

Department of Education



Republic of Kenya

A Policy Framework for Education

*Aligning Education and Training to the Constitution of Kenya (2010) and Kenya Vision
2030 and beyond*

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TABLE OF CONTENT

Abbreviations and Acronyms Update.....	iii
CHAPTER ONE: INTRODUCTION	9
Policy Initiatives	11
Implications of the Constitution of Kenya (2010) on the Education and Training Sector	11
Core issues relating to Education in the Constitution.....	13
The Bill of Rights.....	13
Devolution to the counties	14
Ministerial reorganization	16
 CHAPTER TWO: PHILOSOPHY, VISION, MISSION MANDATE AND GOALS..	18
OF EDUCATION AND TRAINING	18
Introduction.....	18
Philosophy of Education.....	18
Vision.....	18
Mission.....	19
Mandate.....	19
Guiding Principles	19
National Goals of Education.....	20
Objectives of Pre-primary education	20
Objectives of Primary Education	21
Objectives of Secondary education.....	21
Objectives of Village Polytechnic/Vocational education	22
Objectives of Adult and Continuing education.....	22
Objectives of non-Formal education.....	22
Performance Targets	25
 CHAPTER THREE: THE MACRO-ECONOMIC CONTEXT.....	27
Role of Education and Training in the Realization Vision 2030	30
Key Challenges	33
Non formal Education.....	36
Special Needs Education.....	36
Adult and Continuing Education	37
Secondary Education	37
Technical Industrial and Vocational Education and Training	38
University Education	38
Teacher Education	39
Private Sector Provision of Education	39
Key Challenges Across the Sector	39
 CHAPTER FOUR: ENHANCING ACCESS, EQUITY, QUALITY AND	
RELEVANCE	42
Introduction.....	42
Primary Education	43
Secondary Education	46
Special Needs Education.....	49
Adult, Continuing and Non-Formal Education.....	51
 CHAPTER FIVE: EDUCATION FOR MARGINALISED, HARD-TO-REACH AND	
VULNERABLE GROUPS	54

Government shall implement the following strategies under NFE.....	57
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CHAPTER SIX: CURRICULUM AND ASSESSMENT.....58

Relevance of the Curriculum	58
Curriculum content	59
Assessment and Examinations	62
Standards and Quality Assurance (QAS).....	63
National Qualifications Framework (NQF) and National Assessment System (NAS)	65
Mentoring, Moulding and Nurturing of National Values	67

CHAPTER SEVEN: INFORMATION AND COMMUNICATION TECHNOLOGY (ICT), OPEN AND DISTANCE LEARNING (ODL) IN EDUCATION AND TRAINING

Information and Communication Technology	70
Open and Distance Learning (ODL).....	73

CHAPTER EIGHT: GOVERNANCE AND MANAGEMENT OF EDUCATION AND TRAINING

Governance of the Education Sector.....	76
Management of the Education Sector	80
Human Resource Development and Management.....	81
Human Resource Development: Administrative, Management and Support Personnel	81
Human Resource Development: Teacher Education and Development	83

CHAPTER NINE: PLANNING, IMPLEMENTATION, MONITORING AND EVALUATION

Planning of Education and Training	86
Monitoring and Evaluation	88

CHAPTER TEN: FINANCING AND RESOURCE MOBILIZATION

Pre-Primary	92
Primary.....	94
Special Education.....	96
Secondary Education	97

CHAPTER ELEVEN: PUBLIC-PRIVATE PARTNERSHIP IN EDUCATION AND TRAINING

.....	100
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CHAPTER TWELVE: LEGAL FRAMEWORK

International Conventions.....	103
Legislation to be implemented.....	103

List of Figures

Figure 2.1 Targeted and Real Gross Domestic Product: 2008-2011	28
Figure 2.2 Linkage between Education and Training and Economic Pillar	31
Figure 2.3 Linkage between Education and Training and Social Pillar	32
Figure 2.4 Linkage Between Education and Training and Political Pillar	32

Abbreviations and Acronyms Update

ABE	Adult and Basic Education
ACCA	Association of Chartered Accountants
ACE	Adult and Continuing Education
AIDS	Acquired Immuno-deficiency Syndrome
ASAL	Arid and Semi-Arid Lands
BOGs	Board of Governors
BOM	Board of Management
BOT	Board of Trustees
CATS	Competence Assessment Tests
CBO	Community Based Organization
CDE	County Director of Education
CDEs	County Directors of Education
CDF	Constituency Development Fund
CEB	County Education Board
CEC	County Education Committees
CEMASTE	Centre for Mathematics and Science in East Africa
CEO	County Education Officer
CHE	Commission for Higher Education
CPA	Certified Public Accountant – Kenya
CPD	Continuous Professional Development
CPE	Continuous Professional Education
CPS	Certified Public Secretaries - (CPS-K)

CPU	Central Planning Unit
CRC	Convention on the Rights of the Child
DACE	Director Adult & Continuing Education
DBE	Director of Basic Education
DEOs	District Education Officers
DFOS	Director of Field & Other Services
DGE	Director General of Education
DHRM	Director of Human Resource Management
DPP&EACA	Director of Policy, Partnerships & East African Community Affairs
DQAS	Director of Quality Assurance & Standards
DSTE	Director of Secondary & Tertiary Education
EAC	East Africa Community
EARCs	Education Assessment Resource Centres
ECDE	Early Childhood Development Education
EFA	Education For All
EMIS	Education Management Information System
ERSWEC	Economic Recovery and Wealth Employment Strategy
ESQAC	Education Standards and Quality Assurance and Commission
FBO	Faith Based Organization
FDSE	Free Day Secondary Education
FPE	Free Primary Education
KJSC	Kenya Junior Secondary Certificate
GDP	Gross Domestic Product

GER	Gross Enrolment Rate
GPI	Gender Parity Index
HELB	Higher Education Loans Board
HIV	Human Immuno-deficiency Virus
HRD	Human Resource Development
HRM	Human Resource Management
HTELB	Higher Education and Tertiary Education Loans Board
IB	International Baccalaureate
ICT	Information and Communication Technology
ICTEC	National Centre for ICT in Education
IGCSE	International General Certificate of Secondary Education
INSET	In service Education & Training
IT	Information Technology
JKF	Jomo Kenyatta Foundation
KASNEB	Kenya Accountants and Secretaries National Examinations Board
KEAC	Kenya Education Assessment Council
KEMI	Kenya Education Management Institute
KESI	Kenya Education Staff Institute
KICD	Kenya Institute for Curriculum Development
KIE	Kenya Institute of Education
KIHBS	Kenya Integrated Budget and Household Survey
KIPO	Kenya Intellectual Property Right Organization
KISE	Kenya Institute of Special Education

KJSC	Kenya Primary Certificate
KLB	Kenya Literature Bureau
KLSSA	Kenya Lower Secondary Scholastic Assessment
KNALS	Kenya National Adult Literacy Survey
KNATCOM	Kenya National Commission on for UNESCO
KNEC	Kenya National Examinations Council
KPC	Kenya Primary Certificate
KPSA	Kenya Primary Scholastic Assessment
KSSC	Kenya Senior Secondary Examination
LATF	Local Government Transfer Fund
MDGs	Millennium Development Goals
MoE	Ministry of Education
MoH	Ministry of Health
MoHEST	Ministry of Higher Education Science and Technology
MVC	Most Vulnerable Children
NACONEK	Natural Council for Nomadic Education in Kenya
NAS	National Assessment System
NESIP	National Education Sector Investment Programme
NCEOP	National Committee on Educational Objectives and Policies
NEB	National Education Board
NER	Net Enrolment Rates
NFE	Non Formal Education
NFECs	Non Formal Education Centres

NFS	Non Formal Schools
NGOs	Non-Governmental Organizations
NPs	National Polytechnics
NQF	National Qualification Framework
NSCT	National Council for Science and Technology
NCRST	National Council for Research Science and Technology
NCRI	National Council for Research and Innovation
ODL	Open and Distance Learning
OVC	Orphans Vulnerable Children
PC	Performance Contracting
PCR	Primary Completion Rates
PDEs	Provincial Directors of Education
PPP	Public Private Partnerships
PS	Principal Secretary
PSC	Public Service Commission
PTA	Parents Teachers Association
PTR	Pupil Teacher Ratio
QAS	Quality Assurance and Standards
SAGAs	Semi-Autonomous Government Agencies
SCs	Student Councils
SEBF	Secondary Education Bursary Fund
SEPU	School Equipment Production Unit
SMCs	School Management Committees

SNE	Special Needs Education
SRT	Science Research and Technology
STD	Sexually Transmitted Diseases
SWAP	Sector Wide Approach to Planning
TIVET	Technical, Industrial, Vocational and Entrepreneurship Training
TPR	Teacher Pupil Ration Textbook Pupil Ratio
TSC	Teachers Service Commission
TTCs	Teacher Training Colleges
TTIs	Technical Training Institutes
UN	United Nations
UNESCO	United Nations Education Scientific and Cultural Organization
UPE	Universal Primary Education
UFGC	University Funding and Grants council

CHAPTER ONE: INTRODUCTION

1.1 Since independence the Government of Kenya has been committed to the provision of education to her citizens. Education is seen as the primary means of economic and social mobility, national cohesion and social and economic development. At various times in its history the government has mandated the Education Sector to address major changes to ensure that through the provision of education the country's social and economic goals are realised. Since the last major set of reforms in 1981 the world and Kenya has experienced the impact of globalisation, increasing inter-dependence between and within states and the need for people to become responsible citizens both nationally and internationally. Trade and communications have been revolutionised, whilst human capital requirements, especially as a result of the ICT revolution, have changed out of all recognition.

1.2 The passing into law of a new constitution in Kenya in 2010, which has the Bill Rights at its core, the framing of a blueprint for national development, Kenya Vision 2030, and Government's acknowledgement of the need to reform the education sector to create an education sector fit for purpose, had led to the policy changes embodied in this document. They address both the constitutional requirements and the national aspirations embodied in Kenya Vision 2030, as well as offer direction in modernising the country's education system.

1.3 The Constitution of Kenya (2010) (43.1f) (53.1b) makes education a right of every Kenyan while the Kenya Vision 2030 underscores the importance of education in ensuring relevant human and social capital for sustainable development. The Constitution holds that every child has a right to free and compulsory basic education; and access to affordable tertiary education, training and skills development. At present basic education covers two years of pre-school, 8 years of primary education, 4 years of secondary education and 4 years of basic university degree. Mechanisms which shift the emphasis from knowledge-reproduction to knowledge-production, which improve transition rates and quality and thereby improve efficiency levels and, most critical of all, puts an end to developmental, intellectual and systemic discrimination, as required by the Constitution, shall be developed as this Policy evolves.

1.4 According to the Bill of Rights, basic education is a fundamental human right. This implies that citizens can hold the state accountable for ensuring that every school age going

(age 4-17 years) child is in school and receiving an education of quality. This is consistent with the international education targets and other international conventions to which Kenya is a signatory. For example, the African Charter on the Human and Peoples' Rights, Article 17, provides that every individual shall have a right to education; the African Charter on the Rights and Welfare of the Child, Article 11, articulates detailed provisions on the right to free and compulsory basic education for the child and, state's obligation towards that right; whilst the United Nations International Convention on Social and Economic Rights, Article 13, declares the recognition of the right of all to education and the objectives thereof. The Convention on the Rights of the Child, Articles 28, 29 and 30, secure the rights of a child to free and compulsory basic education. Kenya is also a signatory to the Jomtien Protocols (1992) and the Accra Accord (2002), which established the Millennium Development Goals (MDG) and modalities for assessing progress thereof.

1.5 Kenya Vision 2030 places great emphasis on the link between education and the labour market, the need to create entrepreneurial skills and competences, and strong public and private sector partnerships. It articulates the development of a middle-income country in which all citizens will have embraced entrepreneurship, be able to engage in lifelong learning, learn new things quickly, perform more non-routine tasks, be capable of more complex problem-solving, willing and able to take more decisions, understand more about what they are working on, require less supervision, assume more responsibility, and as vital tools towards these ends, have better reading, quantitative, reasoning and expository skills.

1.6 This has considerable importance for kind of education system required to deliver these skills, competencies and attitudes, as well as for the quality and form of service delivery and, most especially, the nature of the curriculum. It also has considerable relevance to teacher development and management at all levels, and for trainers in the areas of high technology and entrepreneurial skill development.

1.7 Consequently the government has given serious consideration to changes in education service delivery, the introduction of technical, talent and academic curriculum pathways, and the centrality of Information Communication Technology (ICT) to teaching and learning. Kenya Vision 2030 also recognises the need for a literate citizenry and sets targets for eliminating adult illiteracy whilst increasing learning achievements.

Policy Initiatives

1.8 This policy framework is informed by the work of earlier education commissions, task forces, working parties and, more recently, the report of the task force on the realignment of the education sector to Constitution (2010) and Kenya Vision 2030. These aimed at establishing a national system of education to lead Kenya on the path of self-determination (Republic of Kenya, 1964); national unity and economic self-determination (Republic of Kenya, 1976); expansion of secondary education, higher education and the introduction of the 8-4-4 system (Republic of Kenya, 1981); improving financing, quality and relevance (Kamunge, 1988); accelerating industrial and technological development and life-long learning (Republic of Kenya, 2000) and re-aligning the education sector to the Constitution and vision 2030 (Republic of Kenya, 2010). The policy which currently guides operations of the Government of Kenya in the education sector is the Sessional Paper No. 1 of 2005 on Education, Training and Research (Republic of Kenya, 2005).

Create a detailed appendix expounding on para 1.8 (recommendations of the various commissions, etc)

Implications of the Constitution of Kenya (2010) on the Education and Training Sector

All the reforms contained in this Policy document are anchored in the Bill of Rights contained in the Constitution of Kenya (2010).

1.9 The Constitution makes provision for the rights of Kenyan people to education and the provision of education services. In particular:

(a) Article 10(1) of the Constitution states that the national values and principles of governance are binding on all State organs, State officers, public officers and all persons whenever any of them (a) applies or interprets the Constitution; (b) enacts, applies or interprets any law; or (c) makes or implements public policy decisions.

(b) Article 10(2) of the Constitution sets out the national values and principles of governance. These include *inter alia*, the sharing and devolution of power, the rule of law and the participation of the people; equity, inclusiveness, equality, human rights, non-discrimination and the protection of marginalised groups, good governance, integrity, transparency and accountability, and sustainable development.

(c) Article 11(2) (b) and (c) of the Constitution recognises the role of science and indigenous technologies in the development of the nation, and the promotion of intellectual property rights of the people of Kenya.

(d) **Articles 20, 35, 42, and 43** of the Constitution state clearly that every person has the right to education. If the State claims that it does not have the resources to implement the right, a court, tribunal, or other authority shall be guided by the principle that it is the responsibility of the State to show that the resources are not available to meet that constitutional right. The State will give priority to factoring in access to vulnerable groups or individuals (women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities). Every citizen has the right of access to information held by the State and information held by another person and required for the exercise or protection of any right or fundamental freedom. The State shall publish and publicise important information affecting the nation.

(e) **Articles 53, 54, 55, 56, 57, and 59** of the Constitution have provisions on children's right to free and compulsory basic education, including quality services, and to access educational institutions and facilities for persons with disabilities that are integrated into society, to the extent compatible with the interests of the person. This includes the use of Sign language, Braille or other appropriate means of communication, and access to materials and devices to overcome constraints arising from the person's disability. There are also provisions on access for youth to relevant education and training; access to employment; participation and representation of minorities and marginalised groups in governance and other spheres of life, special opportunities in educational and economic fields, and special opportunities for access to employment. The rights of minorities and marginalized groups to reasonable access to water, health services and infrastructure are also enshrined, as is that it is incumbent upon government to develop a culture of human rights, promote gender equality and equity and facilitate gender mainstreaming in national development.

(f) **Articles 62, 63, 66** refer to public land, which will be vested in and held by a county government in trust for the people resident in the county, and shall be administered on their behalf by the National Land Commission; unregistered community land to be held in trust by county governments on behalf of the communities for which it is held; enactment by Parliament of appropriate legislation ensuring that investments in property benefit local communities and their economies. The articles are relevant since educational infrastructure is constructed on public, and or community land.

(g) **Articles 174, 175, 176, 189 and Schedule 4** of the Constitution have provisions on the devolution of services to county governments, ensuring equity, access, quality and special attention to the minorities and marginalised groups.

(h) **Articles 201(a), (d), and (e), 226, and 227** have provisions on Public Finance relating to transparency, accountability, and appropriate governance of public monies.

(i) **Chapter 13 and its articles** on the Public Service provides for the values and principles of public service.

