receipt by the Minister.

Part VII – Administrative

Officers, Staff and
Services

22. (1) The Commission may from time to time:-
- (a) appoint on such terms and conditions as it may think fit such officers and servants as it may consider necessary for the Service and for the carrying out of its functions under this act; and

(b) enter into arrangements with persons, firms or agencies for the supply of services or facilities as the Commission may consider necessary.

(2) The Commission shall before establishing or varying any salary scale (including any scale of allowances and other pecuniary benefits) for any officer or servant or class of officer or servant of the Commission, submit for the approval of the Minister and the Treasury the particulars thereof and the Minister and the Treasury may confirm the same either generally in respect of the relevant class of officer or servant or specially in respect of a particular officer or servant or a particular post.

(3) No officer or servant of the Commission shall be paid any salary other than a salary in the appropriate scale approved by the Minister and the Treasury under sub-section (1).

Protection from
personnel liability

23. No member, agent, officer or servant of the Commission shall be personally liable for an act or default of the Commission done or omitted to be done in good faith and without negligence in the course of the operations of the Commission.

Execution of
documents and seal

24. (1) All deeds instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Commission –

(a) if sealed with the seal of the Commission and signed by two members thereof; and

(b) if executed in that behalf by one member of the Commission and a member of the staff of the Commission both of whom have been appointed by the Commission for the purpose.

(2) A deed, instruments, contracts or other document executed in accordance with subsection (1) shall subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Commission, be effectual in law to bind the Commission and its successors and may be varied or discharged in like manner as that in which it was executed.

Part VIII – Procedural

Oath of office	25.	Before entering upon the exercise of the duties of their office, the members of the Commission, the Tribunal and the Committee shall take and subscribe the oath or affirmation set out in the Third Schedule that they shall faithfully and impartially perform the duties of their office.
Tenure of office	26.	A member of the Commission shall unless his appointment is sooner terminated by the Minister for cause, hold office for a period of five years from the date of his appointment and shall be eligible for re-appointment but no member shall hold office beyond the age of seventy years.
Resignation and vacation of office	27.	(1) Any member of the Commission may at any time resign by giving notice in writing to the Minister and from the date specified in the notice or, if no date is specified, from the date of the receipt by the Minister of the notice, he shall cease to be a member of the Commission. (2) If the Commission are satisfied that a member of the Commission - (a) has been absent from the meetings of the Commission for a period of three consecutive months or such other period as the Commission may determine, without the permission of the Commission; or 11. (b) has become bankrupt or made an arrangement with his creditors; or (c) is incapacitated by physical or mental illness; or (d) is otherwise unable or unfit to discharge the functions of a member; the Commission may declare his office as a member to be vacant and shall notify the fact in such manner as the Commission thinks fit and thereupon the office shall become vacant.
Disclosure of interest of members	28.	(1) If any member of the Commission has any beneficial interest in any transaction or project of the Commission or has any beneficial interest in any company or undertaking with which the proposes to make any contract, or has an interest in any such contract, he shall forthwith disclose to the Commission the fact and the nature of such interest and such disclosure shall be recorded in the minutes of the Commission, and thereafter such member shall take no part in any deliberation of decision of the Commission relating

to such project or contract.

- (2) A member of the Commission who contravenes subsection (1) commits an offence and is liable to a fine of fifty thousand shillings or to imprisonment for a term of six months or to both, and the court before which he is convicted may order that he shall vacate his seat as such member and thereupon his seat shall become vacant.

Remuneration of
members

29. Members of the Commission shall be paid such remuneration and allowances as the Minister may with the approval of the Treasury determine.

Vacancies or defects
in appointment not to
invalidate proceedings

30. The exercise of the powers of the Commission shall not be impaired by reason of a vacancy in its membership, nor shall the proceedings of the Commission be invalid by reason only of the presence or participation of a person not entitled to be present or to so participate.

Part IX – Miscellaneous

Recovery of certain
moneys

31. (1) Any sum applied by the Commission for the payment of the remuneration of any teacher assigned by the Commission for service in a private educational institution shall be repaid in whole or in part, and at such times and in such manner as the Minister may with the approval of the Treasury direct.
- (2) Any sum directed by the Minister under subsection (1) of this section to be repaid to the Commission shall be a debt due from and payable by the manager concerned to the Commission and, without prejudice to any other mode of recovery shall be a civil debt recoverable summarily.
- (3) Any sum received by the Minister under this Act shall be paid into the Consolidated Fund.

Remuneration of
teachers assigned to
local authorities

32. (1) Where any teacher is assigned by the Commission for service in an educational institution maintained or assisted by a local authority, it shall be the duty of the local authority to make on behalf of the Commission prompt payment to that teacher of the remuneration due and payable to him by the Commission as his employer.
- (2) Where in consequence of the failure of any local authority to discharge its duty under subsection (1) of this section, the Commission makes any payment of remuneration to a teacher, that payment shall, with interest thereon calculated from the date of such payment at such rate as the Treasury may from time to time by notice in the Gazette determine for the purposes of this section, be due from and payable by

that local authority, and shall be recoverable by the Commission as a debt, and, without prejudice to any other mode of recovery, it shall be the duty of the Minister for the time being responsible for local government to recover that debt on behalf of the Commission, and for that purpose the Minister shall exercise such of the powers conferred upon him by any written law relating to local government or by any other written law as he may consider appropriate.

- (3) For the purpose of ensuring that the Commission is at all times able to discharge its responsibilities as the employer of teachers assigned by the Commission for service in educational institutions maintained or assisted by local authorities, the Minister for the time being responsible for local government may with the consent of the Treasury, from time to time make advances to the Commission, and any moneys so advanced shall be repayable according to the terms of the advance.

Service of notices

33. Any notice or other document authorized or required to be served under this Act may, without prejudice to any other method of service, be served by registered or recorded delivery post, and may in relation to a registered teacher be addressed to the address shown on the register.

Offences

34. (1) Any person who:-
 - (a) falsely or fraudulently holds himself out to be a registered teacher;
 - (b) not being a registered teacher, or a person exempted under section 34 of this Act, teaches or assists in teaching in any educational institution;
 - (c) suffers or permits or employs to teach in any educational institution a person not being an entered teacher or a person exempted under section 35 of this Act.
 - (d) commits an offence and is liable to a fine of twenty thousand shillings or to imprisonment for a term of six months or to both.
- (2) Any person who without reasonable cause fails when summoned by the Commission or by the Tribunal to attend as a witness or to produce any document which he is required to produce under this Act commits an offence and is liable to a fine of five thousand shillings or to imprisonment for a term of one month or to both.

Power of Minister to exempt

35. The Minister may by notice in the Gazette after consultation with the Council exempt any class of persons from all or any of the provisions of this Part.

Part X – Repeals, Savings and Transitional

Repeal of Teachers Service Commission

36. (1) The Teachers Service Commission Act is repealed.

Transitional provisions
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- (2) All real and personal property whether in Kenya or elsewhere which immediately before the Commencement of this Act was vested in the Teachers Service Commission, the Teachers Service Appeals Tribunal and the Teachers Service Remuneration Committee (in this Part referred to as the “old bodies”) under the Teachers Service Commission Act (in this Part referred to as the “repealed Act”) shall vest in the Commission, Tribunal and Committee respectively (in this Part referred to as the “new bodies”) without transfer, or assignment and, subject to the provisions of this Act shall be held by the new bodies for the same purposes as it was held immediately before the commencement of this Act.
- (3) Any person charged with the keeping of any register, on the written request of the new bodies and free of charge shall make such entries in the register and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of this section.
- (4) Subject to the provisions of this Act,
- (a) all rights, obligations and liabilities which immediately before the commencement of this Act were vested in or imposed on the old bodies shall be deemed to be the rights, obligations and liabilities of the new bodies; and
- (b) every agreement, deed, bond or other instrument to which the old bodies were a party or which affected the old bodies and whether or not of such a nature that the rights and liabilities and obligations thereunder could be assigned shall have effect as if the new bodies were parties thereunto or affected thereby instead of the old bodies and as if reference (whether expressed or implied) therein to the old bodies there were substituted in respect of anything to be done on or after such date coming into operation, a reference to the new bodies.