(j) **Article 237** accords special status to the Teachers' Service Commission (TSC).

Core issues relating to Education in the Constitution

1.10 There are three main sets of issues relating to Education in the Constitution: the Bill of Rights; devolution and decentralisation of basic service delivery; and management of education including ministerial reorganisations.

1.10.1 The Bill of Rights

(a) The Constitution affirms the right of all Kenyans to education. **Article 21** recognizes the fundamental duty of the State and every state organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms outlined in the Bill of Rights.

(b) The right to education includes both duties and obligations, which are to be realised immediately and those which are subject to progressive realisation. The obligation to ensure free and compulsory basic education and the prohibition of discrimination in education are, for instance, immediate obligations. These also qualify as 'minimum core obligations' which apply regardless of available resources. On the other hand, most of the obligations relating to the right to education are to be realised progressively according to the maximum available state resources.

(c) Whilst the detailed implications of this Rights Approach to free and compulsory education and related services will need to be determined, it is clear that people will increasingly demand their rights through a more empowered civil society. The provisions of **Article 46 (1 a, b)** are important as they grant consumers the right to goods and services of reasonable quality and to information necessary for them to gain full benefit from goods and services. Education as a service must meet minimum quality standards, which suggest there will be an increase in pressure for improved education service delivery and quality, with

comparisons being made between counties concerning meeting declared indicators and results.

Devolution to the counties

1.10.2 The Constitution of Kenya (2010) provides for devolution and decentralisation of services to the Counties with governors and autonomous counties. There are many issues still to be resolved, such as the relationship between the central government, the counties and the urban local governments. However, it is likely that the initial change process will be fast, as the new county structures are required to be in place by early 2013. The following are specific issues to be addressed:

(a) ***Education as a national responsibility***

(i) The constitution envisages that education will continue to be primarily a national responsibility. This has important implications for National level resource distribution, and the decentralised decision-making.

(b) ***Decentralisation***

Decentralisation of the education sector to the school level is relatively well established. The national Government will set policy, allocating the national education budget, supervising and regulating the education system. In order to avoid over-centralisation of decision-making and implementation, there is particular need to determine:

(i) *The specific education functions are devolved from the National to the County governments.* This is defined by Schedule 4 of the Constitution. There is the opportunity to strengthen County governments to assist the National line ministry to better supervise, , regulate, monitor, evaluate and legislate as appropriate the education sector. The devolved functions would require revising Performance Contracting and appropriate accountability measures;

(ii) *Whether or not each county will have its own education department/unit.* County level authorities shall provide the day-to-day operational support through devolved functions and be empowered appropriately to ensure that accountability is promoted and maintained. Responsibility for managing and implementing education service delivery could also be effectively devolved further. The role of the current provincial, district, division and zonal level education authorities, including Boards of Governors (BOGs), School Management Committees (Primary) SMCs, and Parents-Teachers Association (PTA) will be reviewed and redefined. These sub-authorities

shall be mapped onto county education service delivery systems with authority being given to implement the national policies, and to provide quality assurance and relevant education through county level mechanisms.

(c) ***Resource allocation***

Much will depend on decisions regarding key human resource issues, including recruitment procedures by counties, staff salaries and allowances, and the qualification framework. It is likely that some specialist staff will continue to be recruited and employed centrally. It is envisaged that the counties will receive funding equivalent to 15% of total revenue and access to an “Equalization Fund” (Constitution, clause 204) to provide basic services. There are issues to be resolved regarding:

- (i) Assigning a given proportion of the Equalization Fund to education service delivery at county level;
- (ii) The criteria for allocating the Constituency Development Fund (CDF) if this continues to exist (under guidance from the Resource Allocation Commission);
- (iii) Policies towards user fees;
- (iv) The cost of transferred, new and proposed, functions and services.

Whilst it is usual practice to define functions and then determine resource needs, the current situation in Kenya has been in the reverse, with funding having been defined up-front and resourcing the exact functions of the ministries and districts determined by that. With devolution it will be necessary for Government to fully embrace programme-based, demand-driven budgeting.

(d) ***Management***

- (i) There are issues related to the management of the sector, especially as the Constitution makes the Teacher Services’ Commission (Teacher Management), a former Semi-Autonomous Government Agency (SAGA), a Constitutional Commission. For functional purposes, its relationship with the MoE will have to be clarified and established.
- (ii) Similarly, there are the other SAGAS with specific mandates, which will have to be reviewed in light of the Constitution, including the Kenya Institute of Education (KIE) - Curriculum Development, the Kenya Education Management Institute (KEMI) - Sector capacity building and development, the Kenya National Examination Council (KNEC) - Examinations and Certification, the Jomo Kenyatta Foundation (JKF), the Kenya Literature

Bureau (KLB), the Kenya Institute of Special Education (KISE) and the Centre for Mathematics, Science and Technology in Africa (CEMASTE), School Equipment Production Unit (SEPU), Board of Adult Education (BAE).

The Kenya National Commission (KNATCOM) for UNESCO has a unique mandate of implementing and coordinating five UNESCO programmes (Education, Culture, Natural Science, Social and Human Sciences, and Information and Communication) across twelve (12) key Government Ministries and departments. The Commission derives its mandate from *the UNESCO Constitution and Charter of the National Commissions for UNESCO*. KNATCOM for UNESCO is currently a department under the Ministry of Education and this status has affected its efficiency, effectiveness and visibility as a liaison agency between UNESCO, and State Agencies and organisations dealing with the five areas of competence. KNATCOM shall therefore be strengthened by converting it to a SAGA under the Department of Education.

(e) Infrastructure

There are many issues relating to school infrastructure across the sector. The mainstreaming of early childhood care and education, pre-primary as part of basic education makes the need to address this, critically. While the introduction of the Counties brings new opportunities for service delivery improvements, there are potentially considerable resource implications of the devolution of functions, which will need to be considered carefully.

1.11 All of these issues need to be seen within the context of major reforms within the education sector. *Inter alia*, these relate to embracing shared responsibility for education, introducing credible governance and anti-corruption measures, education sector policies at all education levels.

Ministerial reorganization

1.12 Under the Constitution of Kenya (2010), the Cabinet will be limited to not fewer than 14 and not more than 22 cabinet secretaries, which means that there will be a reorganisation of Ministries.^e There will be need to re-define the role of the Departments responsible for education. For this reason an agreed percentage of the Education budget shall be established

and ring-fenced for Basic Education and Vision 2030 flagship projects reviewed as need arises.

1.13 As per Schedule 4 of the Constitution, functions remaining at the national level shall include: “education policy, standards, curriculum, examinations, granting of university charters, universities, tertiary educational institutions, institutions of research, higher learning and primary schools, special education, secondary schools and special education institutions”. Pre-primary education, village polytechnics, home-craft centres and childcare facilities shall be the responsibility of County government.

CHAPTER TWO: PHILOSOPHY, VISION, MISSION MANDATE AND GOALS OF EDUCATION AND TRAINING

Introduction

2.1 An appropriate education system of a country is founded on a philosophy, vision and mission, which target goals pursued through clearly stated objectives. This chapter spells out the philosophy, vision, mission, goals and policy targets of the Kenyan Education system.

Philosophy of Education

2.2 The Department of Education is guided by the National Philosophy, which places education at the centre-stage of the country's human and economic development strategies. It focuses on the acquisition of knowledge and skills as well as provision of lifelong learning. Education in Kenya shall focus on the development of individual potential in a holistic and integrated manner, whilst producing individuals who are intellectually, emotionally and physically balanced. The provision of a holistic, quality education and training that promotes the cognitive, psychomotor and affective domains of learners will be a priority. As such it will instil values such as patriotism, equality, honesty, humility, mutual respect, and high moral standards.

Vision

2.3 Education service provision aims at providing globally competitive, quality education, training and research. To achieve this, the Ministry has endorsed Vision 2030 and shall focus education and training towards achieving the goals of the Vision and the provisions of the Constitution of Kenya.

2.4 Kenya Vision 2030 articulates the development of a middle income country in which all citizens will have embraced entrepreneurship, be able to engage in lifelong learning, learn new things quickly, perform more non-routine tasks, be capable of more complex problem-solving, willing and able to take more decisions, understand more about what they are working on, require less supervision, assume more responsibility, and as vital tools towards these ends, have better reading, quantitative, reasoning and expository skills.

Mission

2.5 The mission of the Government of Kenya is to create an education and training environment that equips learners with desired values, attitudes, knowledge, skills and competencies, particularly in technology, innovation and entrepreneurship, whilst also enabling all citizens to develop to their full capacity, live and work in dignity, enhance the quality of their lives, and make informed personal, social and political decisions as citizens of the Republic of Kenya.

Mandate

2.6 The mandate of the Education Sector is to provide relevant and quality education that is accessible to all Kenyans in line with the Constitution of Kenya (2010) and Kenya Vision 2030. In so doing to propose strategies to make education in Kenya inclusive, competitive regionally and internationally; whilst at the same time addressing wastage and inefficiency; improving financial management and accountability, and providing an effective education service. The Department of Education shall provide services that promote:

- (a) Economic development; by ensuring that all learners acquire the requisite knowledge, skills and competences to make them productive citizens.
- (b) Social development; by ensuring that all learners are aware of fundamental human rights and obligations, and national values and aspirations, and have the capacity to play a full part in the nation's social and cultural development at a local and national level.
- (c) Political development; by ensuring that all learners have the capacity to play a role in the political life of Kenya at local, national and international level, whilst upholding the rule of law and respect for others. In addition, education will play a role in expanding democratic space and fostering political participation values.

Guiding Principles

2.7 The service will be guided by the following principles. It will:

- (a) Affirm and enhance patriotism, national unity, mutual social responsibility and the ethical and moral foundation of our society.
- (b) Provide an education for all that:
 - Has open door and alternative systems of entry to ensure opportunities for continuous learning;

Emphasises quality; equity of access and relevance in its services;

- Prioritises science, technology and innovation;
- Focuses on entrepreneurship, agricultural and industrial development;
- Identifies and nurtures learners' talents and gifts.

National Goals of Education

2.8 The following are the Department of Education National Goals of Education:

- (i) Foster nationalism, patriotism and promote national unity.
- (ii) Promote the socio-economic, technological and industrial skills for the country's development.
- (i) Promote individual development and self-fulfilment.
- (iv) Promote sound moral and religious values.
- (v) Promote social equality and responsibility.
- (vi) Promote respect for and development of Kenya's rich and varied cultures.
- (vii) Promote international consciousness and foster positive attitudes towards other nations.
- (viii) Promote positive attitudes towards good health and environmental protection.

2.8.1 Objectives of Pre-primary education

- (i) Provide education geared towards development of the child's mental and physical capabilities
- (ii) Enable the child enjoy living and learning through play
- (iii) Develop the child's self-awareness, self-esteem and self-confidence
- (iv) Enable the child develop understanding and appreciation of his/her culture and environment
- (v) Foster the child's exploratory skills, creativity, self expression and discovery.
- (vi) Identify the child with special needs and align him/her with existing services.
- (vii) Enable the child build good habits and acquire acceptable values and behaviour for effective living as an individual and member of society
- (viii) Foster the spiritual and moral growth of the child
- (ix) Improve the status of the child's health, care and nutritional needs, and link him/her with health promotion services.
- (x) Enrich the child's experience to enable him/her cope better with primary school life.

- (xi) Develop the child's aesthetic and artistic skills.

2.8.2 Objectives of Primary Education

- (i) Acquire literacy, numeracy, creativity and communication skills.
- (ii) Enjoy learning and develop desire to continue learning.
- (iii) Develop ability for critical thinking and logical judgement.
- (iv) Appreciate and respect the dignity of work.
- (v) Develop desirable social standards moral and religious values.
- (vi) Develop into self disciplined, physically fit and healthy person.
- (vii) Develop aesthetic values and appreciate own and other people's cultures.
- (viii) Develop awareness and appreciation of the environment.
- (ix) Develop awareness of and appreciation for other nations and international community.
- (x) Instil respect and love for own country and the need for harmonious co-existence.
- (xi) Develop individual talents.
- (xii) Promote social responsibility and make proper use of leisure time
- (xiii) Develop awareness and appreciation of the role of technology in national development.

2.8.3 Objectives of Secondary education

- (i) Acquire necessary knowledge, skills and attitudes for the development of the self and the nation.
- (ii) Promote love for and loyalty to the nation.
- (iii) Promote harmonious co-existence among the peoples of Kenya.
- (iv) Develop mentally, socially, morally, physically and spiritually
- (v) Enhance understanding and respect for own and other people's cultures and their place in contemporary society.
- (vi) Enhance understanding and appreciation of inter-relationships amongst nations.
- (vii) Promote positive environmental and health practices.
- (viii) Build a firm foundation for further education and training.
- (ix) Develop ability for enquiry, critical thinking and rational judgement.
- (x) Develop into a responsible and socially well adjusted person.
- (xi) Promote acceptance of and respect for all persons
- (xii) Enhance enjoyment in learning

- (xiii) Identify individual talents and develop them.
- (xiv) Build a foundation for technological and industrial development.
- (xv) Develop into self-disciplined individual who appreciates work and manages time properly.

2.8.4 Objectives of Village Polytechnic/Vocational education

- (i) To prepare the youth for productive livelihoods that contribute to sustainable economic development
- (ii) To impart marketable skills and technical know-how that respond to contemporary labour market demands by the industry, informal sector and for self employment.
 - (ii) To build on gains acquired in basic primary education by producing contemporary labour market demands by the industry, informal sector and self employment.
 - (iii) To promote and sustain enterpreneurial and technological innovations amongst the youth.
 - (iv) To unleash and re-direct the potential of the youth towards productive economic activities.
 - (v) To provide life skills to the youth that will enable them to cope with the challenges of life.
 - (vi) To prepare the youth for adulthood and working life.

2.8.5 Objectives of Adult and Continuing education

- (i) Eradicate illiterate among youth and adults
- (ii) Sustain and promote multiple literacy through post-literacy and continuing education programmes
- (vii) Provide education to out-of-school youth and adults through non-formal approaches
- (viii) Promote acquisition of relevant knowledge, attitudes and skills among adults in order to facilitate adaptation to new technologies and production skills.
- (ix) Promote self-confidence, values and positive behaviour
- (x) Expand access, increase participation and retention in adult and continuing education and life-long learning.
- (xi) Train local manpower for rural development through participatory, integrated development approach using multi-purpose development training institutes.

2.8.6 Objectives of non-Formal education

- (i) Acquire literacy, numeracy, creativity, manipulative and communication skills.

- (ii) Develop self-reliance, utilisation of senses and instil a sense of inter-dependence.
- (iii) Develop into self disciplined, physically fit and healthy person.
- (iv) Develop ability for critical thinking and logical judgement.
- (v) Acquire diversity of meaningful and enjoyable experiences that will motivate them to continue learning.
- (vi) Appreciate and respect the dignity of work and facilitate self employment.
- (vii) Acquire suitable basic foundation for the world of work in the context of economic and human resource needs of the nation.
- (viii) Develop awareness and appreciation of the role of technology in national development.
- (ix) Develop a desirable and adoptive attitude to life, based on social, moral and spiritual values.
- (x) Develop an understanding on how the environment can be protected and sustainable used for individual, national and international development.
- (xi) Foster patriotism and develop awareness and appreciation for other national and international community.
- (xii) Appreciate their own, and other people's cultural heritage and develop aesthetic values.
- (xiii) Make good use of leisure time.
- (xiv) Develop individual talents and abilities.

2.8.7 OBJECTIVES OF PRIMARY TEACHERS EDUCATION

The following are the Objectives of our Primary Teacher Education as contained in various Government documents:

- (i) To develop the basic theoretical and practical knowledge about the teaching profession, so that the teacher's attitude and abilities can be turned towards professional commitment and competence.
- (ii) To develop in teacher the ability to communicate effectively.
- (iii) Bearing in mind the child as the centre of education, teacher education should prepare teachers who can:
 - a. Provide suitable learning opportunities.
 - b. Develop the child's communicative skills
 - c. Develop the individual child's potential abilities to their maximum through a variety of creative learning experiences.
 - d. Develop the child's sense of citizenship and National attitude.

- e. Develop the child's ability in critical and imaginative thinking in problem solving and self-expression.
- f. Develop positive attitude to the moral and religious values of his community.
- (iv) To create a national consciousness for educational excellence in every teacher
- (v) To provide opportunities to develop special interests and skills and to promote initiative on the part of the teacher.
- (vi) To develop in the teacher the ability to adapt to change or new situation.
- (vii) To develop an awareness and appreciation of innovation in the fields of education and an ability to utilize them.
- (viii) To develop an awareness of the principles which underline good human relationship and use of these in their dealings with the children and community.
- (ix) To promote national unity, national development and social equality.
- (x) To foster in the teacher an appreciation and respect for our rich and varied cultural heritage.

2.9 Further, to be internationally competitive and economically viable, the Republic of Kenya requires an education system that will produce citizens who are able to engage in lifelong learning, learn new things quickly, perform more non-routine tasks, capable of more complex problem-solving, take more decisions, understand more about what they are working on, require less supervision, assume more responsibility, and as vital tools to these ends, have better reading, quantitative, reasoning and expository skills.

2.10 National and County Education Boards shall encourage the use of the two official languages Kiswahili and English both in- and out-of-school as provided for in the Constitution of Kenya (2010). The language of the catchment area (Mother Tongue) shall be used for child care, pre-primary education and in the education of Lower Primary children (0-8 years). Sign language, Braille or other appropriate means of communication shall also be used in the delivery of education to learners with special needs. It is important that whenever possible learners are not confined in their local areas for the purpose of national integration. For schools located in metropolitan areas such, Kiswahili shall be adopted as a language of the catchment area.

2.11 Kenya's diversity in culture and ethnic heritage is best demonstrated by her wealth of over 42 indigenous tribes. It is through education and training that integration of Kenya's tribes can be enriched. Education has to continue to encourage non-formal curricula activities such as music, dance, games, and debating among our schools across counties. In this way,

schools will be transformed into channels of cultural integration. The MoE shall ensure that local cultural traditions and the celebration thereof, form part of the life of every school.

2.12 Performance Targets

The Department of Education shall:

- (a) Ensure access, equity and quality across all levels of Basic Education and training by 2020.
- (b) Eliminate gender and regional disparities in Basic Education and training by 2017.
- (c) Improve the quality of education and training so that Kenya's measurable learning outcomes in literacy, numeracy, scientific and communication skills are in the upper quartile on recognised international standardized tests by 2017.
- (d) Equip schools to ensure that all pre-primary, primary and secondary schools meet minimum quality standards of teaching and learning by 2017.
- (e) In partnership with the TSC, revise teachers' conditions of service, institute performance contracts for all teachers by 2013, and enforce regulations that require teachers to be on duty to cover the syllabus within stipulated period.
- (f) Strengthen school inspection to ensure quality education service delivery at the classroom and school level immediately.
- (g) Review and develop guidelines for the establishment, registration and operation of pre-primary education centres including specifications on physical facilities, equipment, materials, and qualifications of personnel required to operate them by 2015.
- (h) Require all Primary Schools to have a functioning pre-primary section, with admission not subjected to entry interviews or examinations by 2015.
- (i) Create the conditions necessary to ensure that effective teaching of science, technology and ICT takes place in all schools by 2015.
- (j) Ensure that the design, implementation, assessment of the system of education is aligned to the Constitution of Kenya (2010) and the national development goals, including the Kenya Vision 2030.
- (k) Ensure that KICD review the teacher training curriculum by September 2014.
- (l) Ensure that KICD review Basic Education Curriculum by December 2014.
- (m) In partnership with TSC, orient teachers to the new curriculum by 2014 and implement a continuing teacher professional development programme.
- (n) Strengthen the provision and resourcing of co-curricular activities.

- (o) Strengthen the quality management capacities amongst education managers and other personnel involved in education at all levels including BOM by December 2013.
- (p) Establish and develop a national education qualification framework by 2014.
- (q) Revise the existing curriculum of village polytechnics and implement by 2014.

CHAPTER THREE: THE MACRO-ECONOMIC CONTEXT¹

3.1 Macroeconomic performance and demographic dynamics are major factors influencing the development of the education and training sector of any country. Sustainable economic growth and development generally facilitates the sustainable provision of education, whereas large regional inequalities and low economic performance constrain it. Both population growth and the dynamics of the labour market impact significantly on the demand for schooling, whilst improved access to quality schooling and training is fundamental to human and economic development, and the elimination of poverty. Kenya Vision 2030 identifies quality education and training as key enablers of human capital development, and the means of eliminating poverty, disease and ignorance, and also for improving the citizens' standards of living.

3.2 The MTP 2008-2012 aims at achieving Gross Domestic Product (GDP) growth rate of 10 per cent by 2012 and sustaining the growth rates onwards. In 2010, the economy expanded by 5.6 percent against the MTP target of 9.1 per cent from the 2.6 per cent growth rate 2009 (Figure 2.1). The growth was subdued by the poor rains and high energy prices. Agricultural output, particularly coffee and tea had their production substantially depressed as a result of poor weather conditions. Based on the growth registered in 2010, the economy is projected to perform better in 2011/12 due to expected growths in transport sector, Information and Communication Technology (ICT) sector, service industry, financial intermediation and construction industries.

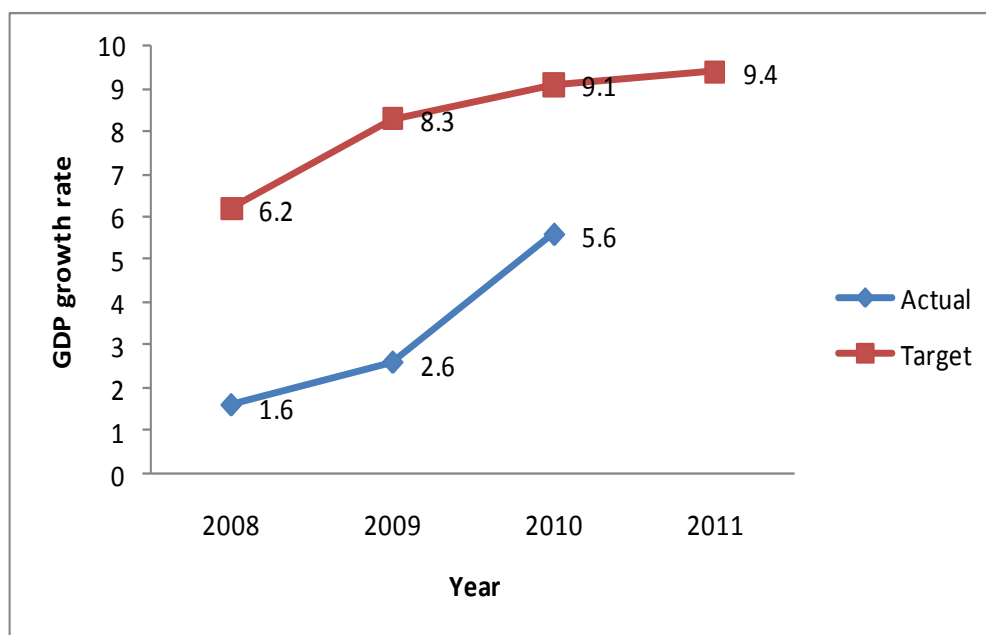
3.3 Real GDP is expected to remain at around 5 percent in 2011/12 before picking to about 6 percent in the outer years (Table 2.1). Growth will be bolstered by continued expansion in service sector, ICT, agriculture (barring any adverse weather), tourism, and exports with continued growth in the sub region and favourable exchange rate. This is expected to compensate for weakened public and private demand resulting from a tighter macroeconomic environment. These measures will be complemented by further structural reforms, especially those targeted toward improving competitiveness of the private sector and promoting overall productivity in the economy. It is also expected that the forthcoming general elections (which will be successful), implementation of the devolved system of

¹ Source of data in chapter:

Kenya Economic Survey – various issues; EMIS – 2009; Kenya Integrated Household Budget Survey – 2005-2006; School Mapping data set (2007); Appropriation Accounts (various Issues) and Population Census (2009). Population census, 2009.

governance, recent reforms in rule of law, the judiciary and various legislations will boost investor confidence and increased private investment.

Figure 2.1 Targeted and Real Gross Domestic Product: 2008-2011



Source: Economic Survey

3.4 Kenya's erratic economic performance has had adverse effects on provision of education and training and rising poverty levels. Although the economy grew at a high rate of 6-7% in the 1960s and 1970s; during the 1980s and 1990s, the country experienced declines in macroeconomic performance. From 2003 the real Gross Domestic Product (GDP) growth rate rose from a low of 5.1% in 2004 to 7.0% in 2007 before a drastic decline to 1.5% in 2008 before recovering to 5.6% in 2010. The decline was attributed to post-election violence in early 2008, rising food, fuel prices and the start of the global economic crisis. According to the Kenya Integrated Budget and Household Survey (KIHBS) (2005/06), 45.9% of the population are poor, with a Gini coefficient of 0.45. During the same period, it was estimated that 49.1% of the rural population and 33.7% of the urban population were poor.

(include share of education and training of GDP)

3.5 Unemployment levels are also relatively high; the working-age population (persons aged 15-64 years) in Kenya is estimated at 19.8 million persons with a labour force participation rate (the ratio of total labour force to the working-age population) of 73%.

Youth (persons aged 15-24) unemployment rate (25%) is relatively high when compared with the overall unemployment rate of 12.7%. (KIHBS, 2005/6).

3.6 Prospects of wage employment in the formal sector are limited with about 80% of the workforce working in the informal and non-wage employment sector. Further, although the country created about 500,000 jobs during the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) time frame (2003-2007), more than 80% of these jobs are in the informal sector. The formal (public and private sectors) accounted for about 20% of wage employment.

3.7 Kenya's literacy level is about 74% with low secondary education Net Enrolment Rate (NER (32%)). Only 15% of adults aged 15-64 years have attained secondary education and above and the national average number of schooling is estimated at 8.4 years among adults. A large number of youth graduating from the formal education system are unemployed despite the fact that opportunities for high technology and skilled workforce exist. This situation has been attributed to a mismatch between training and skills demanded in the labour market, and limited input from employers/industry into curriculum design in universities, Technical, Vocational and Entrepreneurship Training (TVET) institutions and middle level colleges. Consequently, there is need to re-align education service delivery in the country to the Constitution; Kenya Vision 2030 and labour market skills needs.

3.8 Further, it is important to implement sustainable micro- and macro- economic policies that elimination of poverty; stimulate growth of the economy, ensure resource redistribution and high-performance enterprises that demand high skilled labour, while creating quality employment opportunities to absorb graduates from formal and technical education and training programmes. It is necessary to create a sustained economic growth trend devoid of political and economic shocks; that promote industrialization and sustained development, whilst also creating a conducive environment for high technology adaptation and innovation; and addressing education objectives on improving access, participation and progression, eliminating inequalities; ensuring relevance and efficiency and effectiveness in education service delivery.

Role of Education and Training in the Realization Vision 2030

3.9 Since 2003, the education sector has been driven by the development outcome of Economic Recovery Strategy for Wealth and Employment Creation (ERSW&EC). However, ERSW&EC came to an end in 2007 and with lessons learned from implementing it, the Government has developed Vision 2030, which is anchored on the three pillars; economic social and political. The objective of economic pillar is to add value to Kenyan products and services in order to achieve a 10 percent GDP growth rate by 2012 and sustain it up to 2030. Six sectors have been prioritised; tourism, agriculture, wholesale and retail trade, manufacturing, business process off-shoring and financial services. The objective of the social pillar is investing in the people of Kenya in order to improve the quality of life for all Kenyans by targeting a cross-section of human and social welfare projects and programmes in education and training; health; environment; housing; gender, children and social development; youth and sports; and labour. The political pillar objective is moving to the future as one nation and envisions a democratic system that is issue based, people centred, results oriented and accountable to the public, which is anchored on rule of law, democracy, improved public service delivery, transparency, accountability, public administration reforms, security, peace building and conflict management.

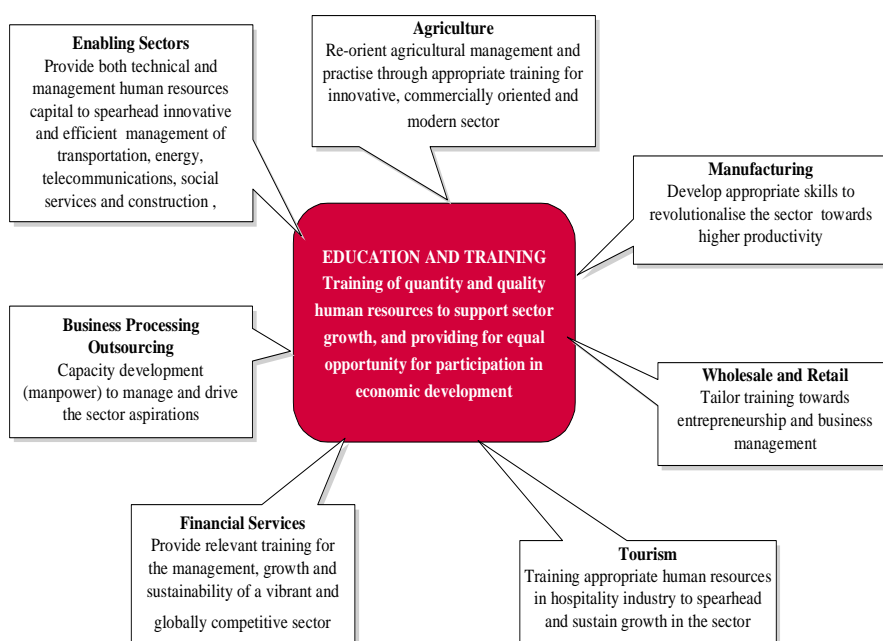
3.10 The Vision 2030 for the education and training sector is to provide a globally competitive quality education, training and research for sustainable development and therefore education and training will play a key role in the attainment of Vision 2030. Apart from reducing illiteracy, the sector trains and provides human resources; an ingredient in the economic, social and political development of any society. Under the Vision 2030, education and training will provide required knowledge, skills and attitude necessary to drive the initiatives set in the pillars. On the economic pillar, education and training will play a fundamental role in the training of quality and enough human resources to support this sector growth. The linkage between the education and training sector and the economic pillar target sectors is as shown in Figure 2.2 below.

3.11 In order to achieve Vision 2030, an underlying challenge is the attitudinal mindset change so as to create and sustain a responsible and a cohesive society. As the country recasts and develops the various social systems, education and training will be challenged to impart knowledge and skills to improve management of social systems, change of mindset (attitude change) towards nurturing a cohesive and knowledgeable society, with a culture of

national values and value for life and basic human rights. At the same time, this society should embrace Science and Technology Innovation (STI), conserve, sustain and exploit our environment for sustainable development and above all, a society that exploits opportunities and takes responsibility. Figures 2.3 and 2.4 below shows the direct requirements on education and training sector in spearheading growth and development of the social and political pillars.

Figure 2.2 Linkage between Education and Training and Economic Pillar

Figure 1: Linkage Between Education and Training to the Economic Pillar

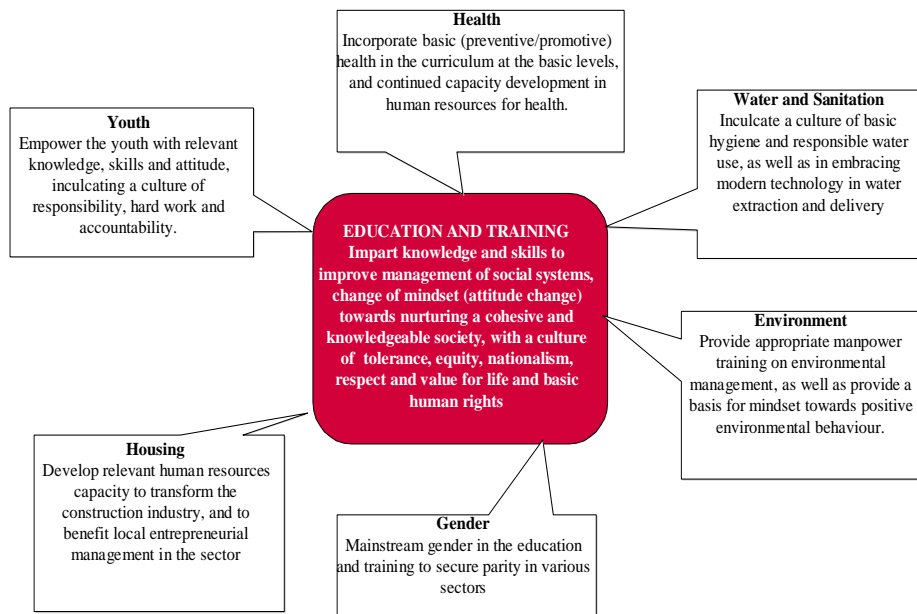


Source: Vision 2030 – The National Economic and Social Council of Kenya

3.12 The realization of Vision 2030 will be achieved through the provision of an all inclusive quality education that is accessible and relevant because quality education and training contributes to economic growth and creates employment opportunities. Therefore, in-order to achieve the desired economic growth, social development and political maturity, high priority will be placed on development of human capital through education and training by promoting and sustaining basic and higher education, technical and vocational training with an emphasis on STI.