References to old legislation to old bodies	37.	All references to the old bodies in any Act, regulation, order or other enactment or in any agreement, deed, instrument, application, notice or other document whatsoever shall unless the context otherwise requires, be read as references to the new bodies.
Staff of old bodies	38.	The appointment of any officer or servant of an old body subsisting immediately before the coming into operation of this Act shall, unless otherwise provided, if such officer or servant agrees, be deemed to be made by the new bodies under the provisions of this Act, and for the purpose of determining the rights of pension or gratuity or retirement the service of such officer or servant shall be regarded as continuous from the time he was appointed by the old body.
Resolution of problems by Minister	39.	The Minister may by order provide for any matters which it appears to him necessary or expedient to provide for the better carrying out of the provisions of this Part.

First Schedule (Section 16(4))

Provisions as to the National Education Service Appeals Tribunal

- (1) The members of the Tribunal shall hold office for such period not exceeding three years as may be determined by the Minister and shall be eligible for reappointment.
- (2) A member of the Tribunal may at any time by notice in writing addressed to the Minister resign his office and if a member absents himself from three consecutive meetings of the Tribunal without the permission of the Tribunal, or becomes, in the opinion of the Minister, unfit or unqualified to continue in office or incapable of performing his duties, the Minister may, in such manner as he thinks fit, declare the office of the member to be vacant.
- (3) In the absence of the chairman from any meeting the members present shall elect one of their number to preside at such meeting.
- (4) At every meeting of the Tribunal the chairman or other member presiding shall have a casting as well as a deliberative vote.
- (5) The quorum for any meeting of the Tribunal shall be three:
Provided that there shall be no quorum unless there is present at the meeting a member who is a registered teacher.

- (6) The validity of any proceedings of the Tribunal shall not be affected by any vacancy amongst the membership thereof, or by any defect in the appointment of a member thereof
- (7) The Minister shall appoint a public officer to act as secretary to the Tribunal, and may appoint such other public officers to act as staff of the Tribunal as he may consider necessary.

Second Schedule (Section 13(3))

Provisions as to the Teaching Service Remuneration Committee

- (1) The chairman of the Committee shall hold office in accordance with the instrument appointing him and shall be eligible for re-appointment.
- (2) The chairman may at any time convene a special meeting of the Committee, and shall do so within one month of the receipt by him of a written request signed by at least two other members.
- (3) In the absence of the chairman from any meeting the members present shall elect one of their number to preside at such meeting.
- (4) The quorum for any meeting of the Committee shall be six:

Provided that there shall be no quorum unless there are present at the meeting at least two members representing the Minister, at least one member representing the Commission and at least two members representing the organization representing teachers.
- (5) The validity of any proceedings of the committee shall not be affected by any defect in the appointment of a member thereof, or by any vacancy amongst the membership thereof.
- (6) The Minister shall appoint a public officer to act as secretary to the Committee, and may appoint such other public officers to act as staff of the Committee as he may consider necessary.
- (7) The Secretary of the Committee shall keep a record of all meetings of the Committee and a copy of every such record shall be furnished to the Minister.

Subject to the foregoing provisions, the Committee may, with the approval of the Minister, make rules for regulating

the procedure at its meetings.

Third Schedule (Section 25)

Oath of Office for Members of the Commission, the Tribunal and the Committee

THE HIGHER EDUCATION BILL, 1999

ARRANGEMENT OF CLAUSES

PART I - PRELIMINARY

1. Short title
2. Application and commencement
3. Interpretation

PART II - THE SECRETARIAT AND STAFF OF THE COMMISSION

4. Secretary to the Commission
5. The Secretariat and committees

PART III - PROVISIONS RELATING TO UNIVERSITIES

- a) General provisions
 6. Establishment of universities
 7. Matters to be specified in a charter
 8. Granting of charter and maintenance of register
 9. Publication of charter
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 11. Variation of charter
 12. Inspection at request of Chancellor
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- b) Establishment of public universities
 14. Establishment of public universities
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- c) Establishment of Private Universities
 16. Application to establish a private university
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PART IV - PROVISIONS RELATING TO FURTHER EDUCATION INSTITUTIONS

20. Application for accreditation
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PART V - FINANCIAL PROVISIONS

- 26. Financial year
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PART VI - MISCELLANEOUS PROVISIONS

- 30. Regulations
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SCHEDULE

THE HIGHER EDUCATION BILL

A Bill for

An Act of Parliament to repeal the Universities Act, to make further and better provisions for the operation of the Commission for Higher Education established under the Education Act, and for matters connected therewith.

ENACTED by the Parliament of Kenya as follows:

Part I – Preliminary

Short title	1. This Act may be cited as the Higher Education Act, and shall be read subject to the Education Act.
Application and commencement	2. This Act shall apply to all higher education institutions, whether local or foreign, operating in Kenya and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.
Interpretation	3. In this Act, unless the context otherwise requires-

“accreditation” means an acceptance and confirmation in writing by the Commission that a university or further education institution, following its application for establishment, accreditation or up-grading, as the case may be, has met and continues to meet the standards of academic excellence set up by the Commission in accordance with the provisions of this or any other Act;

“Chairman” means the Chairman of the Commission;

“Chancellor” means the person designated as such in the charter establishing each university.

“Charter” means a Charter granted or deemed to have been granted by the President under section 8;

“Commission” means the Commission for Higher Education established under the Education Act;

“Commission for Educational Financing” means the Commission established under that name in the Education Act.

“Council” means the National Council for Education established under the Education Act.

“course of study” means the structure of subjects or programmes of

study in a course offered by an institution to which this Act applies;

“course regulations” means any regulations governing the course of study;

“further education” has the meaning assigned to it by the Education Act;

“graduate” means a person upon whom a degree or other award has been conferred by a university or other body or institution empowered to award degrees or such other awards under this Act;

“higher education” has the meaning assigned to it by the Education Act;

“inspection” means a formal inspection by the Commission of any proposed or chartered university or further education institution for the purpose of accreditation of academic programmes or a formal visit by the Commission to any university or further education institution.

“Minister” means the Minister for the time being responsible for higher education;

“private university” means a university established out of private funds or any university to which section 17 applies;

“Secretariat” means the Secretary and Secretariat of the Commission established under section 5(1);

“Secretary” means the Secretary of the Commission appointed under section 4;

“university” has the meaning assigned to it by the Education Act;

“visitation” means a formal visit by the Chancellor of any university to any university and may include a general inquiry by the Chancellor into the conditions and circumstances of a university.

Part II – The Secretariat of the Commission

Secretary to the
Commission

4. (1)
 - (a) The Secretary to the Commission shall be the Chief Executive of the Commission and shall be responsible for the management of the day to day affairs of the Commission.
 - (b) The Secretary shall be assisted by two or more deputy secretaries whose functions shall, from time to time, be specified by the Commission.

	(2)	The Secretary shall hold office for a period of five years and, shall be eligible for re-appointment.
	(3)	The Secretary shall be the head of the Secretariat and shall be responsible in ensuring that the Secretariat satisfactorily carries out and performs functions assigned to it by the Commission under the Education Act and this Act.
	(4)	The Secretary shall be an ex officio member of the Commission but shall have no right to vote at the meetings of the Commission
The Secretariat and committees	5.	(1) The Commission shall establish a Secretariat with such divisions and units as it shall deem fit to carry out the day to day functions of the Commission. (2) The staff of the Secretariat shall consist of the Secretary the deputy secretaries and such other officers and support staff as the Commission may determine. (3) The Commission shall have power to establish, by resolution, any standing or ad hoc committees as it shall deem fit for the purposes of executing its duties or exercising its powers under this Act, and shall prescribe terms and conditions under which such committees shall operate. (4) The Committees of the Commission shall be responsible to the Commission and shall report to the Commission directly.

Part III – Provisions Relating to Universities

Establishment of universities	6.	Every proposed university in Kenya whether public or private shall be established by a Charter granted by the President in accordance with the provisions of this Act.
Matters to be in Charter	7.	In addition to any other matter which the Commission by regulations stipulate, a Charter shall contain the following:- (a) the name, address and location of the proposed university; (b) the aims and objects for which the proposed university is to be established; (c) the membership and governance of the proposed university; (d) the extent to which, and the form in which, regulations may be made by such body of the proposed university as may be

specified for the better governance and functioning of such university;

- (e) the control of the finances, expenditure and the administration of the proposed university.