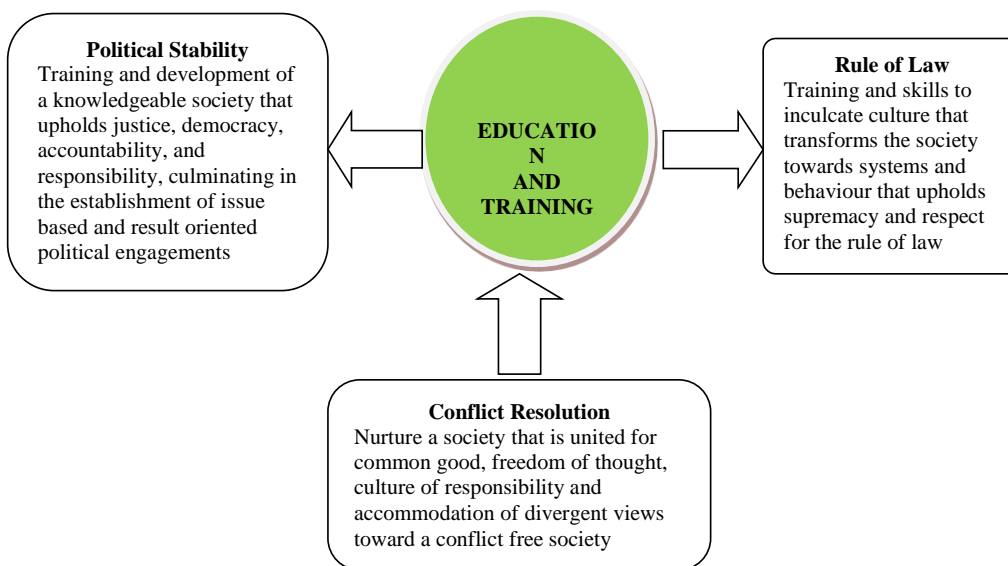
Figure 2.3 Linkage between Education and Training and Social Pillar

Figure 2: Linkage Between Education and Training Sector to the Social Pillar



Source: Vision 2030 – The National Economic and Social Council of Kenya

Figure 2.4 Linkage Between Education and Training and Political Pillar



Key Challenges

3.13 The macro-fiscal framework underpinning the first Medium Term Plan 2008 to 2012 was based on attainment of a target of 10 percent real GDP growth by 2012. It assumed high growth in investment and savings over the medium term period with the investment to GDP ratio targeted to increase from 21.9 percent in 2008/09 to 32.6 percent in 2012/13 and savings to GDP ratio rising from 15.1 percent to 27.5 percent. The framework also assumed continued maintenance of macroeconomic stability with inflation easing from 7.5 percent in the initial year to stabilize at around the 5 percent target over the rest of the MTP period. However, before the implementation of MTP took off, the country experienced multiple shocks including post-election violence, drought, global financial and economic crisis, and rising commodity prices.

3.14 These shocks impacted the economy negatively by reducing inflow of remittances, lower demand for exports of horticulture, and reduced tourism earnings. The global crisis also caused a slowdown in the growth of the sub region that constitutes the main market for Kenya's exports. At the same time, the drought adversely affected agriculture and resulted in reduced production as well as increased use of expensive generation of electricity from thermal sources. Following these developments, growth weakened from about 7 percent in 2007 to average about 3 percent in 2008/09 to 2009/10.

3.15 As the economy recovered in 2010, it was again hit by drought that started towards the end of that year. This happened at the time the international oil and food prices were rising due to external factors including the political crisis in Middle East and North Africa and at the time the global economy was recovering at a slower-than-expected pace. Domestically, rising inflation and the weakening of the shilling exchange rate that started in 2011 posed macroeconomic challenges. As a result, the economy has registered lower than targeted growth during the past three years of first MTP implementation. More recently, the macroeconomic environment has faced a number of challenges with high inflation and the weakening shilling as well as:

- (i) Increased unemployment levels
- (ii) High population growth rates
- (iii) High interest rates
- (iv) Weak governance and accountability issues
- (v) Limited collaboration between industry and training institutions

- (vi) Limited human resources database to facilitate better planning of human resource

3.16 However, despite the above mentioned challenges, the improved weather conditions, completion of key infrastructure projects in roads and energy sectors, significant development and investment in ICT sector, the economic prospects are positive albeit certain inherent risks, such as the forthcoming general elections. Furthermore, it is however anticipated that current supply-side driven pressures on prices and the exchange rate will subside in line with the reduction in oil prices, and ample supply of food with normal weather conditions. This should reduce demand pressure on imports and the current account. Meanwhile, appropriate macroeconomic policies should bring down inflation to single digit levels in 2011/12 and stabilize at the 5 percent target over the medium term. Stability in interest rates and exchange rates are expected to be restored and thereafter sustained over the medium-term.

3.17 In absolute terms, the education sector in Kenya has experienced massive expansion in enrolment and number of institutions over time. According to the Ministry of Education's Management Information System (EMIS), the number of public and private primary schools increased from 6,058 in 1963 to 27,489 in 2010, while the number of secondary schools has increased from 151 to 7308 over the same period. Enrolment in primary education has grown from 892,000 pupils in 1963 to about 9.4 million pupils in 2010, whilst enrolment in secondary education has grown from around 30,000 students in 1963 to 1.7 million students in 2010. The increase has been accelerated by the introduction of Free Primary Education (FPE) and Free Day Secondary Education (FDSE) programmes in 2003 and 2008 respectively. At the TVET level enrolments stood at 82,843 in 2010. Enrolment into the university sub sector stood at to 180,978 in 2010.

3.18 The main issues facing the education sector have been challenges of access, equity, quality, relevance and efficiency in the management of educational resources. Since 2003, the Ministry of Education has embarked on a series of reforms geared towards attaining the education related Millennium Development Goals (MDGs) and Education for All (EFA). However, although the country is on track towards attaining the access targets at national level, there are regional inequalities which will constrain the country from attaining the EFA, MDGs and the Kenya Vision 2030 goals. Education attainment levels are particularly low in disadvantaged areas, in Arid and Semi-Arid Lands (ASALs) and urban slums.

Pre-Primary Education

3.19 Access and participation at the Pre-Primary level are still low with a NER of 42% in 2009 and 50% in 2010. This means that 58% and 50% of the school-age going pupils were not in school in 2009 and 2010, respectively. Furthermore, only 60% of the counties had a NER above the national figure of 42% with the lowest values observed in North Eastern . Low access levels can be explained by the fact that pre-primary education was not compulsory in Kenya, in spite of being critical in laying the foundation for performance in the subsequent levels of education.

Primary Education

3.20 The national Gross Enrolment Ratio (GER) at primary level increased from 91.2 % (92.7 and 89.7 % for boys and girls respectively) in 1999 to 109.8 % (109.8 % and 109.9 % for boys and girls respectively) in 2010. The NER increased from 68.8 % (for boys and girls) in 1999 to 91.6 % (94.1 % and 89.0 % for boys and girls respectively) in 2007 to 92.5 % (94.6% and 90.5% for boys and girls respectively) in 2008 and further to 92.9% (93.6% and 92.1% for boys and girls respectively) in 2009. However, in 2010 the NER dipped slightly to 91.4% (90.6% and 92.3 % for boys and girls respectively). Despite this impressive performance, there still exists gender and regional disparities in access and participation in primary education level.

3.21 Within the context of EFA and the MDGs, it is the Government's policy to enhance gender equity. The gender disparity in enrolment has been improving steadily and the disparity is relatively small with a gender parity index at primary level being constant between the years 2007 and 2008 at 0.94 and registering 0.98 in 2009. Special consideration will have to be given to the marginalised/vulnerable learners in ASALs and urban slums.

3.22 Analysis at the regional level shows unsatisfactory primary school enrolment levels in most ASAL counties. Garissa and Turkana have especially low NERs of 34% and 25% respectively against a national average of 92.9%. In general, the primary school NER for boys was higher to that of girls in most Counties except in some Counties in Central and Eastern Regions (see Table 1.2). The number of primary school teachers increased from 170,059 to 171,301 in 2009 and 184,873 in 2010, allowing for a PTR of 41:1, although within this there are regional disparities.

3.23 The Textbook-Pupil Ratio (TPR) for lower primary has improved from one textbook for more than 10 pupils before 2003 to 1:3 by 2007, reaching 1:2 in 2008 and 2009. For upper primary TPR has improved from 1:2 in 2007 to almost 1:1 in 2008 and 2009 for the majority of schools. However, these have weakened sharply since 2009, and small schools with low enrolment do not benefit from economies of scale, and have ratios far higher than the national average.

3.24 Completion Rates are presently at 76.8% (79.2% boys and 74.4% girls) in 2010, although having declined from the previous year, 83.2% (88.3% and 78.2 % for boys and girls respectively) in 2009. Transition rates from primary to secondary increased marginally from 59.6 % (56.5 % for male and 63.2 % for female) in 2007 to 64.1 % (61.3 % for male and 67.3 % for female) in 2008, further increasing to 66.9 % (64.1 % for male and 69.1 % for female) in 2009 and to 72% in 2010.

Non formal Education

3.25 Non Formal Education (NFE) plays a critical role in increasing access to basic education especially in informal settlements and marginalized areas. These regions have low participation rates in formal primary education schools. In most instances Non Formal Education Centres (NFECs) follow a formal curriculum, although greater flexibility exists with regards standards of learning facilities and the wearing of uniforms. Currently there are 355 registered Non- Formal Education Institutions in the country with the majority in the Nairobi region.

Special Needs Education

3.26 According to the school mapping data set, there are 3,464 special needs institutions (38.2% ECDE, 3.4% NFE, 54.1% primary and 4.3% secondary) in the country with 2,713 integrated institutions and 751 special schools. Eastern region recorded the most number of SNE units with 734, whilst North Eastern had the fewest with 56. Among these, there are 10 public secondary schools for learners with hearing impairments, 3 for learners with physical handicaps, and 4 for learners with visual impairments, making a total of 17 secondary schools for learners with disabilities throughout Kenya. These figures show that access and participation of children with special needs is relatively low across the country. Generally access and participation of pupils with special needs is low and their needs are not being

specifically addressed, especially children with behavioural difficulties and those with various forms of learning difficulties and attention deficit. The emphasis on academic performance and examinations creates an unfavourable learning environment for children with special needs and disabilities and even moderate learning difficulties. This poses a challenge to the integration and inclusion of children with such disabilities in regular schools. The absence of reliable data on children with special needs across all levels of education, constrains effective special education service delivery and planning.

Adult and Continuing Education

3.27 The provision of Adult and Continuing Education (ACE) throughout Kenya has been constrained because the department of adult education has been located in various ministries since 1966, and has not during that period been adequately funded. Meeting the goal of adult education requires structural and curriculum reform to fit it to the aspirations of the Constitution of Kenya (2010) and the Kenya Vision 2030 in particular, to raise levels of literacy.

3.28 The Kenya National Adult Literacy Survey (KNALS, 2007), revealed that only 61.5% of the adult population has attained minimum literacy level, leaving 38.5% (7.8 million) adults illiterate. It also revealed that only 29.6% of the Kenyan adult population has attained desired literacy competency. About 29.9% of the youth aged 15 to 19 years and 49% of adults aged 45 to 49 years are illiterate. The survey further revealed high regional and gender disparities in literacy achievement, with Nairobi recording a high of 87.1% and North Eastern province recording the lowest at 8%. The Medium-Term Plan for Kenya Vision 2030 recognizes the need to have literate citizens and sets the target of increasing the adult literacy rate from the current 61.5% to 80% by 2012 and hence the need for expanding provision of adult education across counties.

Secondary Education

3.29 The importance of secondary education globally has grown considerably especially in developing countries with the success of Universal Primary Education (UPE). Expansion of secondary education in Kenya has resulted from support for basic education over the past decade by government, development partner, and private providers. A review of secondary education development in Kenya indicates that the number of secondary schools increased from 2,678 in 1990 to 3,999 (11.3% private) enrolling 0.870 million students in 2003, and

4,215 (13% private) schools enrolling 1.03 million students (10% in private schools) in 2006 and 1.7 million in 2010 (8% private).

3.30 These numbers have further increased from a total of 6,566 secondary schools in 2008 to 7,308 in 2010 against 27,489 primary schools in 2010, having increased from 26,206 in 2008. Enrolment grew from 1.18 million students in 2007 (639,393 boys and 540,874 girls) to 1,328,964 (735,680 boys and 593,284 girls) students in 2008 and further to 1,701,501 (914,971 boys and 786,530 girls) students in 2010. The GER for secondary increased from 27.3 % (28.8% for boys and 25.7% for girls) in 1999 to 47.8 % (50.9 for boys and 46.3 for girls) in 2010. The NER recorded an increase from 28.9 % (29.8 % for male and 27.9 % for female) in 2008 to 32 % (34.5% for boys and 29.6% for girls) in 2010 having progressively improved from 13.7% (13.5 for male and 13.9 for female) in 1999. The gender disparity index as at 2009 stood at 0.96% up from 0.75 in 1990.

3.31 Data shows that Counties in Central and North Eastern regions had the highest and lowest NERs, respectively. A low NER of 3.5% for secondary education was recorded in Turkana County and a high of 50% in Kiambu County against the national average of 24.2%.

Technical Industrial and Vocational Education and Training

3.32 The TVET level enrolments have grown from 71,167 (36,541 male and 34,626 female) in 2006 to 82,843 (43,070 males and 39,773 female) in 2010. In 2008, two national polytechnics (Kenya Polytechnic and Mombasa Polytechnic) were converted into university colleges, leaving two national polytechnics, namely Eldoret and Kisumu. In addition, there were 25 technical training institutes and 14 institutes of technology as well as 817 youth polytechnics and one TVET teacher training college. The TVET sub-sector has been under resourced and requires considerable investment to improve infrastructure and equipment, including ICT.

University Education

3.33 Growth has also been witnessed in the university sub-sector. Enrolment has grown from 112,229 (68,345 male and 43,884 female) in 2006 to 180,978 (111,050 male and 69,928 female) in 2010. In 2009, there were a total of 31 public and private universities (including university colleges) as well as 23 university campuses. These higher education institutions are unevenly distributed across the country, with Nairobi having the highest number of public

and private universities (13), while Coast and Western provinces has the least two. The shortage of places to meet growing numbers of students exiting secondary education, and inadequate funding of higher education are key issues facing the sub-sector. In 2010, the tertiary gross enrolment rate and transition from secondary to university education were estimated at 4.1% and 6.5% respectively.

Teacher Education

Private Sector Provision of Education

3.34 A feature of the past 10 years has been the increasing levels of private provision of education across all levels. In 2008, 924,192 primary school children representing 10.8% of total primary education enrolment were in private schools while 171,097 secondary school children representing 12.31% of total enrolment were in private secondary schools. However, growth in numbers of private secondary schools has been restricted largely by the high cost of establishing such facilities as science and computer laboratories, the lack of land and more generally through the absence of incentives for potential entrepreneurs. The Government acknowledges the need to create incentives to encourage private sector investment in education. Sessional Paper No 1 of 2005, and now this Policy Paper will propose further measures, including the need to address issues related to land, taxation, incentives and bureaucracy.

Key Challenges Across the Sector (move to Chapter Two now to be Chapter 3)

3.35 Although there has been marked progress towards realising UPE, and increasing access to secondary and other levels of education across the sector, retention of pupils, especially at the primary level, remains a problem. In spite of continuing to receive the highest percentage of budgetary allocation over the last decade, especially since the launch of FPE and FDSE programmes, quality remains a major issue across the entire spectrum of education sector, and will form the focus of Government's attention over the next decade. Other issues include improving levels of access, retention, transition, progression, equity, relevance, and the overall efficiency of the education sector. Specifically, the major challenges include:

- (i) Weak governance, management and unaccountable implementation of education services overall;

- (ii) Weaknesses in the management of teachers, particularly regarding the deployment and development of teachers, and the reluctance to discipline absentee and under-performing teachers;
- (iii) Weak financial management systems across the sector, the lack of transparency, predictability of funding and understanding of the flow of resources and information within and across the system, has resulted in the misappropriation of funds;
- (iv) Associated with this is the disproportion in the unit cost across sub-sectors where funding of higher education remains a challenge in spite of receiving about 12% of the education budget.
- (v) Wastage and high numbers of children out of school mainly due to the prevalence of user charges and other diverse factors;
- (vi) High level of Pupil Teacher Ratio (PTR) compounded by a shortage of experienced teachers, yet the existence of large numbers of unemployed teachers because funding and deployment of teachers has not been rationalised;
- (vii) Overcrowded classrooms in some schools that compound the issue of poor quality education in public schools;
- (viii) Teacher training programmes that are viewed as being largely unfit for purpose and in need of radical reform;
- (ix) Shortage of places in secondary schools to absorb primary education graduates, who in turn are forced to join the swelling ranks of the unskilled and unemployed youth;
- (x) Inadequacies in the provision of educational infrastructure, especially in Arid and Semi-Arid Lands (ASALs) where the provision of alternative forms of schooling are non-existent; and
- (xi) Failure to ensure and meet the educational needs of vulnerable children and young adults, and those young persons requiring specialist support, equipment and disability friendly environment.
- (xii) Prevalence of high levels of adult illiteracy.
- (xiii) Diminished community/parental support for government initiatives regarding FPE and FDSE.
- (xiv) The challenges of reaching the hard-to-reach children in the country.
- (xv) Gender and regional disparities.
- (xvi) The issues associated with a rigid, examination-oriented curriculum and the need for a more flexible curriculum and assessment system and talent identification.

- (xvii) Issues of management that place limitations especially the coordination of establishment of new schools.
- (xviii) Unreliable education data and the need for improving the collection, management and use of planning and financial information.

CHAPTER FOUR: ENHANCING ACCESS, EQUITY, QUALITY AND RELEVANCE

Introduction

4.1 The Constitution of Kenya (2010) has provisions for children's right to free and compulsory basic (ECDE, primary and secondary) education, including quality services, and to access educational institutions and facilities for all persons including those with disabilities. According to the Constitution, there should be adequate participation and representation of minorities and marginalised groups in all spheres of life. This marks a distinct shift to a Rights Based agenda from the hitherto supply side policy and, as such, has fundamental importance to the way in which education services are provided and to the structure of the education system.

4.2 *The Government* recognizes that education and training of all Kenyans is fundamental to the success of the *Kenya Vision 2030*. In order to realize the national development goals, relevant and quality education and training is required to meet the human development needs of a rapidly changing and a more diverse economy. A major challenge remains in ensuring and enhancing access, equity and education standards especially in marginalized regions and deprived urban areas.

4.3 Despite the progress made over the last decade in enhancing access, retention, quality completion rates and gender parity in education and training, the sector continues to face major challenges.

4.4 The provision of Pre-Primary Education (Early Childhood Care and Education) involves households, community and Government efforts in the holistic development of children in the 0-3 year old and 4-5 year old age range.

4.5 Access to this sub-sector, together with equity and quality of provision, is constrained by various factors, including an insufficient number of trained teachers, care givers, an inadequate number of Pre-Primary and day care centres, limited availability of teaching and learning and play materials, limited community participation, and inadequate nutrition and health support services.

4.6 To address these challenges, the Government shall implement the following policy:

Provide free and compulsory Pre-Primary Education for all 4 to 5 year olds in Kenya, and health and nutritional support for all 0-5 year olds.

4.7 To implement the above policy, the Government shall employ the following strategies:

- (i) Review and implement the National ECD policy framework and National Service standards guideline, strategic development and implementation plan;
- (ii) Review quality standards and develop an Pre-Primary performance framework;
- (iii) Ensure that all primary schools have a functional Pre-Primary unit;
- (iv) Create funding modalities for Pre-Primary to include; start-up grants, capitation grants, school feeding, maintenance and the development of infrastructure, and instructional materials;
- (v) Mobilise resources and engage stakeholders;
- (vi) Develop and implement appropriate Pre-Primary programmes for all children with special needs, including the vulnerable and disadvantaged groups;
- (vii) Develop modalities to ensure synergies are created between Counties and service providers under delegated authority for Pre-Primary Education;
- (viii) Encourage service providers to synergise delivery models/techniques;
- (ix) Develop a mechanism for early detection of special needs children
- (x) Establish strategic partnerships with service providers to ensure provision of adequate health and nutrition support services from 0-5 year olds

Primary Education

4.8 Kenya is a signatory to the Jomtien Agreement (1990) and Dakar Framework for Action (2000) to achieve the EFA and Millennium Development Goals (MDGs) by 2015. The Government's commitment to provide formal education is best evidenced by the considerable investments made in education.

4.9 In 2003 the Government introduced Free Primary Education which has enhanced access to education for both boys and girls. However, learning outcomes in literacy, numeracy and essential life skills remain poor. The primary sub-sector is reported as

continuing to experience many challenges, including; high pupil-teacher ratios, overcrowded classrooms, occasional teacher and pupil absenteeism, high drop-out rates, high repetition rates, increased number of orphans due to HIV and AIDS, inadequate infrastructural development, weak governance and financial management, inequitable deployment and weak management of teachers, and gender and regional disparities. Most pronounced disparities exist in arid, semi-arid and deprived areas in urban conglomerations. It is notable that in some schools, teachers (some of whom are not qualified) are employed by parents to make good the shortage of teachers.

4.10 Teacher quality remains a major challenge with issues concerning, the competence of teacher trainers, curriculum relevance, -inadequate training resources, and summative assessment mode.

4.11 The challenge remains of providing an education which takes account of spiritual, social, security, moral and cultural practices which impede access and equity.

4.12 The Government has already adopted the principle of Child-Friendly Schooling, and accepts that schools shall not exclude, discriminate or stereotype on the basis of difference, respects diversity and ensures equality of learning for all children. It further accepts that schools shall respond to diversity by meeting differing circumstances and needs of children based on gender, social class, ethnicity and level of ability,

4.13 To address these challenges, the Government shall adopt the following policies:

Provide free and compulsory primary education

- (i) Implement automatic transition and transfer between grades and across levels of basic education.

4.14 To implement the above policies, the Government shall employ the following strategies:

- (i) All primary schools shall be Child-Friendly

- (ii) Require the efficient utilisation of resources, human and physical, especially as regards teacher deployment, management and development, and the introduction of Continuous Professional Development (CPD) for teachers.
- (ii) Review and implement Minimum Quality Standards (MQS).
- (iii) Review and implement the policy of inclusive education for pupils with special needs.
- (iv) Provide School-feeding in marginalised, hard-to-reach and vulnerable groups
- (v) Review, adopt and implement:
 - The Policy Framework for Nomadic Education in Kenya
 - The National Adult and Continuing Education Policy of 2010
 - The National Special Needs Education Policy Framework of 2009.
 - The policy for alternative provision of basic education and training of 2009.
 - The Health and Nutrition Policy of 2011.
 - The Gender Policy in Education of 2007.
 - The Education Sector Policy on HIV and AIDs of 2011.
- (vi) Sensitise communities on the Children's Act, Chap 586 and enforce it;
- (vii) Require schools and communities to identify excluded children and to ensure their enrolment.
- (viii) Ensure the implementation of an all-inclusive education policy by removing all barriers to disadvantaged, hard-to-reach and vulnerable groups.
- (ix) Expand the school feeding programme, and encourage communities to provide the midday meal.
- (x) Expand and strengthen mobile schools and low cost boarding primary schools, where day schools are inappropriate, to improve access and retention.
- (xi) Embrace alternative modes of curriculum delivery where appropriate
- (xi) Integrate the *Madrassa/Duksi* system into the formal education system in predominantly Muslim regions to improve access and retention.
- (xii) Sensitize parents on the need to enrol and retain all children in schools and make school environment gender sensitive.
- (xiv) Ensure gender parity in education.
- (xv) Conduct a needs assessment to provide baseline data for implementing alternative modes of delivering education, including home schooling.

- (xvi) Fast track the establishment of National Council for Nomadic Education in Kenya (NACONEK).
- (xix) Provide low cost boarding schools in Arid and Semi-Arid Lands (ASALs), marginalised, hard-to-reach and vulnerable groups.
- (xx) Provide adequate housing for teaching staff in the marginalised and hard to reach areas
- (xxi) Sensitise parents, stakeholders and communities to discourage socio-cultural practices that prohibit effective participation of girls and boys in primary school education, and enforce legislation against the violation of the Children's Rights. Develop and implement a strategy for the identification, and development of gifted, talented.

Secondary Education

4.15 The Government is already implementing measures to improve access and quality in secondary education and through the implementation of Free Day Secondary Education (FDSE). This has led to increased enrolment from 1.03 million students in 2006 to over 1.7 million pupils by 2010, with an increase in the transition rate from 60% in 2006 to over 72.5% in 2010. In addition to these measures, the MoE, through Kenya Education Management Institute (KEMI), continues to strengthen the capacities of secondary school managers. Under targeted programmes the Government is constructing/rehabilitating schools and improving the provision of teaching and learning materials

4.16 Expanding provision for all in the secondary education sub-sector is a major challenge because of limited facilities. In addition, opportunity and other costs, the imposition of levies and other fees by schools, the perceived lack of relevance of the curriculum and the lack of fit between what is taught and the needs of the world of work do not provide sufficient incentives to parents and learners to keep their children in school. An unfriendly environment in some schools, teacher absenteeism and lateness, especially in rural areas, poverty at the household level, negative effects of the HIV and AIDS pandemic and rising repetition rates, all drive learners away from secondary schooling.

4.17 There are only 17 public secondary schools that integrate special needs education within their formal programmes which are inadequate.

4.18 An inequitable distribution of teachers, teaching and learning resources exists between the three categories of secondary schools (National, Provincial and District), with National schools receiving the highest priority, followed by provincial schools. Performance in national examinations is skewed in favour of National and Provincial Schools. The Government is currently upgrading top performing provincial schools to national status to increase access and promote national integration

4.20 Youth in Arid and Semi-Arid lands, marginalised, and hard to reach areas and informal settlements are further disadvantaged by the limited number of schools and school places available, the costs thereof, and the perceived inappropriateness of the curriculum. Regional disparities present a major challenge in making quality secondary education affordable in all parts of the country.

4.21 The MoE acknowledges the need to develop a policy framework for teacher education and CPD.

4.22 The MoE also acknowledges the need to reform the secondary school curriculum with the emphasis shifting from knowledge reproduction to knowledge production and, to make ICT central to it. Learners exiting secondary schools have limited skills and abilities to join the world of work trade or to join middle and tertiary level.

4.23 In order to address these challenges, the Government shall implement the following policies:

(i) Provide free and compulsory secondary education to all children

4.24 To implement the above policies, the Government shall employ the following strategies:

- (i) Re-categorisation of schools and ensure schools meet a minimum size;
- (ii) Employ effective monitoring and accountability mechanisms to enhance spending effectiveness;
- (iii) Ensure establishment of a minimum of 3 streams in each secondary school.

- (iv) Regularly review staffing norms to enhance appropriate teacher development and utilization of teachers;
- (v) Develop a Teacher Development and Management Policy, and through it institute CPD for all teachers;
- (vi) Address the issue of teacher absenteeism and lateness;
- (vii) Revise and strengthen teacher conditions of service, increase the number of weekly contact hours to 20-24 hours, and introduce performance contracts for all teachers;
- (viii) Develop the use of itinerant teachers in specialist subject areas.
- (ix) Strengthen mechanisms for holding teachers accountable to the schools and communities they are serving;
- (x) Review the current system of issuing life-long teaching certificates;
- (xi) Improve the deployment of teachers;
- (xii) Strengthen the school inspection services;
- (xiii) Revise the curriculum and make ICT central to it;
- (xiv) Through County Education Board, regularly review and rationalise fees and levies in secondary schools in order to reduce the cost burden on parents and communities;
- (xv) Develop professional assessment programmes to identify children with special talents and abilities and support by offering them specialised teaching and training.
- (xvi) Establish/Expand the provision of targeted low cost boarding schools for persons with severe disabilities, those living in ASALs, children living under difficult circumstances, and children at risk;
- (xvii) Strengthen affirmative action in secondary education to address the needs of the marginalized and/or those in difficult circumstances.
- (xviii) Mobilise additional resources to finance the construction and rehabilitation of schools and provide equipment to deserving areas, especially ASALs and urban slums.
- (xix) Develop mechanisms to ensure the re-entry of girls who drop out of school due to pregnancy and early/forced marriage.
- (xx) Sensitise parents, stakeholders and communities to discard socio-cultural practices that prohibit effective participation of girls and boys in secondary school education, and enforce legislation against the violation of the Children's Rights.
- (xxi) Develop and implement a strategy for the identification, development and appropriate placement of gifted, talented and vocationally orientated pupils.

- (xxii) Employ multi-grade/multi-shift modes of curriculum delivery where appropriate
- (xxiii) Ensure equity of resourcing and the efficient utilisation of resources, human and physical, especially as regards teacher deployment, management and development
Fully integrate secondary education as part of basic education;
- (xxiv) Ensure access to secondary education for all children;
- (xxv) Introduce automatic progression between grades and automatic transfer between levels of Basic Education;
- (xxii) Ensure inclusive education for learners with special needs and disabilities;
- (xxiii) Adopt and implement the national gender policy.
- (xxiv) Provide school-feeding in distressed areas;

Special Needs Education

4.25 Special needs education requires appropriate adaptations to curricula, teaching methods, educational resources, medium of communication and the learning environment in order to cater for individual differences in learning. Special needs education is important for human capital development as it prepares those who would otherwise be dependents to be self-reliant. Traditionally, Special Needs education has been provided in special schools, integrated schools and in special units attached to regular schools. Provision of educational services has often been skewed towards four traditional categories - hearing impairment, visual impairment, mental retardation and physical handicap leaving out all other areas. Areas left out include learners with Autism, Gifted and Talented, Emotional and Behavioural Difficulties and specific learning disabilities. . More recently provision has been extended to such children in regular schools through the policy of inclusivity.

4.26 The main challenges relating to access and equity in the provision of education and training to children with special needs include; cultural prejudice and attitude, the reluctance to implement guidelines on the implementation of the SNE policy and inclusive education, inadequate data on the number of children with special needs, and inadequate tools and skills for assessing and identifying learners with special needs, inadequate funding, inadequate facilities and teachers.

4.27 In order to address these issues, the government shall adopt and implement the following policies:

- (i) Provide quality education to all learners with special learning needs.

4.28 To implement the above policies, the Government will employ the following strategies:

- (i) Adopt and implement inclusive education in all institutions. Design and implement programmes that enhance inclusive education in all institutions;
- (ii) Implement affirmative action to enable gifted and talented learners, learners with special needs and disabilities to access secondary, tertiary and university education;
- (iii) Restructure KISE and enhance its capacity to enable it to play a more effective role in the training of teachers and other personnel working for and with learners with special needs and disabilities, to include diploma and degree courses including tailored courses for Head teachers and educational managers to support inclusive education;
- (iv) Mobilise funding for Special Needs Education and other support for research in the field of special needs education;
- (v) Develop and standardize diagnostic assessment tools to facilitate the early identification, assessment and placement of learners with special needs;
- (vi) Implement inclusive education programmes in pre-service and in-service teacher training.
- (vii) Strengthen and enhance funding for EARCs at County level.
- (viii) Mobilise funds to ensure that all schools have adapted ICT facilities to support the learning of learners with special needs and disabilities.
- (ix) Adopt a multi-sectoral approach to support health services.
- (x) Enhance capacity building for EARCs staff and place them under County Directors of Education.
- (xi) Strengthen the multidisciplinary approach in assessment of children with special needs and disabilities.
- (xii) Establish pilot special needs schools, integrated programmes and inclusive schools as centres of excellence at county levels.
- (xiii) Establish a national centre (institution) to coordinate acquisition and production and repair of specialized and assistive devices.

- (ii) Integrate special needs education programmes in all learning and training institutions and ensure that the institutions are responsive to the education of learners with special needs and disability.

Adult, Continuing and Non-Formal Education

4.29 The Government recognises the important role played by Adult and Continuing Education (ACE) as a vehicle for transformation and empowerment of individuals. ACE and NFE offer opportunities for those outside the formal school system to benefit from education. For this reason, ACE and NFE programmes are consciously designed to meet specific learning needs. Despite the importance of adult education, the Kenya National Adult Literacy Survey (KNALS, 2007) has revealed that only 61.5% of the adult population and out of school youth above the age of 15 years had attained minimum literacy level, leaving 38.5% (7.8 million) adults illiterate. It also revealed that only 29.6% of the Kenyan adult population had attained desired mastery literacy competency. About 29.9% of the youth aged 15 to 19 years and 49% of adults aged 45 to 49 years were illiterate. The survey further revealed high regional and gender disparities in literacy achievements with Nairobi recording the highest at 87.1% and North Eastern province recording the lowest at 8%. The Medium Term Plan for Kenya's Vision 2030 recognizes the need to have literate citizens and sets a target of increasing the adult literacy rate from the current 61.5% to 80% by 2012.