Granting of
Charter

8. (1) Upon receipt of the notification by the Minister under section 14 or application to establish a private university, under section (6) as the case may be, together with the recommendation by the Commission, the President may grant a Charter either in the form of the draft submitted to him or in any other form he/she may consider appropriate.
- (2) Notwithstanding anything contained in this Act to the contrary, no Charter shall be granted to any proposed university, and no such university shall be established, unless it has first been accredited by the Commission in accordance with the provisions of this Act.

Publication of
Charter

9. (1) The Commission shall, by notice in the Gazette, publish the Charter and with effect from the date of that publication, the proposed university shall become an established university by the name cited in the Charter.
- (2) Once established in accordance with the provisions of this Act, the university shall become a body corporate with perpetual succession and a common seal.

Protection of
name

10. (1) Notwithstanding any other written law, no public officer performing functions relating to the registration of companies, business names or trademarks shall accept for registration a name which is identical to, or so similar as to be liable to confuse the public with the name of the established university to which a Charter has been granted under this Act.
- (2) A person who, except with the written consent of the governing body of the university concerned, uses the name of any university established by a Charter under this Act in furtherance of, or as, or in connection with, an advertisement for any trade business, calling or profession shall be guilty of an offence and shall be liable to an imprisonment for a term not exceeding twelve months or to a fine not exceeding fifty thousand shillings or to both.

Variation of
charter

11. The President may at any time, upon the advice of the Commission, vary the provisions of the Charter of an established university, if he/she is of the opinion that the variation is in the interest of university education in Kenya generally, or may assist the university concerned to carry out its functions in a more efficient manner.

Inspection at the
request of
Chancellor

12. (1) Whenever it appears to the Chancellor of any university that conditions and circumstances in existence in the university are such that an inspection ought to be carried out into the activities governance and management of, or any relevant matters relating to that university, the Chancellor may, invite the Commission to carry out an inspection and the Commission shall proceed to do so and report thereon to the Chancellor.
- (2) Whenever an inspection is conducted at the invitation of the Chancellor of any university in accordance with this section, the Commission shall have power to interview any official or servant of such university or any other person and to call for, examine and review any documents, reports or information held or kept by the university and any official or servant of such university shall be under obligation to supply such document, reports or information to the Commission as and when required.
- (3) Any inspection carried out by the Commission under this section shall be done at the expense of the university concerned.

Inspection by the
Commission

13. (1) The Commission shall, on its own motion inspect at least once every four years of each University.
- (2) In undertaking inspection under subsection (1) the Commission shall have power to inquire into the academic programmes, management or any other relevant matter of the university.
- (3) Upon completion of inspection as provided under this section, the Commission shall prepare a report thereon which shall, among other things, specify matters requiring rectification or remedy.
- (4) The Commission shall submit the report prepared under subsection (3) to the governing body of the university in question for appropriate action.
- (5) The Commission shall, before the commencement of any inspection in accordance with this section, notify the university of its intention to undertake inspection.
- (6) The provisions of section 12 (2) shall apply *mutatis mutandis* to inspection conducted under this section as it applies to inspection by invitation under that Section.

(a) Establishment of Public Universities

Establishment of public universities

14. (1) The Minister shall, after consultation with the Council, notify the Commission of the intention of the Government to establish a public university.
- (2) A notice issued in accordance with sub-section (1) shall in addition to the requirements of section 7-
- (a) define the need for such a university, account being taken of the facilities and programmes already being offered by existing public and private universities in Kenya generally or in the area in which such new university is proposed to be established, in particular;
 - (b) indicate whether and the extent to which the establishment of such proposed university is consistent with the national education policy and plan formulated and approved by the Council in accordance with the provisions of the Education Act; and
 - (c) specify whether sufficient resources, other than those held by the Commission for Educational Financing, exist for the establishment and long-term development of the proposed university.
- (3) Upon receipt of the Minister's notification in accordance with sub-section (1) and (2) above, the Commission shall set in motion the steps required for the processing of grant of a Charter in accordance with the provisions of this Act.

Register of public universities

15. The Commission shall maintain a register to be known as Register of Public Universities in which the Commission shall enter such particulars in respect of each public university together with its constituent colleges, if any, as it shall consider appropriate, and the register shall be open to public inspection.

(b) Establishment of a Private University

Application to establish a private university

16. (1) Subject to section 17, any person wishing to establish a private university in Kenya shall make an application in writing to the Commission for accreditation and grant of the Charter in the manner prescribed in the regulations.
- (2) All applications for accreditation and grant of a Charter shall be accompanied by a draft of the Charter containing the matters specified under section 7 and such other matters as may be prescribed by the regulations.

	(3)	The Commission shall receive and consider every application made under sub-section (2) and if satisfied that the application has met all the conditions required under this Act, it shall thereafter submit the application to the Minister together with its recommendations that the University has been accredited and it be granted a Charter.
Accreditation of foreign universities	17. (1)	Any university accredited outside Kenya seeking to establish and conduct courses of or programmes of study at a centre or centres in Kenya, or to conduct such courses or programmes for the benefit of audiences in Kenya by any mode of delivery, shall do so by submitting an application for accreditation under this section
	(2)	An application under this section shall be accompanied by such other information as the Commission may by regulation, specify.
	(3)	The Commission shall schedule a meeting or series of meetings with every university whose application for accreditation is received under this section at which an examination and verification shall be made of all documentation or information which is required by the Commission to be submitted.
	(4)	Where the Commission is satisfied that accreditation of the university concerned may be of benefit to the development of university education in Kenya and is consistent with the national policy on education, it shall recommend to the Minister, that the university be issued with a certificate of accreditation.
	(5)	A certificate of accreditation issued by the Minister under this section shall have the same force and legal effect as a charter issued by the President under section 8.
	(6)	The provisions of sections 9-13 shall apply <i>mutatis mutandis</i> to the issue of a certificate of accreditation under this section as may apply to the grant of a charter under those sections.
Offence to establish a private university without a charter	18.	Except by authority given in writing by the Commission, it shall be an offence for any person to establish, operate or do anything ordinarily done a by private university before a charter is granted.
Effect of accreditation	19.	The Commission shall maintain a register to be known as the Register of Private Universities in which the Commission shall specify such particulars in respect of each private university as it shall consider appropriate, and the register shall be open to public inspection.

Part IV – Provisions Relating to Further Education Institutions

Consultation,
notification and
maintenance of
register

20. (1) Every further education institution intending to be accredited may, on its own motion or upon the advice of the Commission, apply for accreditation.
- (2) The application shall be in writing, addressed to the Commission and shall state such matters as the Commission may by the regulations prescribe.
- (3) The Commission shall consider every application made under sub-section (1) and if satisfied that the application has met all the conditions required under this Act, it shall grant a certification of accreditation to the further education institution on such terms and conditions as it may consider necessary.
- (4) Subject to section 23, every further education institution accredited under the provisions to this Act, shall have the power to conduct examinations for the grant of diplomas, certificates and other academic awards other than degrees in the name of the institution.
- (5) Except by authority granted by the Commission, it shall be an offence under the Act for any further education institutions to conduct examinations and grant diplomas, certificates and other awards unless it has first been accredited.

Register of
private
universities

21. (1) Any accredited further education institution may apply for up-grading of one or more of its academic programmes to degree level status.
- (2) The application shall be in writing addressed to the Commission and shall state such matters as the Commission may by regulations prescribe.
- (3) The Commission shall consider every application made under sub-section (1) and, if satisfied that the application has met all the conditions required under this Act, shall grant a certificate of up-grading to the institution on such terms and conditions as it may consider necessary.

Application for
accreditation

22. (1) The Commission shall, in considering the application for accreditation and for up-grading submitted under sections 20 and 21, consult the Council, the existing universities and any other person, institution or body whose input it considers necessary for the processing of such application.

- (2) The Commission shall, after granting the certificate of accreditation or up-grading, by notice in the Gazette, publish the name of the institution which has been accredited or whose programme or programmes have been up-graded.

Powers and functions of further education institutions

23. Every accredited further education institution programme or programmes have been up-graded shall have the power to conduct courses of studies and examinations leading to award of degrees by the institution under the authority of the Commission.

Variation and revocation of certificate

24. (1) The Commission may at any time vary the terms and conditions upon which a certificate of accreditation or upgrading was granted, if it is of the opinion that variation is in the interests of higher education in Kenya generally or may assist the institution concerned to carry out its functions in a more efficient manner.

- (2) The Commission may revoke a certificate granted under this Act if it is of the opinion that the institution concerned is not carrying out its functions in a proper manner, or is in breach of the terms and conditions to which the granting of the certificate may have been subject, or that the revocation is in the interest of higher education generally;

Provided that before revoking a certificate under this section, the Commission shall direct the further education institution to amend or correct the matter constituting the breach of the certificate within a period of twelve months and if within that period the institution fails or neglects to rectify the situation, the certificate shall be revoked in accordance with this subsection.

- (3) Where any certificate is revoked, the Commission shall forthwith cause a notice of such revocation to be published in the Gazette, and the institution or programmes concerned shall cease to be accredited or up-graded at the expiry of one year from the date of publication of such notice:

Provided that the revocation of a certificate shall not affect the validity of the degrees, diplomas, certificates or other academic awards previously granted by the institution:

Provided further that the revocation of a certificate shall not affect any academic programmes or matters connected therewith which has commenced prior to the date of the Gazettement of the revocation under this section.

- (4) Any institution aggrieved by the decision of the Commission to vary or revoke a certificate, shall have the right to appeal to the Council for the review of the decision of the Commission.

Register of
further education
institutions

25. The Commission shall maintain a register to be known as the Register of Further Education Institutions, in which it shall enter such particulars as it shall consider appropriate and the register shall be open to public inspection.

Part V – Financial Provisions

Financial Year

26. (1) The financial year of the Commission shall be the period of twelve months commencing on such day in each year as the Minister may determine.
- (2) In the event of any change in the financial year, and for the purposes of the transition from the old financial year to the new financial year consequent upon the change, the transitional period, whether more or less than twelve months, shall be deemed for all purposes of this Act to be the financial year.

Annual Estimates

27. (1) The Commission shall submit to the Minister estimates of its income and expenditure for the succeeding financial year two months before the commencement of that financial year of within such time as the Minister may require.
- (2) The annual estimates shall make provision for recurrent and non-current costs of the Commission.
- (3) No expenditure shall be incurred by the Commission except in accordance with approved estimates under this section or in pursuance of an approval of the Minister.
- (4) Notwithstanding the provisions of sub-section (3), the Commission shall have authority to incur expenditure on funds generated from external sources as per the proposals under which those funds were solicited.

Accounts and
audit

28. (1) The Commission shall cause to be kept all proper books and records of accounts of income and expenditure, assets and liabilities of the Commission.
- (2) The accounts of the Commission shall be audited in accordance with the relevant provisions in the Education Act, 1999

Part VI – Miscellaneous Provisions

General penalties	29. Any person or institution who commits an offence under any of the provisions of this Act, for which no penalty provided, shall be liable to pay a fine of one hundred thousand shillings and if the offence continues fifty thousand shillings for every day the offence continues.
Regulations	30. (1) The Commission shall make regulations generally for better carrying into effect of the purposes of this Act, and in particular for:- (a) up-grading of programmes of accredited further education institutions; (b) the receipt, processing and approval of application for accreditation of further education institutions; (c) accreditation and grant of charters to universities; (d) procedures to co-ordinate education and training courses in further education institutions for purposes of higher education and university admission; (e) terms and conditions of service, including the appointment and benefits of members of staff of the Commission; (f) the governance or management of any situation or matter which may be provided or prescribed for under this Act; and (g) utilization of funds not required to be held by the Commission for Education Financing;
Protection of name	31. (1) Notwithstanding the provisions of any other written law, no public officer performing functions relating to the registration of companies or business names shall accept for such registration any name which is similar to or is the same as the name of the Commission. (2) Any person who, except with the written consent of the Commission, uses the name of the Commission in furtherance of, or as, or in connection with any advertisement for any trade, business, calling or profession shall be guilty of an offence and shall be liable to an imprisonment of a term not exceeding twelve months or to a fine not exceeding fifty thousand shillings or to both.

32. (1) The enactments specified in the schedule (in this section referred to as the former Acts) are hereby repealed.
- (2) Notwithstanding the repeal of the former Acts, the various universities established thereunder shall be deemed to have been awarded charters in accordance with Section 8 of this Act under the same names, designations and terms so far as are consistent with this Act and the Education Act, 1999 as were in existence under the former Acts.
- (3) All Acts, directions, orders, appointments, requirements, authorizations, other things given, taken or done under, and all funds, assets and other property acquired by virtues of the former Acts shall so far as consistent with this Act, be deemed to have been given, taken, done or acquired under this Act.
- (4) All regulations made under the former Acts and in force immediately prior to the commencement of this Act shall continue to be in force but may be amended or revoked by regulations made under this Act.

Schedule

- (i) University of Nairobi Act (Cap. 210)
- (ii) Moi University Act (Cap. 210A)
- (iii) Kenyatta University Act (Cap. 210c)
- (iv) Egerton University Act (Cap. 214)
- (v) The Jomo Kenyatta University of Agriculture and Technology Act (No. 8 of 1994)
- (vi) Masinde Muliro University of Science and Technology (Cap)

Appendix Five

Special Education Bill

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Appendix Five

Special Education Bill

A Bill for

An Act of Parliament to provide for the education of learners with special educational needs, to provide for the conduct and coordination of special education programmes and for connected purposes.

ENACTED by the Parliament of Kenya as follows:

Part I - Preliminary

Short title	1. This Act may be cited as the Special Education Act and shall be read subject to the Education Act
Interpretation	2. In this Act unless the context otherwise requires- “advisory Board” means the Special Education Advisory Board established under section 17-18 of this Act; “alternative education” has the meaning assigned to it under the Alternative and Continuing Education Act; “continuing education” has the meaning assigned to it under the Alternative and Continuing Education Act; “Commission for Education Financing” means the Commission for Educational Financing established under section 66 of the Education Act; “district Board” means a District Education Management Board established under section 89 of the Education Act; “educational corporation” has the meaning assigned to it under the Education Act; “educational institution” has the meaning assigned to it under the Education Act; “Fund” means the Special Education Trust Fund established under section 24 of this Act; “governing body” has the meaning assigned to it under the Education Act;

“learner” has the meaning assigned to it under the Education Act;

“learner with special needs” means a person between the age of 3-21 years and includes any learner with special educational needs who is undergoing or is required to undergo compulsory education.

“local authority” has the meaning assigned to it under the Local Government Act (Cap.265);

“resource centre” means a district special education resource centre established pursuant to section 18 of this Act;

“special education” means education in any form or environment which is specially designed to meet the unique needs and requirements of learners with other than ordinary abilities and includes education designed for children with educational, mental, physical, and learning disabilities, and exceptionally gifted and talented children;

“special educational needs” means any learning needs which would not ordinarily be met by the regular services of a mainstream educational institution;

“special service providers” means any person providing specialized, supplementary and related services to persons with special education needs and includes braille technicians, sign language instructors and interpreters, orientation and mobility specialists, physiotherapists, occupational therapists, speech and language pathologists and therapists, counsellors and teacher aides.

“Tribunal” means the Special Education Tribunal established under section 26 of this Act;

Commencement

3. (1) This Act shall come into operation on a date to be appointed by the Minister by notice in the Gazette.
- (2) The Minister may in that notice provide for the application to the Government of such of the provisions of this Act, or any subsidiary legislation made thereunder as may be specified in the order.
- (3) Without prejudice to the generality of subsection (1) an order under this section may provide for the enforcement of any provision applied by the order, and in particular, may make provision as to the person liable to be proceeded against for any contravention of any such provision.

Part II – The Conduct of Special Education

Responsibility of
the Minister

4. (1) In addition to any other responsibility which may be entrusted to the Minister under this Act or any other law, it shall be the responsibility of the Minister to promote the education of learners with special educational needs.
- (2) Without prejudice to the generality of subsection (1), the Minister shall in particular-
 - (a) make and keep current a plan for the implementation of the policy of the Government on the provision of education for learners with special educational needs;
 - (b) conduct a census of learners with special educational needs showing the number of such learners and their geographic distribution;
 - (c) maintain an inventory of the personnel and facilities available for the education of learners with special educational needs;
 - (d) provide a programme for the preparation recruitment and training, including in-service of education to learners with special educational needs;
 - (e) maintained a national plan for providing education to learners with special educational needs;
 - (f) ensure that the education curriculum and public examinations recognize and take account of the needs and circumstances of learners with special educational needs; and
 - (g) undertake any other functions which may be necessary or appropriate for the better provision of education to learners with special educational needs.