4.30 Challenges that have affected Adult and Continuing Education programmes over the years include inadequate trained literacy and adult education teachers, a high turnover of staff and volunteer teachers, limited resource allocations and inappropriate infrastructure, lack of capitation grants for instructional materials, school going children attending adult classes, gender imbalance, negative attitudes and perceptions towards adult learning, inadequate teachers and learning centres, poor definition of literacy. Although the Government established the Directorate of Adult and Continuing Education to coordinate the relevant programmes, it has not been adequately resourced. As a result access to ACE and NFE programmes are low whilst gender disparities are high. ACE and NFE is affected by a negative image. The lack of teaching and learning materials, the application of appropriate quality assurance mechanisms, and without co-ordinated service delivery, leaves the sub-sector in need of major reform and resourcing. A further issue concerns the transition of

Comment [VAC1]: Separate challenges for ACE and NFE

adult learners from primary to secondary education and the appropriateness of the curriculum.

4.31 In order to address these challenges, the Government shall adopt the following policy:

- (i) The provision of quality ACE and NFE services and programmes
- (ii) The provision of opportunities for life-long learning

4.32 To implement the above policy, the Government shall employ the following strategies:

- (i) Define ACE, NFE, NFS, informal education and determine the respective roles, responsibilities and inter-connections
- (ii) Develop an ACE and NFE strategic and implementation plan with sustainable funding, including an analysis of cost-sharing options.
- (iii) Review Adult Basic Education and Training (ABET) curriculum.
- (iv) Review and implement ACE and NFE policy.

Implement National Qualification Framework (NQF) with clear linkages to the formal education and training system Harmonise all legal provisions dealing with ACE and NFE .

- (vi) Establish and implement strategies to work with other private sector partners and NGOs to mobilise funds to develop and implement targeted ACE and NFE programmes.
- (vii) Establish ways to enable open access retraining.
- (viii) Strengthen research, monitoring and evaluation of ACE and NFE programmes.
- (ix) Strengthen quality assurance in all ACE and NFE institutions.
- (x) Enhance the capacity of ACE and NFE trainers.
- (xi) Establish at least one secondary school for every Constituency and a learning centre near every primary school
- (xii) Establish learning resource centres for Life-long learning in every constituency

The following strategies for ACE shall be implemented:

- (i) Define ACE and literacy to determine their respective roles
- (ii) Develop an ACE strategic and implementation plan with sustainable funding, including an analysis of cost sharing options
- (iii) Review Adult Basic Education Curriculum (ABET) curriculum
- (iv) Review, revise and implement the ACE policy
- (v) Establish at least one secondary school for adults in every constituency
- (vi) Establish an aAdult Literacy Centre near every primary school and or an FBO institution
- (vii) Implement National Qualification Framework (NQF) with clear linkages to the formal education and training options
- (viii) Enhance capacities of ACE trainers
- (ix) Strengthen quality assurance in all ACE centres
- (x) Establish and implement strategies to work with other private sector partners, NGOs to mobilise resources.
- (xi) Providers capitation to ACE centres
- (xii) Enhance the image of ACE programmes.

CHAPTER FIVE: EDUCATION FOR MARGINALISED, HARD-TO-REACH AND VULNERABLE GROUPS

5.1 Government has endeavoured to promote access, equity and transition in education and training through the introduction of Free Primary Education (2003) and Free Day Secondary in (2008). The MOE together with other stakeholders has implemented various programmes with varying degrees of success to support the most vulnerable children, girls, and women in the Arid and Semi-Arid lands, urban slums.

5.2 Despite the gains in access and equity since the launch of FPE and FDSE there still remain pockets within Kenyan communities which have remained unreached for a host of reasons; economic, cultural, social, geographical, environmental, and political. These groups are diversified and have different educational needs. As a result different strategies are required to address issues affecting them.

5.3 In general, marginalized, hard-to-reach and vulnerable groups are characterised by not having a clear institutional framework to oversee the development and implementation of policies and strategies developed by the State. They live in both high and low population concentrations, whilst in addition pastoralists, for example, have religious obligations which require children to attend Madrassa/Duqsi schools in addition to whatever formal education arrangements are provided by the state. The schools complement formal schools especially in terms of social and cultural learning and the teaching of children to read. High levels of poverty and lack of monetary resources generally exist. In addition, challenges of learning institutions being far apart or overcrowded, insecurity, inadequate teaching and learning resources, poor infrastructure persist. In nomadic areas few teachers have a nomadic background whilst stigmatization can occur on grounds of special needs, cultural and other practices such as FGM and early marriages. Boarding schools are perceived to be culturally unresponsive to nomadic pastoralist children creating the fear of alienation of children from their communities' way of life.

5.4 In view of the above, the government shall adopt the following policy:
Make provision for equitable, quality education to Marginalised, hard-to-reach and vulnerable Groups

5.5 To achieve the above policy, the government shall adopt the following strategies:

Comment [VAC2]: Group noted that most of these strategies fall under NFE and ACE and not formal

- (i) Operationalise the Policy Framework for Education in Kenya to address the challenges of in the provision of education and fast track the establishment of the National Council for Nomadic Education in Kenya.
- (ii) Integration of madrassa/Duksi which is a non formal education system into the formal education system to improve access and retention in predominantly Muslim regions
- (iii) Give incentives such as conditional cash transfers to encourage enrolment and retention in Marginalised, hard to reach areas and vulnerable groups
- (iv) Expand and adequately finance feeder, mobile and low cost boarding primary schools. These schools should be equipped with provided with qualified, experienced and full motivated teachers. In addition the , full time boarding facilities that are not affected by the school academic calendar should be introduced
- (v) Establish Pre-Primary in ASAL, hard to reach and vulnerable areas, allocate capitation and development grants in line with basic education sub-sector funding.
- (vi) Provide better remuneration and conditions of and terms of service for teachers working in hardship regions for motivation. In addition, the resource/teaching centers should be equipped with relevant instructional materials.
- (vii) Develop a coherent education strategy and implementation plan to address the needs of Marginalised, hard-to-reach and vulnerable Groups Adopt an holistic approach to pastoralist education;
- (viii) Provide flexible mode of curriculum delivery
- (ix) Provide adequate incentives to teachers
- (x) Provide housing and other social amenities for teachers
- (xi) Establish rescue centres to cater for vulnerable learners;
- (xii) Sensitize communities on the importance of education Where appropriate, boost wireless transmission to increase radio coverage and reception and develop relevant radio content for marginalised children;
- (xiii) Adopt an holistic approach to ensuring the provision of proper water and sanitation in schools, immunization and regular de-worming of all school going children at school level, supplementary feeding and registration of births at school level;

- (xiv) Enhance provision of capitation/development grants to all Non-Formal Education Centres/Schools and Adult learning Centres to ensure availability of funds for tuition and relevant instructional materials;
- (xv) Work with other providers of not-for-profit Non-Formal Education Centres/Schools that meet set guidelines to be able to address issues of accommodation, infrastructure, staffing, HIV/AIDS, water, sanitation, health and nutrition.
- (xvi) Regularise the employment of teachers in non-formal schools and Adult learning Centres.
- (xvii) Promote Open Distance Learning [ODL] using local radio stations and mobile telephony to enhance access.
- (xviii) Increase number of Mobile Schools linked to mother schools and other social services.

5.6 With regards to Urban Informal Settlement Schools, government shall:

- (i) The Government, NGOS and other donors supporting NFE should prioritize and harmonize teacher training for NFE centers to enhance subject content mastery and pedagogical skills
- (ii) Operate a flexible curriculum for NFE schools that entails the core subjects including life skills and entrepreneurship
- (iii) Strengthen quality assurance mechanisms in NFE Centres/Schools.
- (iv) Review and operationalize the Alternative Provision of Basic Education and Training Policy
- (v) Obtain data on the number of un-enrolled children in urban informal settlements.
- (vi) Prioritise the introduction of capitation/development grants to all Non-Formal Education Centres/Schools to ensure availability of funds for tuition and relevant instructional materials.
- (vii) Provide P1/Diploma/Pre-school in-service courses for teachers in Non-Formal schools to enhance their subject content knowledge and pedagogical skills.
- (viii) Work with other providers of Non-Formal education to be able to address issues of accommodation, infrastructure, staffing, HIV/AIDS, water, sanitation, health and nutrition.

- (ix) Harmonise all players (private and public) in the NFE subsector with a view to formalizing their existence.
- (x) Develop an assessment framework for the NFE curriculum to ensure accreditation and linkages with formal curriculum.

5.7 Government shall implement the following strategies under NFE

- (i) Regularise the employment of teachers in non-formal schools.
- (ii) Make it easier for schools to register with the MOE by reviewing requirements for the NFE schools, such as land ownership;
- (iii) Develop learning resource materials to support NFE schools.
- (iv) Expand physical facilities in nearby public schools and introduce a double shift system to accommodate more students.

CHAPTER SIX: CURRICULUM AND ASSESSMENT

Relevance of the Curriculum

The curriculum is at the heart of the reform process.

6.1 The National Goals of Education embodied in Vision 2030 focus on enlarging learners' knowledge, experiences and imaginative understanding as well as developing an awareness of moral values and capacity for life-long learning. At the heart of this vision is a curriculum which will provide knowledge, skills, competencies and values to enable learners to move seamlessly from the education system into the world of work, with further academic, technical and vocational education adding value to what has been acquired through the education system.

6.2 Curriculum is defined as 'a plan for providing learning opportunities and experiences to the learners in order to achieve the educational goals and specific objectives required by Kenyan society'. It is the sum total of the learning opportunities presented to the learner (Education Act, Cap 211).

6.3 The current primary and secondary school curriculum was reviewed in 2002, followed in 2004 by a review of the primary teacher education curriculum and the diploma teacher education curriculum in 2007. More recently in 2008, Kenya Vision 2030 established clear priorities for the curriculum, whilst the Constitution of Kenya (2010) and on-going changes in the broader economic environment following the signing of the East African protocol impact directly on the shape and priorities of the curriculum. Youth polytechnic curriculum was developed in 2007.

6.4 Vision 2030 calls for a curriculum which accommodates individual and corporate social responsibility, and moral and ethical values. It also calls for the development of technical and entrepreneurial skills, competencies, skills and talents. The content of basic and higher education, therefore, shall need to be designed to equip all learners with relevant knowledge, skills, competencies and values, enabling learners to develop to their full capacity, enhance the quality of their lives, able to make informed decisions and predisposed to engage in life-long learning. Aligning the curriculum to address the aspirations of Vision 2030, the Constitution and the East African Community protocol is a national priority.

6.5 The summative evaluation of primary and secondary school curricula (KIE, 2009) identified gaps in the current curricula. Whilst the content of the curriculum addresses patriotism and national unity, it is argued that inculcating these values has been less successful because carrier subjects like history and government and religious studies are optional subjects at the secondary level. Further, much of the primary and secondary school curriculum content relegates practical skills necessary for economic development to non-examinable subjects. The acquisition of requisite practical, technological and entrepreneurial skills is not addressed and has created a situation where the study of practical and vocationally orientated subjects is regarded as the least desirable option to learners. The current curriculum has been objective but not competence based, does not give weight to values, attitudes and patriotism. Cognitive domain has been over emphasised at the expense of affective and psychomotor domains. Some aspects of curriculum are not being implemented especially if not examined e.g Physical Education and life skills, Inadequate ICT skills in teaching and learning, traditional method of teaching- only teachers being source of knowledge instead of involving learners, inadequate teaching and learning materials, curriculum support materials poorly distributed and not readily available in school, poor planning of human resource resulting to teacher shortages in some subjects,

Curriculum content

6.6 In addressing the need to construct a balanced education curriculum aligned to delivering the aspirations of Vision 2030 and the development of teachers with a different mind-set, the Government shall focus on core educational outcomes, based on content of the subject being taught, and on developing a repertoire of skills and competencies required by all learners and teachers. These include:

- Literacy, numeracy, and enquiry skills (the ability to read, write, compute, research and process information), and the teaching thereof;
- Thinking skills (the ability to comprehend, synthesise, evaluate and apply information), and the teaching thereof;
- Communication skills (the ability to communicate verbally, in sign language, and in writing; to talk, listen and act on directions), and the teaching thereof;
- Observation and investigative skills (the ability to find and record information, observe, review and assess), and the teaching thereof;

- Application and transferable skills (the ability to make and create things, demonstrate and use skills and competencies in more than one context), and the teaching thereof;
- Social and ethical skills (the ability to understand, empathise, respond appropriately and to make wise ethical decisions), and the teaching thereof;
- Entrepreneurial skills (the ability to take independent and productive action based on an ability to review and evaluate that action), and the teaching thereof.
- Talent potential development at all levels.

The Government shall review the percentage time within the curriculum allocated to the development of these skills through the various subjects to be included in the curriculum, including co-curriculum activities, and the allied assessment weighting given to each throughout it. Guide lines shall be developed to operationalise this approach in planning and timetabling.

The Government shall enhance relevance of the curriculum by apportioning a percentage of that national curriculum to meet the unique needs of the community.

6.7 The school curriculum shall therefore ensure that these skills and competencies are developed in an incremental way across all subjects, including co-curriculum activities that take into consideration the age of the learner. Further, in any scheme of work and series of lessons, teachers shall be able to assess the extent to which activities included and designed to develop functional literacy skills; reading, listening, comprehending, , writing, communicating, speaking, problem-solving and investigating (discovering), making, doing and practising.

Comment [VAC3]: this must be defined under definitions section

6.8 Core teacher competencies shall be aligned with delivering the above, and all teachers shall be able to demonstrate the following skills and competencies:

- Practical competencies in teaching learners to acquire literacy, numeracy and enquiry skills.
- Practical competencies in planning, teaching and learning.
- Practical competencies in teaching and managing a class (especially with large numbers of pupils in difficult environments and those with special needs and disabilities).

- Practical competencies in using print and electronic media as a creative learning resource and in making and using other teaching and learning materials.
- Practical competencies in monitoring, assessing, recording and reporting children's progress and using this information to inform further planning.
- Curriculum subject knowledge and understanding.

Guidelines shall be developed which include the percentage time within the curriculum allocated to the development of these skills, the allied assessment weighting given to each throughout the curriculum and the indicators of performance.

6.9 In order to make the curriculum specifically relevant to Vision 2030; emphasis shall be focused on technology, innovation and entrepreneurship, talent development, and the need for schooling to be more closely related to the world of work. Because technology relies heavily on the use of ICT, the provision of ICT facilities across the education sector shall be a Government spending priority.

6.10 East African Community (EAC) member countries (Tanzania, Uganda and Rwanda) have adopted competency based curriculum and assessment. The examination oriented Kenyan curriculum shall be revised, and competencies and skills, will be assessed. The introduction of standardised assessment testing across the Basic Education cycle will address this need. Further, at present, technical subjects are offered in limited number of secondary schools only, and as a result, few students are exposed to them early enough.

6.11 To address the above issues the Government shall implement the following policy

Reform curricula in line with relevant provisions of the Constitution 2010, aspirations of Kenya Vision 2030, the East African Community protocol and to meet the needs of the society.

6.12 In order to address this policy, the Government shall employ the following strategies:

- (i) (i) The Kenya Institute of Education (KIE) shall be renamed the Kenya Institute of Curriculum Development (KICD) to reflect its specific functions;

- (ii) Require KICD to undertake a major curriculum reform and the assessment thereof across all levels of education and training including teacher education in order to align it with the Constitution and to ensure that the goals and aspirations of Kenya Vision 2030 are met by embedding ICT within it and emphasising the development of a repertoire of skills and competencies necessary to inform a globally competitive economy.
- (ii) Require KICD to develop a progressive assessment framework which identifies the knowledge, skills and competencies that will be assessed at each cycle.
- (iii) Require KICD to review, develop and evaluate print and electronic teaching and learning materials to ensure that the content addresses the skills and competencies framework, and that they are aligned with the Constitution (2010), especially with regards to equal opportunity, gender and civil rights.
- (iv) Mobilise and secure funding for a massive expansion in ICT provision across the sector.
- (v) Strengthen school quality assurance mechanisms.
- (vi) Delivery of curriculum to encourage innovativeness on the part of the learner
- (vii) Mobilise resources for construction of education resource centre

Assessment and Examinations

6.13 The current summative assessment at the end of primary cycle does not adequately measure learners' abilities while school based assessment is not standardised. In addition, there has been widespread malpractice in examinations. Assessment is mainly used as a means of determining who can move to higher education. In essence, the current system of summative assessment at the end of the various cycles together with the limited availability of student places at secondary and higher education level dictates the teaching/learning process towards examinations as opposed to learning. Assessment must inform teaching and learning processes that are in tandem with Vision 2030 and to enhance learner achievement, skills and competences.