Responsibility of
special
educational
institutions

5. In addition to any certificate or diploma which may have been issued by the Public Examinations Board, a higher education institution may admit a learner with special educational needs after studying the learner's continuous assessment records or after administering an aptitude test, personality test or other entrance examination for the purpose of determining the learner's capabilities and needs.

Responsibility of
governing bodies

6. (1) The governing body of every educational institution shall-
 - (a) use their best endeavours, in exercising their functions

in relation to the educational institution, to secure that if any learner has special educational needs, the special educational provisions which his learning difficulty calls for is made;

- (b) secure that where the educational institution has been informed that a registered learner has special educational needs, those needs are made known to all who are likely to teach him;
- (c) secure that where a learner with special educational needs is being educated in the educational institution, such education is compatible with-
 - (i) the learner receiving the special educational provisions which his learning difficulty calls for;
 - (ii) the provision of efficient education for the learners with whom he will be educated; and
 - (iii) the efficient use of resources.

- (2) A governing body may in exercising functions related to the provision for learners with special educational needs consult with any person and with other governing bodies.

Responsibility of
District
Education
Management
Boards

- 7. (1) Where a District Education Management Board is satisfied that the special educational provision which a learner with learning difficulty in their area calls for; or any part of such provision is not available in educational institutions in their area, they may after consultation with the parent or guardian of the learner arrange for the provision of that special educational provision.
- (2) A district Board may in lieu of subsection (1) make such arrangements as it may think fit to enable a learner to attend an institution outside their jurisdiction which specializes in providing for learners with special educational needs.

Responsibility of
local authorities

- 8. (1) A local authority may for the purpose only of assisting the governing body of an educational institution in their or any other area in the performance by the governing body of their duties under this Act supply goods or services to those bodies in such circumstances and upon such terms, including terms as to payment as may be agreed.
- (2) A local authority may supply goods or services to any authority or other person (other than a governing body as provided for under subsection (1) for the purpose only of

assisting them in enabling any learner receive any special educational provision which any learning difficulty of the learner calls for.

Schools
providing for
special education

9. (1) An institution which is specially organized to make special educational provision for learners with educational needs and is for the time being registered as an educational institution under the Education Act, 1999 shall be known as a Special School.
- (2) A local authority may establish in its area of jurisdiction a school which is specially organized to make special educational provision for learners with special educational needs if-
- (a) the Minister approves;
- (b) the school is intended to provide relevant education for learners in the area whether or not it also provides other education or education for learners from outside the area.

Facilities in
institutions
providing for
special education

10. (1) Any person, authority or institution exercising functions under this Act in respect of a person with special educational needs shall plan, locate, design construct, equip, maintain and keep under review facilities expressly intended or likely to be used by learners with special education needs with due regard to the special capabilities, handicaps and requirements of such learners.
- (2) The Minister shall, in addition to the requirements in subsection (1) publish rules containing architectural and other building standards required to be met by special education facilities.
- (3) The rules published under subsection (1) shall be developed, amended and revised with due regard to the standards applicable to the construction of special education facilities issued by recognized professional organizations.
- (4) No approval or acceptance of a special education facility shall be lawful except on compliance with the standards provided for under this section.

Provision of
special education
in an education
institution

11. Where the Minister or a district board is satisfied that it would be inappropriate for the special educational provision or part thereof which a learner with educational needs in any area calls for, to be made in an education the institution the Minister or the district board concerned may after consultation with the learner's parents or guardian arrange for the special education provision or part thereof to be made otherwise than in a school.

Adult, alternative and appropriate continuing education for learners with special education needs

12. (1) The Minister after consultation with the appropriate educational corporations may give to the Board of Adult, Alternative and Continuing Education such directions of a general or special character with respect to the provision of alternative and continuing education for learners with special educational needs as he may consider necessary.
- (2) In the exercise of its functions and powers the Board of Adult, Alternative and Continuing Education shall comply with the general policy of the Government with respect to the provision of education for learners with special educational needs and shall comply with any general or special directions give to it by the Minister under subsection (1).

Conduct of special service providers

13. (1) It shall be the responsibility of the Special Advisory Education Board to establish and maintain a register of special service providers qualified to provide services to persons with special education needs
- (2) Subject to subsection (4) of this section a person shall be entitled to be registered as a special services provider if: –
- (a) he is or above the age of 22 years;
 - (b) he has been awarded a certificate of proficiency awarded by an association or institute of certified special services providers established under subsection (6);
 - (c) he holds a qualification approved under subsection (3) by the Minister; and
 - (d) he is not disqualified from being registered under subsection (4)
- (3) The Minister may by notice in the Gazette approve other qualifications which he considers sufficient to allow a person to practice as a special service provider under this Act.
- (4) A person shall be disqualified and no such person shall be eligible to be registered by the Board as a special services provider if:-
- (a) he does not meet the requirements of subsection 2(a) to (c)
 - (b) he is an undischarged bankrupt;

- (c) he is of unsound mind;
 - (d) the Minister otherwise determines that he shall not be registered;
 - (e) he is convicted by a court of competent jurisdiction in Kenya or elsewhere of an offence involving contravention of the code of ethics of Special Service Providers formulated under subsection (6);
- (5) Any person aggrieved by the refusal of the Board to register him under this section may within twenty-eight days appeal to the Minister whose decision shall be final.
- (6) The Minister shall compile and maintain a code of conduct to govern the provision of special services required by learners with special educational needs, and such code shall-
- (a) provide for any documentation or information required for the registration of all persons desirous of practicing as special services providers;
 - (b) provide for the formation and recognition of a professional association or institute of certified special services providers; to train or facilitate the training of special services providers;
 - (c) provide for a code of professional ethics to be observed by all special services providers;
 - (d) prescribe offences and penalties for the breach of the code of conduct;
 - (e) prescribe or provide for any other matters with respect to the provision of services which the Minister considers necessary or desirable to prescribe or provide for.

Part III – Identification and Assessment of Children with Special Educational Needs

Register of
learners with
special
educational needs

14. Every district Board shall maintain a register of all learners with special educational needs in their area of jurisdiction who are receiving home, hospital institutional or other special education services in non-regular school programmes or are not receiving any special education services at all.

Identification of
children with
special
educational needs

15. (1) Every district Board shall examine or cause to be tested and examined-
- (a) each child attending an educational institution within its area of jurisdiction;
 - (b) child who is not in an education institution but who is suspected to have a learning difficulty or handicap in order to determine whether such child has special educational needs or for the purpose of having such child enrolled in a special programme.
- (2) Where it appears to a district Board that the services of the Ministry for the time being responsible for health or a local health authority would be required in the exercise of any of their functions under this section, they may request the help of the Ministry or the local health authority.
- (3) A district Board shall notify the parent or guardian of any child in respect of whom any action under this section is contemplated prior to undertaking any such action.

Assessment of
special
educational needs

16. (1) Where a district Board is of the opinion that a child within its area of jurisdiction has or probably has a special educational need and it is necessary for the district Board to determine the educational provision which any learning difficulty he may have calls for, it shall serve a notice on the child's parent or guardian informing him that it proposes to make an assessment, and of his right to make representations in relation thereto within the time and in the manner prescribed in the notice.
- (2) Upon the expiry of the period specified in the notice and if the district Board remains of the opinion after taking into account any representation made to it in response to the notice under subsection (1) the district Board shall make an assessment of the child's special educational needs.
- (3) The district Board shall maintain a statement of a child's special educational needs determined pursuant to an assessment under subsection (2) in such form and containing such information as may be prescribed.
- (4) Any person authorized by the district Board shall be entitled to have access at any reasonable time to the premises of any school for the purpose of monitoring the special educational provision made in pursuance of the statement maintained for a child at the educational institution.

Part IV – Institutional Management of Special Education

Establishment of
Special Education
Advisory Board

17. (1) There is established within the Ministry a board to be known as the Special Education Advisory Board.
- (2) The Advisory Board shall consist of a chairman and six other members appointed by the Minister from among persons appearing to the Minister to be qualified as having experience and having shown capacity in the provision of special education.
- (3) The Advisory Board may invite any person who in the opinion of the Advisory Board has expert knowledge concerning the functions of the Board to attend any meeting of the Board and take part in the proceedings but such invited person shall not have any voting rights.
- (4) The functions of the Advisory Board shall be-
- (a) to examine, comment and advise the Minister on any rules and regulations proposed to be made under this Act,
 - (b) to advise the Minister and any government agency on any matter pertaining to the provision of special education;
 - (c) to make an annual report to the Minister which report shall be published in the Gazette on the progress or lack thereof made in special education by the Government, its agencies and institutions.
 - (d) such other functions as may be conferred on the Advisory Board by the Minister.
- (5) The Minister may by order provide for any matter which it is necessary or desirable to provide for in relation to the Advisory Board.

Special education
resource centres

18. (1) The Minister shall establish a special education resource centre in every district and shall secure that the centre is properly and adequately staffed with appropriately qualified personnel.
- (2) The functions of a district special education resource centre shall be-
- (a) to provide expert, economic and efficient diagnostic, therapeutic and corrective educational resources and

other services for the assistance of children with special educational needs;

- (b) to provide special education and corrective and supportive services for all children with special educational needs in the district;
 - (c) to provide home or hospital instruction and corrective and supportive services to handicapped children in the district in cases where the nature and severity of the handicap make the provision thereof in regular educational institutions impracticable;
 - (d) to assist educational institutions in designing individualized instructional programmes for children, conduct educational and psychological assessment, plan curriculum implementation and provide outreach services to children not in educational institutions and to provide advisory services to educational institutions in their jurisdiction; and
 - (e) to carry out such other functions as the Minister may prescribe.
- (3) So far as is practicable, a resource centre shall be established at, in conjunction with, or in close proximity to one or more primary and secondary schools but where it is impractical so to do, the resource centre may provide services in its own facilities.

Establishment of units for provision of material and equipment

19. (1) The Minister shall establish and maintain a unit or units for development, production, procurement and distribution of special equipment, materials, supplies and devices for use in the education of learners with special educational needs.
- (a) In addition to any other functions which the unit or units may be required by the Minister to serve, the unit or units shall-
 - (b) provide instruction in the operation or use of equipment, materials, supplies and services referred to under subsection (1);
 - (c) accept, administer and utilize government aid and any other grants, gifts or donations of funds, equipment, materials, supplies, facilities and services in connection with any of its authorized functions and comply with any lawful requirements or conditions attached thereto;

- (d) furnish, lend or otherwise make available upon such terms as may be prescribed, equipment, materials, supplies and devices to public educational institutions and private non-profit educational institutions.

Establishment of district coordination mechanisms

20. The Minister may establish mechanisms providing for the coordination of the activities of district Boards for the purpose of assisting the district Boards to meet their obligations in relation to the provision of education to children with special educational needs and shall prescribe and provide for any matters which are required to be prescribed or provided for in relation thereto.

Part V – Special Competences of Teaching and Non-teaching Staff

Technical assistance and personnel training

21. (1) The Ministry upon the request of any person may provide technical assistance in the formulation of any plan or subsequent report required pursuant to this Act.
- (2) The unit or units established under section 19 shall conduct an in-service training programme which shall be available subject to such conditions as the Minister may provide to any teacher of learners with special needs in the regular employment of an educational institution, organization or programme which would be an eligible applicant for equipment, materials, supplies or devices pursuant to section 19(2)(c).

Training of special teachers

22. No teacher or officer shall be appointed to teach or supervise the teaching of children with special educational needs unless such teacher has passed proficiency and competency tests in the provision of such education in one or more of the following sign language, Braille, orientation and mobility, speech therapy, behaviour management, and similar proficiencies and competencies and is the holder of a certificate or other award issued by an institution recognized as competent to issue such certificates under the Education Act.

Training of non-teaching staff

23. The non-teaching professional staff of every special education institution and any person providing special education services in special schools shall be qualified in their special areas.

Part VI – Financing of Special Education

Establishment of Special Education Trust Fund

24. (1) There is hereby established a fund to be known as the Special Education Trust Fund.
- (2) The Fund shall be managed and administered by the Commission for Educational Financing.

(3)

- (a) The funds and resources of the Fund shall consist of-
 - (i) such sums as may be appropriated by Parliament and paid to the Commission for Educational Financing for purposes of financing special education;
 - (ii) any loan granted to the Fund by the Government or any other person with the approval of the Minister;
 - (iii) any sums or property which in any manner become payable to the Commission for Educational Financing or vest in the Commission for Educational Financing in respect of the financing of special education;
 - (iv) any sums or property which may be donated to the Fund; and
 - (v) any levies that may from time to time be imposed;
- (b) The moneys in the Fund shall be applied solely for the purposes of financing the provision of special education under this Act or any other law.
- (c) Without prejudice to the generality of paragraph (b), the Commission for Educational Financing shall make grants from the Fund, to district Boards, resource centres and other appropriate entities for the purposes of making it possible for recipients to-
 - (i) secure technical assistance with planning, design, acquisition and construction of facilities or equipment for the education of learners with special education needs;
 - (ii) supplement otherwise available but inadequate funds for planning, design, acquisition, and construction of facilities or equipment for the education of learners with special education needs.

Government financial aid to institutions catering for special educational needs

25. Government financial aid may be applied for and may be paid by the Ministry to any district Board, resource centre or other entity approved by the Minister to receive aid for each of the following elements-

- (a) the education of learners with special education needs in the regular programmes of the district or entity;
- (b) the education of learners with special education needs in special classes, schools and programmes designed to meet their special needs and the furnishing or corrective or remedial services;
- (c) the furnishing of transportation

Part VII – The Special Education Tribunal

Establishment of Special Education Tribunal

26. There is hereby established a tribunal to be called the Special Education Tribunal consisting of a chairman and four other members appointed by the Minister.

Term of office

27. A member of the Tribunal shall be appointed for a term of four years and shall be eligible for re-appointment but such member shall cease to hold office upon attaining the age of seventy years.

Qualification for appointment

28. (1) A person shall not be appointed as chairman of the Tribunal unless he is eligible for appointment as a judge of the High Court.
- (2) A person shall not be appointed as a member of the Tribunal other than the Chairman unless he appears to the Minister to be qualified for appointment by virtue of his/her knowledge of and experience in the provision of education to persons with special educational needs.

Oath of office

29. Before entering upon the duties of the office a member of the Tribunal shall take an oath or make an affirmation before a judge of the High Court that he will faithfully and impartially perform the duties of his office.

Vacation of office

30. (1) If in the opinion of the Minister a member is unfit to continue in office or is incapable of performing his/her duties, the Minister may revoke his/her appointment.
- (2) A member may resign his/her office by notice in writing to the Minister and his/her resignation shall take effect immediately upon receipt of the letter of resignation by the Minister.

Functions and
jurisdiction of the
tribunal

31. (1) The Tribunal shall have jurisdiction at the insistence of any interested person to review any action or omission by any person other than the Minister on the grounds that in consequence of the action or omission a learner with special needs has been or is about to be-
- (a) unfairly denied entry or continuance in a programme of special education appropriate to his/her condition and needs;
 - (b) placed in a special education programme which is inappropriate to his/her condition and needs;
 - (c) unfairly denied educational services because no suitable programme of education or related services is maintained;
 - (d) provided with special education or other education which is insufficient in quality or quantity to satisfy the requirements of law;
 - (e) assigned to a programme of special education when he /she is not handicapped; or
 - (f) is not being properly or professionally instructed or receiving quality support services.
- (2) The Tribunal shall have as regards the exercise of its jurisdiction under this Act all such powers, rights and privileges as are vested in a superior court of record.
- (3) Where the Tribunal is in doubt whether it has jurisdiction to hear and determine any question under this section, it may refer the matter to the High Court for decision.

Procedure of the
Tribunal

32. (1) The Minister shall formulate and publish in the Gazette rules of procedure of the Tribunal.
- (2) Subject to the rules of procedure contemplated under subsection (1), the Tribunal may regulate its own procedure.