6.14 To address the above shortcomings in assessment and examinations, the Government shall implement the following policy:

Introduce standardised assessment of core learning outcomes, transferable skills and subject related knowledge.

6.15 In order to implement this policy the Government shall adopt the following strategies:

- (iii) The Kenya National Examinations Council (KNEC) shall be renamed the Kenya Education Assessment Council (KEAC) to reflect the specific focus of its work;
- (iv) Require KEAC to develop standardised competency based assessment tests items (Competence Assessment Tests (CATs), to assess core competency areas, and to align each to all specific levels within the Basic Education cycle. KEAC shall make a battery of these test items available to teachers via the internet.
- (v) Require KEAC to develop and introduce a Credit Recovery system.
- (iv) Require schools to introduce regular cumulative assessment using the Competence Assessment Test items (CATs). This assessment shall include termly tests and a final scholastic assessment test at key points in the education cycle. The curriculum and textbooks shall be revised to ensure knowledge and core skills and competencies that will be tested are fully covered.

Standards and Quality Assurance (QAS)

6.16 Developing and maintaining standards in education and promoting quality education remains a major challenge across education systems throughout the world. Quality in Education is the degree to which education can be said to be of high standard, satisfies basic learning needs, and enriches the lives of learners and their overall experience of living (UNESCO, 2000).

6.17 There is a strong link between the quality of provision and retention rates. If parents and learners do not perceive the value of going to school and staying in school, they will leave. It is known that if learners understand and clearly perceive the link between schooling and obtaining a job, the incentive to remain in school increases.

6.18 This poses two challenges to the Government; the first is how to develop and maintain the quality the provision of education and training; the second is how to narrow the gap between schooling and work, and to establish clear links between them.

6.19 In order to develop and maintain quality of provision, Government believes it is necessary to have systems and structures which guarantee the independence of the process of Quality Assurance.

6.20 Given the heavy investment in education (6.4% of GDP), it is a matter of considerable concern to the taxpayer that it is not getting value for money from the education sector. Whilst enrolment rates at primary and secondary levels have increased, learning outcomes have not done so. One reason, amongst others, is that the application of measures for quality assurance and standards are not functioning adequately. Minimum quality standards are not being achieved, nor are schools being regularly inspected and teachers, schools and the institutions managing them being held to account.

6.21 At present, the Ministry of Education has a Directorate of Quality Assurance and Standards (QAS) mandated by the Education Act of the Laws of Kenya Cap 211 to undertake issues of quality and standards through independent assessment/ inspection. The Directorate's functions include establishing, maintaining, improving quality and standards in all educational and training institutions whether public or private other than Universities. However, the directorate suffers from inadequate funding to conduct its work, it is understaffed, and personnel require capacity building to effectively meet the challenge of decentralisation. Further, the directorate does not have the authority to take action against underperforming schools and individuals, or indeed to hold the Ministry of Education to account for failing to resource its work satisfactorily. Government shall adopt the principle of *NEMO JUDEX IN SUA CAUSA* (no one should be judged in his own cause).

6.22 To address these challenges the Government shall implement the following policies:

- (i) Establish Education Standards and Quality Assurance Commission (ESQAC) under the department of education. It will be the national custodian of standards and quality in education and it will hold to account all service providers across the education sector, including *inter alia* the MoE, CHE and the TSC. ESQAC will concern itself with the effectiveness of government's education policy implementation, strategic planning, resource mobilisation and the management of resources by ministries and institutions concerned with education, and their management bodies.
- (ii) Reconstitute the current Directorate of Quality Assurance in Ministry of Education with decentralized services at county, sub-county and School level.

6.25 To implement the above policies the government shall employ the following strategies:

- (i) Ensure that ESQAC is effectively constituted and staffed, sets up an appropriate infrastructure, prepares annual plans, programmes and reports, and appoints and trains Associate Assessors;
- (ii) Ensure that QAS enhances school based quality assurance capacities.

National Qualifications Framework (NQF) and National Assessment System (NAS)

6.26 A formal NAS and NQF framework listing all public and private sector assessment and the qualifications awarded does not exist in Kenya. Although at a school level KNEC examinations are uniform throughout Kenya irrespective of region or the rural/urban divide, various private institutions and professional bodies offer international or their own qualifications. No register of these qualifications, their award criteria or the skills and competencies required exist. As a result there is no means of ensuring the integrity of Kenyan qualifications or any way of assessing whether international qualifications meet national norms and standards and, vice versa.

6.27 A National Qualifications Framework (NQF) is a structure for developing, describing and systematising the relationships across qualifications. It provides a way to compare qualifications, and to ensure that they are quality assured and recognised both nationally and internationally. A NQF is the set of principles and guidelines by which records of learner achievement are registered to enable national recognition of acquired skills and knowledge. Such a framework is an integrated system for encouraging life-long learning. The framework makes a hierarchical distinction between qualifications and categorizes them by level. At this stage, little is known about the comparability of these qualifications internally within Kenya or of those offered internationally.

6.28 Various countries have developed National Qualification Frameworks to address issues of the comparability of international qualifications, to facilitate the mobility of learners, and to improve academic and professional qualifications. For example the Bologna Process is harmonizing all academic qualification in Europe, to the benefit of students and academic staff across the European Union. A start has already begun in Kenya to assess foreign qualifications, especially in the case of foreign teachers teaching in Kenya, and to harmonise national qualifications within the East African Community.

6.29 The development of an all-encompassing NQF brings other gains. NQF includes descriptive and accreditation indicators for each qualification level hence national and international qualification equivalences can be arrived at. Such indicators also allow institutions to assess what credits an individual can transfer between institutions thereby facilitating the mobility of learners and graduates. Most important of all is that a NQF can assist learners to make informed decisions about qualifications they need; they can compare levels of different qualification and identify clear progression routes within a chosen career. It also allows for course developers to state clearly the credit-worthiness of courses and

programmes. It is also an essential tool for institutions wishing to place their courses on the internet.

6.30 To address these issues the Government shall implement the following policy:

Introduce a National Qualifications Framework for Kenya

6.31 To implement this policy, the Government shall employ the following strategies:

- (i) Develop a National Qualification Framework; which encompasses all educational and professional qualifications; identifies the various profiles (level descriptors, learning outcomes, credit ranges); indicates what learners are expected to know, understand and able to do on the basis of the given qualification; indicates how learners may move between qualifications and levels in the education system; and lists the criteria and procedures for the verification of framework comparability.
- (ii) Test, certify and apply the framework to all local and international qualifications.
- (iii) Establish an interagency and inter-ministerial institution to develop, administer and coordinate the NQF in Kenya as recommended by the report on the Harmonization of the Legal Framework on Education, Training and Research.
- (iv) Equate and harmonise all national and foreign qualifications that are available at the Basic and Higher Education level.

- (v) Specifically develop a Credit Accumulation Scheme to cover all validated Continuing Professional Development so that such programmes can be credited towards further qualifications.

Mentoring, Moulding and Nurturing of National Values

6.32 The majority of today's learners are faced with numerous personal challenges that require them to make life-defining decisions often early on in their lives. Increasingly younger people have to handle issues dealing with sexuality, peer pressure, drug and substance abuse, harmful traditional practices and negative media influences. At the same time they have to make sense of broader political and social changes. Providing young people with support and guidance to assist them to manage these issues effectively forms a critical part of education. The government accepts that the family and parent community have a

major role to play in this regard, but nonetheless argues that education is required to provide guidance and support through the provision of life skills programmes.

6.33 The Government also believes that for Kenya to become a stable, middle income country, proud of its achievements and able to take its rightful place in the community of nations, it is necessary that national values are shared and understood by the population as a whole; recognising that ethnic divisionism will destroy this goal.

6.34 In spite of pockets of good practice in some schools and institutions, guidance, counselling and mentoring services currently do not exist in sufficient depth, nor is it provided in a comprehensive or coherent manner. Specifically, it does not address in a holistic way career/business guidance, personal development and educational mentoring. Teachers generally lack the skills necessary to provide this support, and there is lack of clarity on how parents and teachers and others can work together to provide life skills support and training, and advice on entry into the world of work.

6.35 The Government through the Ministry of Education offers education guidance and counselling services dealing with children with learning difficulties and maladjustment. It also manages Special Schools for children with severe learning difficulties in conformity with the national special education needs policy. Pockets of good practice exist, but identification of children and provision generally is unsatisfactory. The present Special Education Needs policy includes provision for the inclusion of learners with mild learning disorders in main stream schools, for which few teachers have the capacity to identify and manage this group of learners.

6.36 The major challenges faced by the government include the absence of valid data, a clear understanding of the extent of these challenges, inadequate funding for the ministry's Guidance and Counselling Unit, and an overall lack of capacity in the nation's schools to provide both general guidance and counselling support and mentoring to all learners. There is need to introduce mentoring and moulding programmes in education institutions with a view to inculcating national values in order to promote national unity and cohesiveness.

6.37 To address the above challenges the Government shall implement the following policy:

Introduce a guidance, counselling, moulding and mentoring policy for all Kenyan schools.
Introduce guidelines on national citizenship

6.38 To address the above policy, the government shall employ the following strategies:

- (i) Reaffirm the Government's commitment to the UN Convention on the Rights of the Child (CRC) (1989) and Convention of the Rights of Persons with Disability (2006).
- (ii) Undertake a major review of the provision and effectiveness of Guidance and Counselling, Moulding and Mentoring across all education institutions;
- (iii) Require all schools and teacher training institutions to implement the guidance, counselling, moulding and mentoring policies, and provide materials in support of this.
- (iv) Develop with sponsors, parents and faith groups, rules, guidelines and operational principles governing their engagement in this area.
- (v) Develop guidelines and establish implementation mechanisms for peer mentoring.
- (vi) Mobilise sustainable funding for the provision of these services.
 - (vii) Develop and implement curriculum for citizenship
 - (viii) Encourage teaching of a foreign language for global competitiveness

CHAPTER SEVEN: INFORMATION AND COMMUNICATION TECHNOLOGY (ICT), OPEN AND DISTANCE LEARNING (ODL) IN EDUCATION AND TRAINING

7.1 Information and Communication Technology

7.1.1 The Government recognizes that an ICT literate workforce is the foundation on which Kenya can acquire the status of a knowledge economy by the 2030. Against this background, the Government shall make education the natural platform for equipping the nation with ICT skills in order to create dynamic and sustainable economic growth. To this end, the Ministry has continued to supply ICT equipment, content and training of teachers on ICT.

7.1.2 ICT in the education sector can broadly be categorized in two ways:

- (a) **E-Government** which aims at mainstreaming ICT in all government operations and service delivery such as Education Management Information Systems (EMIS) and Educational Financial Management and Information Systems (EFMIS). These aim at facilitating education managers and administrators with accurate and timely data for better and informed decision-making and financial management.
- (b) Interactive e-learning which aims at mainstreaming ICT as a tool for teaching and learning.

7.1.3 We live in a digital age and internationally it is acknowledged that without both the infrastructure to support it to exist and the human resource capacity to make it work the Kenyan economy will not function effectively or be internationally competitive. No economy can survive without investment in ICT, and already in Kenya such areas as banking, communications, tourism, and industry are almost totally dependent upon it. Social services too are increasingly dependent on reliable IT systems and persons with IT skills and capacities. Human capacity has to be developed, and the Government recognises that this begins at school level.

7.1.4 ICT is a major vehicle for teaching and learning from the earliest years. It is at a very young age that learners begin to acquire digital skills which they increasingly use to explore and exploit the world of information and to craft that into knowledge. ICT facilitates the opportunity for more student centred teaching, more self-learning and more peer teaching. It also provides greater opportunity for teacher-to-teacher, and student-to-student

communication and collaboration and access to the worldwide web and the learning resources contained thereon.

7.1.5 A number of major challenges face the education sector in Kenya, including issues of access, funding, inadequate ICT facilities, high cost of development of interactive e-learning content, ICT not embraced as medium of instruction and management tool, inadequate capacity for teachers, absence of ICT Curriculum at ECD and primary levels, dynamic nature of ICT technology, inadequate capacity for maintaining ICT equipment, inadequate use of ICT by the Ministry of Education, and inadequate capacity to monitor utilisation of ICT in schools. A key issue affecting ICT provision especially in rural areas is the limited access to electricity and where this exists, frequent power disruptions. Further, it is very expensive and high costs of Internet provision and other costs associated with ICT; equipment, infrastructure and support costs, present severe obstacles to rolling out a national ICT programme in the short to medium term. Resourcing and funding a national ICT programme is going to require considerable financial resources if it is to be prioritised.

7.1.6 The Ministry shall collaborate with relevant ministries to ensure that all learning institutions, schools (primary and secondary) have access to electricity, are connected to the worldwide web and provided with ICT equipment by 2020.

7.1.7 The Ministry shall integrate ICT into its own financial and information management systems across the education sector. With devolution this becomes a necessity without which joined up management will be impossible. Consequently, government will prioritise the provision of equipment and training across all County and sub-county offices to ensure results-based financing and real time information sharing, a credible, reliable EMIS and FMIS system shall be created by 2015.

7.1.8 To address the above challenges, the government shall implement the following policies

- (i) ICT in education in all respects shall be a national development priority, and fully and effectively resourced.

7.1.9 To address the above policies, the Government shall employ the following strategies:

- (i) By 2015 an e-curriculum shall be introduced. Government shall also ensure that all teachers are computer literate and able to use digital media in their teaching and learning by this date.
- (ii) Review and implement ICT policy
- (iii) Develop a fully costed national education ten year ICT in Education and Training Strategic Plan,
 - (iv) review existing ICT plans and initiatives,
 - (v) develop a National Plan,
 - (vi) Develop a statement of minimum quality standards and specifications;
 - (vii) Develop a phased costed implementation plan, and a projected funding and infrastructure procurement plan.
 - (viii) Review the national telecommunication policy in collaboration with other stakeholders to support education and to provide preferential treatment for education and training institutions;
 - (ix) Mobilise funding for a massive expansion nationally of connectivity, on-line facilities, equipment and capacity building.
 - (x) Integrate ICT into every aspect of education and training across the sector, including the management thereof.
 - (xi) Establish a National *ICT in Education Centre (ICTEC)* with a board representing County and professional interests to drive forward ICT development across the education sector.
 - (xii) Establish partnerships for the development of ICT platforms and digital content in all subjects across the education sector;
 - (xiii) Establish ICT controls and security measures for all levels of the education sector
 - (xiv) Develop a national capacity for curricula design in all education and training sub-sectors to facilitate the use of ICT in service delivery so that access to quality educational services for learners at all levels of the education system is improved.
 - (xv) Keep pace with dynamics of development in ICT
 - (xvi) Continuous capacity building of teachers and education officers across the sector

7.2 Open and Distance Learning (ODL)

7.2.1 ODL approaches to education focus on expanding access, quality and equity to education, and as such can address the demands on education of the Constitution (2010) and the aspirations of Vision 2030. The philosophy of Open, Distance Learning (ODL) is characterized by the removal of barriers to accessing education. Learners can study what they want, when they want, where they want and at whatever age they may wish to do so. ODL systems typically use technology to mediate learning; for example, printed study materials, audio, computers, TV, mobile and wire telephones and the web. ODL can give learners access to education that they would not otherwise have had for various reasons.

7.2.2 In Kenya there are many people living far away from educational institutions. Few people can leave their work places during working hours to attend formal classes. Migration, mobile working or nomadic lifestyles are obstacles to learning in the traditional sense. Poor transport systems, closed enrolments and restricted opportunities in the mainstream education sector also restrict people's access to education. This makes ODL an attractive alternative.

7.2.3 Currently, ODL learning approaches are being used in Kenya to train teachers and other professionals at relevant institutions.

7.2.4 Although there is a mention of Open and Distance Learning in Sessional Paper no. 1 of 2005, the government lacks a policy on ODL. There is also a total absence of ODL approaches in primary and secondary education in Kenya, especially in areas where physical, socioeconomic and time factors hinder the delivery and access of education in the traditional way. Some parts of the country are not covered by mainstream electronic media because of the absence of infrastructure, thereby raising further issues of ensuring equity of access. There is little awareness among education recipients and providers of the value of ODL, or of its viability in delivering quality education. The education media at KIE is currently not fully operationalized to meet the challenge of education broadcasting needs in ODL in spite of the investment that has been made in it because of the limited digital TV broadcast coverage

7.2.5 To address these challenges, the Government shall implement the following policies: Adopt distance and open learning approaches including home learning across all levels of education in Kenya.