Appeals to the
Minister

33. (1) Any person who is aggrieved by the decision of the Tribunal in the exercise of its jurisdiction may appeal to the Minister within 28 days of that decision.
- (2) The decision of the Minister on an appeal from the decision of

the Tribunal shall be final.

Allowances and
expenses

34. (1) The Minister shall pay to any person in respect of service as a member of the Tribunal, such remuneration and allowances as the Minister may with the approval of the Treasury determine.
- (2) The Minister may pay such allowances for the purpose of or in connection with the attendance of persons at the Tribunal as she may with the approval of the Treasury determine.
- (3) The Minister may defray the expenses of the Tribunal to such amount as he/she may with the approval of the Treasury determine.

Part VIII – Miscellaneous

Subsidiary
legislation

35. The Minister may make subsidiary legislation for the better operation of this Act and such subsidiary legislation may provide for such matters as the Minister considers it necessary or desirable to provide for or prescribe for the carrying into effect of the provisions of this Act.

Offences

36. Any person who-
- (a) denies or prevents any child who is in need of special education from receiving or gaining access to such education;
 - (b) prevents a district board from assessing or examining children in or out of school with a view to determining whether or not they are in need of special education services; or
 - (c) otherwise prevents any other person from exercising their functions under this Act commits an offence and is liable to a fine of one hundred thousand shillings or six months imprisonment or to both such fine and imprisonment.

Appendix Six

Kenya National Examinations Council (Amendment) Bill

Arrangement of Clauses

1. Short title
2. Amendment of long title
3. Amendment of Section 1
4. Amendment of Section 2
5. Repeal of Part II
6. Amendment of Part III
7. Amendment of Section 5
8. Amendment of Section 6
9. Amendment of Part IV
10. Amendment of Section 7
11. Amendment of Section 8
12. Amendment of Section 9
13. Amendment of Section 10
14. Amendment of Part V
15. Amendment of sections 11, 12 and 13
16. Amendment of Section 14
17. Amendment of Section 15
18. Amendment of sections 16 and 17
19. Savings and Transitional

Appendix Six

Kenya National Examinations Council (Amendment) Bill

Arrangement of Clauses

A Bill for

An Act of Parliament to amend the Kenya National Examinations Council Act to make provision for the, conduct of public examinations and for the constitution, control and administration of the Public Examinations Board and for connected purposes

ENACTED by the Parliament of Kenya as follows-

Short title	1. This Act may be cited as the Kenya National Examinations Council (Amendment) Act.
Amendment of long title	2. The Kenya National Examinations Council Act (in this Act referred to as the principal Act) is amended by repealing the long title and substituting therefor the following:-
Cap 225A	“An Act of Parliament to make provision for the conduct of public examinations and for the constitution control, and administration of the Public Examinations Board and for connected purposes”.
Amendment of Section 1	3. Section 1 of the principal Act is amended by repealing “Kenya National Examinations Council Act” and substituting “Public Examinations Act, and shall be read subject to the Education Act.”
Amendment of Section 2	4. Section 2 of the principal Act is amended-
	(a) by repealing “Council” wherever it occurs and substituting “Board”;
	(b) in the definition of “certificate” by inserting immediately before the words “showing results”, the words “and designated as such”;
	(c) in the definition of “diploma” by inserting immediately before the words “showing results”, the words “ and designated as such”;
	(d) by inserting the following definitions in their appropriate alphabetical positions-

“assessment” means an evaluation for the purposes of determining the level of knowledge and skill of a learner in any subject or discipline”;

“Educational corporation” has the meaning assigned to it in the Education Act.

“Examination” means an assessment by means of written exercises however designed, oral questions and other modalities for which written responses are required;

“private examination” and “public examination” have the meanings assigned to them in the Education Act.

Repeal of Part II

5. The principal Act is amended by repealing Part II

Amendment of Part III

6. Part III of the principal Act is amended as Follows:-

- (a) by renumbering the Part as Part II;
- (b) in the heading thereof by repealing “COUNCIL” and substituting therefor “BOARD”.

Amendment of Section 5

7. Section 5 of the principal Act is amended by –

- (a) renumbering it as section 3
- (b) repealing subsection (1) and substituting the following-

“3(1) The Board shall consist of-

- (a) a chairman appointed by the President;
- (b) the Permanent Secretary of the Ministry for the time being responsible for education;
- (c) the secretary to the Commission for Basic Education;
- (d) the secretary to the Commission for Higher Education;

- (e) the secretary to the Commission for Educational Financing;
 - (f) the secretary to the Council of the Kenya Institute of Special Education;
 - (g) the secretary to the National Council for Education;
 - (h) the Director of Education;
 - (i) the Director of Industrial Training;
 - (j) the Director of Personnel Management;
 - (k) the Director of the Kenya Institute of Education;
 - (l) two members appointed by the Minister each of whom shall be a member of the Senate of a university in Kenya;
 - (m) the Chief Inspector of schools;
 - (n) one member nominated by the Teaching Service and appointed by the Minister;
 - (o) not more than four members co-opted to the Board by resolution”.
- (c) by repealing subsections (3) and (4);
 - (d) by re-numbering subsection (5), (6) and (7) as (4), (5) and (6) respectively.

Amendment of
Section 6

8. Section 6 of the principal Act is amended by-

- (a) repealing “Council” and substituting “Board”.
- (b) renumbering the section as Section 4.

Amendment of
Part IV

9. Part IV of the principal Act is amended by-

- (a) repealing “Council” and substituting “Board”.
- (b) renumbering the Part as Part III.

Amendment of
Section 7

10. Section 7 of the principal Act is amended by:-

- (a) renumbering the section as section 5.
- (b) repealing “Council” wherever it appears and substituting “Board”.

Amendment of
Section 8

11. Section 8 of the principal Act is amended by-

- (a) repealing “Council” wherever it occurs and substituting “Board”;
- (b) in paragraph 1(b) repealing “higher” immediately after the words “being responsible for”;
- (c) repealing paragraph 1(c) and substituting the following-
“(c) the chairman of the Commission for Educational Financing; and”
- (d) repealing paragraph 1(d) and substituting the following-
“(d) six other members”.
- (e) by numbering the section as section 6.

Amendment of
Section 9

12. Section 9 of the principal Act is amended by repealing “Council” wherever it occurs and substituting “Board” and renumbering the section as section 7.

Amendment of
Section 10

13. Section 10 of the principal Act is amended-

- (a) by repealing “Council” wherever it occurs and substituting “Board”.
- (b) by repealing paragraphs (a)-(e) and substituting the following:-
 - (a) to conduct public examinations within Kenya;
 - (b) to process examination results and issue certification to an appropriate educational corporation for the purposes of award of certificates or diplomas to successful candidates in public examinations;

- (c) at the request of an institution authorized to conduct private examinations, to conduct such examinations and issue certification in request thereof.
- (d) to advise the Minister or an educational corporation on the adaptation of foreign examinations to the students and requirements of examinations in Kenya.
- (e) to assess or examine any candidate for purposes of determining the equivalence or otherwise of qualifications offered by such candidate, to those attained in public examinations in Kenya.
- (f) to make rules regulating the conduct of examinations including rules making provision for the special needs and peculiar circumstances of candidates and for purposes connected thereto”.

Amendment of Part V

14. Part V is amended by renumbering the part as Part IV.

Amendment of sections 11, 12 and 13

15. Sections 11, 12 and 13 of the principal Act are amended-

- (a) by repealing “Council” wherever it occurs and substituting “Board”.
- (b) by renumbering the sections as sections 9, 10 and 11.

Amendment of Section 14

16. Section 14 of the principal Act is amended-

- (a) by repealing “Council” wherever it occurs and substituting “Board”;
- (b) renumbering the section as section 12.

Amendment of Section 15

17. Section 15 of the principal Act is amended-

- (a) by repealing “twelve months” and “five thousand” where they occur and substituting “three years”

and “fifty thousand” respectively.

(b) renumbering the section as section 13.

Amendments of
sections 16 and
17

18. Sections 16 and 17 of the principal Act are amended by renumbering the sections as sections 14 and 15.

savings and
Transitional

19. Upon the date of the coming into operation of this Act-

- (a) all assets and liabilities of the Kenya National Examinations Council, (in this section referred to as “the Council”) shall be transferred and vest in the Public Examinations Board in (this section referred to as “the Board”) without further assurance and the Board shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities;
- (b) every agreement, deed, bond or other instrument to which the Council was a party or which affected the Council and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Board were a party thereto or affected thereby instead of the Council and as if for every reference (whether express or implied) therein to the Council there were substituted in respect of anything to be done on or after such date of coming into operation, a reference to the Board;
- (c) any proceedings pending immediately before such date of coming into operation to which the Council was a party shall be continued as if the Board was a party thereto in lieu of the former Board;
- (d) all the members of the former Council shall become members of the Board and shall be deemed to have retired but subject to the provisions of this Act may be re-appointed as members of the Board;
- (e) all other staff of the Council shall, unless the Minister otherwise decides, become the corresponding staff of the Board and shall continue in office for the period for which they were appointed as staff of the Council.

Appendix Seven

Board of Adult Education (Amendment) Bill

Arrangement of Clauses

1. Short title
2. Repeal of long title
3. Amendment of Section 1
4. Amendment of Section 2
5. Amendment of Section 3
6. Amendment of section 4
7. Amendment of section 9
8. Amendment of Section 10
9. Amendment of sections 11 and 12
10. Savings and Transitional

THE BOARD OF ADULT EDUCATION (AMENDMENT) BILL

A Bill for

An Act of Parliament to amend the Board of Adult Education Act to establish a legal framework for the provision of adult, alternative and continuing education and for connected purposes.

ENACTED by the Parliament of Kenya as follows-

Short title.	1. This Act may be cited as the Board of Adult Education (Amendment) Act.
Repeal of long title. cap 223	2. Board of Adult Education Act (in this Act referred to as the Principal Act) is amended by repealing the long title and substituting therefor- “An Act of Parliament to establish a Board of Adult, Alternative and Continuing Education to co-ordinate and promote activities in adult, alternative and continuing education in Kenya and for connected purposes.”
Amendment of Section 1.	3. Section 1 of the principal Act is amended- (a) by repealing the words “Adult Education” and substituting therefor “Adult, Alternative and Continuing Education”. (b) by deleting the full-stop at the end thereof and inserting the words “and shall be read subject to the Education Act”.
Amendment of section 2.	4. Section 2 of the principal Act is amended by repealing the existing definitions and substituting the following- “agency” means any association, organization or institution concerned with alternative and continuing education other than any Ministry or any Department of Government or any association, organization or institution for which a Minister is responsible; “adult education” means continuing education for persons above the age of sixteen years and includes programmes to impart literacy to such persons; “alternative education” means organized and sustained educational activities taking place both within and outside educational institutions that do not correspond exactly to those provided in the system of schools, colleges, universities and other formal educational institutions, and includes basic education for out of school children, life skills training, vocational skills training, <i>chuos</i> , <i>duksis</i> and <i>madrassas</i> .

“Board” means the Board of Adult Alternative and Continuing Education established by the Education Act;

“continuing education” means the full-time or part time education or instruction of any kind provided for any person who is not in full time attendance at any basic education institution or at a university (except to the extent that any department, institute or faculty at such university is devoted to continuing education) and includes professional and paraprofessional education, education by correspondence, education by means of the media of mass communication and the educational use of libraries, museums, exhibitions and other means of visual or auditory communication;

“educational corporation” has the meaning assigned to it by the Education Act;

“Minister” means the Minister for the time being responsible for education;

“Panel” means the Advisory Panel established under section 9 of this Act.”

Amendment of
section 3

5. Section 3 of the principal Act is repealed and the following substituted-

Functions of the
Board

- 3(1) The functions of the Board shall be:-
- (a) to advise the Minister or the appropriate educational corporation on any matter relating to adult, alternative and continuing education, including the formulation of courses and syllabuses, the establishment of residential and non-residential institutions, and the use of museums, libraries and media of mass communication;
 - (b) the periodic review, monitoring and re-design of adult, alternative and continuing education programmes;
 - (c) the standardization and assurance of quality in respect of programmes offered by registered adult, alternative and continuing education institutions;
 - (d) to stimulate and assess the need for new developments in adult, alternative and continuing education;
 - (e) to report every six months to the appropriate educational corporation established under the Education Act on the progress and development of adult, alternative and continuing education;

- (f) to co-ordinate all adult, alternative and continuing education programmes and ensure development of and adherence to the standards set nationally including those offered in all public and private educational institutions;
- (g) to co-ordinate courses offered in adult, alternative and continuing education and ensure that they receive recognition by the relevant examining bodies;
- (h) to undertake mobilization and awareness campaigns to create and sustain public interest in adult, alternative and continuing education;
- (i) to co-ordinate the use of available resources and facilities for adult, alternative and continuing education;
- (j) to co-ordinate and facilitate inter-agency collaboration and the inclusion of all stakeholders including learners in the design, management and delivery of adult, alternative and continuing education programmes;
- (k) to perform such other functions as may be conferred on the Board by this Act or other law; and
- (l) to collaborate with educational corporations on all or any of the above issues.

(2) Notwithstanding the generality of subsection (1) the Board shall not perform any function for which an educational corporation is responsible under the Education Act or other law.

(3) All certification of proficiency levels and the grant of certificates and diplomas in adult, alternative and continuing education shall be made or issued by the appropriate educational corporation.

(4) The Minister, in consultation with the appropriate educational corporation, shall ensure that sufficient funding is available to enable the Board-

- (a) discharge its day-to-day functions;
- (b) make disbursements for adult, alternative and continuing education programmes; and
- (c) grant bursaries and financial assistance to persons enrolled in adult, alternative and continuing education programmes.

Amendment of
section 4

6. Section 4 of the principal Act is amended-
- in subsection (1)(b) by repealing the words
 - (a) “adult education” and substituting “adult, alternative and continuing education”.
 - (b) by inserting the following provision immediately after

paragraph 1(c)-

“Provided that at least one third of all the members of the Board shall be women and at least one member shall be a person with a disability.”

(c) by adding a new subsection (3) as follows-

“(3) A person shall not be qualified to be a member of or co-opted the membership of the Board unless he/she has had at least five years of experience in the provision or management of adult, alternative and continuing education.”

Amendment of
Section 9

7. Section 9 of the principal Act is amended-

(a) in sub-section (1) by repealing the word “may” and substituting therefor “shall”

(b) by adding a new subsection 2 as follows-

“A person shall not be appointed to an Advisory Panel unless he/she has had at least five years in the provision or management of adult, alternative and continuing education programmes”.

Amendment of
section 10.

8. Section 10 of the principal Act is amended-

(a) by inserting the following subsection immediately after subsection (1)-

“(2) A person appointed under subsection (1) must have at least seven years of experience in the provision of adult, alternative and continuing education”;

(b) by renumbering subsection (2) as subsection (3).

Amendment of
sections 11 and
12.

9. Sections 11 and 12 are amended by renumbering section 12 as section 11 and section 11 as section 12.

Savings and
Transitional.

10. Upon the date of the coming into operation of this Act-

a) all assets and liabilities of the Board of Adult Education, (in this section referred to as “the former Board”) shall be transferred and vest in the Board of Adult, Alternative and Continuing Education (in this section referred to as “the Board”) without further assurance and the Board shall have all powers necessary to take possession of, recover and deal with such assets and discharge such liabilities;

b) every agreement, deed, bond or other instrument to which the former Board was a party or which affected the former Board and whether or not of such a nature that the rights, liabilities and obligations thereunder could be assigned, shall have effect as if the Board were

a party thereto or affected thereby instead of the former Board and as if for every reference (whether express or implied) therein to the former Board there were substituted in respect of anything to be done on or after such date of coming into operation a reference to the Board;

- c) any proceedings pending immediately before such date of coming into operation to which the former Board was a party shall be continued as if the Board was a party thereto in lieu of the former Board;
- d) all the members of the former Board shall become members of the Board and shall be deemed to have retired but subject to the provisions of this Act may be re-appointed as members of the Board; and
- e) all other staff of the former Board shall unless the Board with the approval of the Minister otherwise decides, become the corresponding staff of the Board and shall continue in office for the period for which they were appointed as staff of the former Board.