7.2.6 To implement these policies the government shall employ the following strategies:

- (i) Develop and implement an overall ODL policy, including incorporating a legal framework;
- (ii) Develop modalities to mainstream ODL as part of Education system in Kenya.
- (iii) Initiate the development of ODL approaches to meet the educational needs of e-Learners, Online learners and Distance learning students at all levels of education, and in ASAL areas, pastoral communities, marginalized groups, special needs education and non-formal education
- (iv) Develop a regulatory and legal framework for all institutions to enable them to establish open learning opportunities at university, middle level college and school level in Kenya.
- (v) Establish partnerships with ODL providers at national and international levels.
- (vi) Fast track the processes of the establishment of a National Open University Satellite Centres in all counties as recommended by Public *Universities Inspection Board 2006 Report*.
- (vii) Train Teachers and ODL education managers to enable them to:
 - (a) Acquire skills to develop distance and e-learning study materials.
 - (b) Develop capacity to train ODL providers (peers) in developing distance and e-learning study materials.
 - (c) Tutor distance learners in order to enhance equity, access, equality and quality.
 - (d) Offer learner support services to distance and e-learners.
- (viii) Evaluate the outcomes of the actions to determine efficacy and effectiveness of ODL and e-Learning programmes.
- (ix) Collaborate with other international bodies that may be interested in partnering with the country in establishing ODL programmes, such as the Commonwealth of Learning.
- (x) Establish an ODL broadcasting station, possibly at the proposed ICTEC for the purpose of transmitting ODL programmes to all areas of the country.
- (xi) Design a framework that will ensure affordable allocation of airtime for the promotion of ODL programmes.
- (xii) Enhance development and dissemination of educational content through education channel at KICD Fully equip the proposed ODL satellite centres with the necessary resources and other ICT facilities.

- (xiii) Mobilise funds for the launching of the educational broadcasting services with outreach to all areas of the country.
- (xiv) Disseminate ODL as alternative mode of delivery of wide range of courses in all public/ private universities and middle level colleges.

CHAPTER EIGHT: GOVERNANCE AND MANAGEMENT OF EDUCATION AND TRAINING

8.1 Since independence in 1963, Kenya's education sector has witnessed a rapid quantitative expansion. In 2010 both public and private institution numbers were: ECDE centers - 38523, primary schools - 27489, secondary schools - 7308, TTCs 238 (ECDEs /primary/secondary) -, TIVET institutions 818, and universities - 32. However, this growth has brought concerns over the general quality of education offered in education and training institutions. The quality of teaching, management and the provision of resources are generally blamed for this.

Comment [AM4]: Tabulate figures for 1963 for purposes of comparison

Comment [AM5]: Quote current figures

Governance of the Education Sector

8.2 Governance is the process of providing policy leadership, oversight and strategic guidance on the management of resources and the delivery of services as well as the formulation and implementation of sound policies and regulations. The Constitution of Kenya (2010) has given the issue of governance in the provision of public services considerable significance.

8.3 The Education Act Cap 211 (revised 1980) gave the Minister for Education considerable discretionary power in the management and governance of the education sector. In almost all public education and training institutions, the Minister has power to appoint the members of the respective governing and advisory boards. Although this Act also gave the Minister powers to appoint an advisory body to help in management of education, this has not been done. These powers in management and governance of education have been addressed in the proposed new Education Bill 2012.

8.4 Presently, overall policy leadership is vested on the government through the twin Ministries of Education and that of Higher Education, Science and Technology. These ministries are headed by separate Ministers with each having parallel accounting officers (the Permanent Secretary) and a range of directorates. Under the PS Ministry of Education, there is an Education Secretary heading the technical work of the Ministry, working with and overseeing six directorates (DACE, DBE, DQAS, DSTE, DFOS, and DPP&EAC). With the changing title of Minister to Cabinet Secretary, PS to Principal Secretary, there may be need to change the title of Education Secretary.

8.5 Education in the Provinces is managed by the PDEs and assisted by DEOs in the districts. Management primary education in 7 municipalities is under Ministry of Local

Government. However, the management of special education and secondary education within the Municipalities is under the Ministry of Education.

8.6 A major challenge of the present structures is inefficiency in the management of resources and utilisation. Funds disbursed directly to institutions and those managed by MoE offices are at times not properly utilized for intended purposes. Other challenges include weak accountability, inefficient monitoring and tracking systems coupled with an over-centralized, hierarchical and bureaucratic decision-making system which encourages mismanagement.

8.7 Lack of harmonisation of institutional and identification codes between the MoE and its SAGAs causes a challenge in terms of accountability and reliability of data. Unreliable data has rendered the Educational Management Information System (EMIS) functionally ineffective. In the absence of legal provisions guarding against misinformation or non-cooperation of required data, heads of units and institutions provide inaccurate data to suit their unique circumstances.

8.8 There is conflict over the role of Sponsors and the Ministry of Education with regard to ownership, management and appointment of heads and teachers of faith-based sponsored institutions.

8.9 Institutional governance organs such as the BoGs, PTAs and School management committees have insufficient authority to enable the efficient management of institutions. Although Parents' Teachers' Associations (PTAs) contribute to the management of schools, they are not provided for in the legislation.

8.10 Under the Constitution of Kenya (2010), 47 Counties have been created together with 290 constituencies. Reconfiguring governance at the national, county, constituency and institutional level is now mandatory. Whereas the Constitution requires devolution in the management of education, policy-making will remain a Ministry headquarters responsibility. Implementation of education services will be separated, with local management bodies being given the powers to act within the Constitution.

8.11 To address these challenges the Government shall implement the following policies:

- (i) (i) Establish a National Education Board (NEB) whose role will be to advise the Cabinet Secretary on all matters concerning education in the country.
- (ii) Establish County Education Boards (CEBs) whose role will be to manage education at the County levels.
- (iii) Delegate the delivery of basic education to the County Education Boards (CEBs).

8.12 To implement the above policies the Government shall employ the following strategies;

- (i) Develop an education sector strategy with short, medium and long-term objectives to direct the development of education.
- (ii) Rationalise Headquarters and County level staffing.
- (iii) Establish the position of **Director General of Education (DGE)** responsible for the implementation of education across the sector.
- (iv) Rationalise and refocus the Semi-Autonomous Governments Agencies (SAGAs) responsible for the development and management of various aspects of Education and Training.
- (v) Establish County Education Boards (CEB).
- (vi) Define the roles and responsibilities, functions and membership of County Education Board (CEB).
- (vii) Establish the post of County Directors of Education (CDEs).
- (viii) Recognise and strengthen the role of Parents' Teachers' Associations (PTA), teacher professional bodies such as the Kenya Heads Association in the Education Act.
- (ix) Establish and strengthen the Education Office at the county and sub – county levels.
- (x) Establish a Board of Management (BoM) and Parents' Teachers' Association (PTA) at institutional level.
- (xi) Establish Governing Councils for TTCs institutions.
- (xii) Establish and strengthen Student Councils (SCs) for educational institutions with effective representativeness.
- (xiii) Develop codes of conduct and regulations for BoMs, PTAs, CEBs and SCs and Sponsors and establish clear roles and responsibilities.
- (i) **Institutionalise** financial tracking and auditing in all learning institutions at county level including management of instructional materials.
- (xiv) Develop regulations which hold management bodies individually and collectively liable for any loss, misuse or embezzlement of funds under their dockets.

Comment [AM6]: New title of Education Secretary

Comment [AM7]: Change

- (xv) Hold all officers in the Department of Education personally liable for any loss, misuse or embezzlement of funds. Create guidelines, sanctions and penalties for officers who give false information or fail to participate in the accounting process.
- (xvi) Strengthen both the finance and internal audit unit and systems.
- (xvii) Require Counties to employ relevant non- teaching and support staff for basic education institutions.
- (xviii) Create schemes of service for non- teaching and support staff.
- (xix) Institutionalize the Education Management Information Systems within the MoE and County Offices.

Management of the Education Sector

8.13 Basic Education in Kenya is managed by the MoE and its Constitution and statutory institutions. The sector faces challenges in management performance, governance, financial management,; high staff turnover, quality of education, and infrastructural gap in a number of education and training institutions.

8.14 Issues exist over the capacity of provincial and district auditors to undertake the work required, and whilst procedures and rules governing the financial management of institutions exist, they are not being effectively applied. This is because audit functions are under-provided at school, district and provincial levels.

8.15 Training and capacity development for School Management Committees, heads of institutions and Boards of Governors in financial management, procurement and governance is inadequate. Other gaps include coordination of different players, mapping and planning, shortage of teachers leading to poor institutional management.

8.16 To address these issues, the Government shall implement the following policy;
Reform governance and management across the education sector.

8.17 To implement this policy the Government shall employ the following strategies:

- (i) Review and revise all governance and management structures across the sector and linkages between them to ensure they are fit for purpose.
- (ii) Review and revise all conditions of service, terms of reference, deployment criteria and procedures with a view to operationalising a performance contract system across the MoE and TSC at national and County levels.
- (iii) Review and define the role of sponsors, investors and financiers across the education sector.
- (iv) Provide for appropriate community representation in the management and governance of education institutions.
- (v) Increase the number of county level auditors so that schools are audited at least once a year.
- (vi) Establish and implement minimum qualifications and competences for all levels of management in the sector;
- (vii) Establish and implement open and competitive processes for the identification of and appointment of institutional managers;
- (viii) Develop a scheme of service providing for employment by the MoE of high integrity institutional accountants (bursars), accounts clerks and other support staff;

- (ix) Clearly delineate roles, responsibilities and expectations of stakeholders at institutional level, with attendant reporting lines and accountability structures;
- (x) Require all school managers to sign legally binding performance contracts with associated targets for purposes of appraisal.
- (xi) Develop a system of capacity building which provides regular in-service training with successful completion thereof having a bearing on promotion.
- (xii) Establish a system that incorporates effective participation of learners, parents and teachers in the day to day management of institutions.
- (xiii) Establish transparent legal procedures for dealing with the misappropriation of public resources, including holding officers collectively and individually accountable for the refund of plundered resources and their immediate removal from public office.

Human Resource Development and Management

8.18 Human capital is one of the most critical resources needed for social-economic development of an organization or nation. Successful nations and individual organisations invest heavily on human resource capacity development. Therefore, a critical mass of educated people who are equipped with appropriate knowledge, skills and attitudes is required in order to achieve the country's political, economic and social goals that are articulated in Kenya Vision 2030. For these aspirations to be achieved there is need for the Ministry of Education to be an efficient and effective organization. This requires enhanced capacity by way of informed and pro-active leadership; clear management goals, targets and structures; development and implementation of a staff development policy and an effective system of staff appraisal. Where this does not exist, it will have to be developed.

Human Resource Development: Administrative, Management and Support Personnel

8.19 Major issues exist in turning the MoE into a learning organisation with highly skilled and motivated personnel. These relate to not having prioritised funding for Human Resource Development (HRD), a failure to develop a clearly articulated institutional staff development plan and, more specifically, for being slow to address staffing and equipment needs. Apart from existence of staffing vacancies in most cadres, there is also inefficient staff management and utilization.

8.20 The new governance configuration outlined in the Constitution of Kenya (2010) requires adequate decentralized structures. A gap between competencies and the responsibilities of education staff exists in relation to assignments undertaken. The basis for deploying officers is seldom adhered

to. There is a high turnover of staff especially at mid-to-higher job levels resulting in cases of officers having stagnated in one job group indefinitely within the Ministry.

8.21 The absence of systematic deployment together with low staffing levels has led to officers undertaking work outside their areas of expertise. This has made it extremely difficult for MoE to achieve expected performance levels, whilst high staff turn-over has led to low staff morale as staff focus on resolving most urgent and immediate activities and failing to think strategically. A system of formal staff capacity building has been slow to develop.

8.22 At institutional level, apart from a inadequate of capacity and the absence of policy guidelines to assist members of the BOGs and SMCs, there is no provision for training these officials. In certain technical areas, especially ICT, inadequate capacity and allied resource gaps are such that it affects productivity. This has serious implications for the overall quality of service delivery.

8.23 Devolution under the Constitution will mean that staff will be rationalized with some being deployed to the counties. For both those who remain in headquarters and those devolved, capacity building will be required to enable them to meet new roles and responsibilities.

8.24 To address the above challenges, the government shall implement the following policies:

- (i) Adopt a policy of transformative leadership in the MoE..
- (ii) Make Human Resource Development central to the MoE's activities.

8.25 To implement the above policies, government shall employ the following strategies:

- (i) Establish a clear national picture of the authorised/approved staff establishment levels for the education sector and create a list of all vacancy levels; taking into account operational requirements, geographical context (counties), regional ethnic diversity, gender balance requirements, age profile of existing staff, experience and skill profiles of existing staff and staff required by areas of specialization
- (ii) Establish clear staffing norms taking cognizance of the current devolution and all emerging issues, and recruit sufficient and qualified personnel for the education sector at all levels.
- (iii) Develop and institute an effective HRM policy throughout the MoE which ensures that officers enjoy an acceptable work-life balance.

- (iv) Decentralize the appointment of Board of Managers (BOMs) to the counties so as to eliminate delays in constituting these management bodies as well as ensure strict adherence to criteria on minimum qualifications of members to these bodies.
- (v) Implement a policy of individual performance contracting linked to annual appraisal and performance pay.

Human Resource Development: Teacher Education and Development

8.26 Kenya currently has seven public universities offering initial teacher training courses, whilst there are 22 public teacher training colleges offering certificate courses for training in primary teaching and 2 public teacher training colleges offering diploma level training. There are several private institutions offering a similar range of programmes.

8.27 Teacher education in Kenya is provided for the following levels: pre-primary (certificate and diploma levels), primary (certificate level), secondary (diploma level) and secondary (graduate level). Programmes of study are also offered at university level (for secondary school teachers) and teacher training college level. Pre-primary and primary teacher training courses focus on pedagogy and, where appropriate, subject knowledge content. Secondary teacher training courses concentrate on subject knowledge in two subject areas and the pedagogy on the teaching thereof. In addition students are required to follow courses in education theory. The balance of time allocated to theory and practice is a matter of debate, with the argument now moving towards a greater emphasis on teaching and teaching methods, leaving the more theoretical aspects of education to be addressed in post-graduate programmes.

8.28 Many scholars have pointed to the questionable impact of much teacher training, arguing that working habits acquired by persons who become teachers in the early stages of their own schooling tend to stay with learners to some degree throughout their learning or teaching careers. The hardest element to change and the major challenge facing the profession concerns changing instructional practices towards greater collaborative relationships between teachers and learners. Teaching and learning are what ultimately make a difference in the mind of the learner, and thus affect knowledge, skills, attitudes and the capacity of young people to contribute to contemporary issues. Therefore, action needs to be taken to improve teaching and learning processes in Kenyan schools so as to develop an appropriately skilled human resource for the country.

8.29 The general consensus is that Teacher Education in Kenya has not kept pace with developments that have occurred throughout most developed countries. Policy framework for teacher education needs strengthening. In the face of resource constraints, there are neither policies for the recruitment and career development of teacher educators as a specialist cadre within the teaching profession, nor is there a clear career and professional route to becoming a teacher educator.

8.30 There is a weak link between teacher training colleges and higher education institutions, especially universities who train them. Currently, the minimum entry grade to primary teacher education is 'C plain' (at KCSE) while at secondary level, students entering teacher training at universities is C+ and above.

8.31 To address the above challenges, the government shall implement the following policies:

- (i) Develop a teacher education policy.
- (ii) Develop a teacher qualification framework.
- (iii) Make Continuing Professional Development (CPD) of teachers and teacher educators a contractual entitlement.

8.32 To address the above policies, the Government will employ the following strategies:

- (i) Undertake an in-depth study of teacher education focusing on improving the quality of teachers and teacher educators.
- (ii) Develop and implement a teacher education policy, which has at its centre the Continuing Professional Development (CPD) of teachers and teacher educators.
- (iii) Develop a teacher development and management policy by TSC.
- (iv) Recommend that TSC implements a scheme for all teachers and teacher trainers to develop their own personal CPD plan on a three year basis, and to monitor their performance and achievement on the basis of these plans.
- (v) Fund CPD on the basis of an annual grant to teachers (a teachers' capitation grant) for their exclusive use to buy validated CPD training services.
- (vi) Require TSC to manage the CPD process, and to account for the relevant expenditure annually.
- (vii) Require KICD to vet all CPD training for fitness for purpose, and assign credit points to each training package which may be used as credits towards higher diploma or degree awards.

- (viii) Make ICT a priority area for CPD for all teachers.
- (ix) Require all aspirant head teachers to have successfully completed school leadership and management training.
- (x) Establish a teacher education directorate to co-ordinate the development of teacher education nationally.
- (xi) Build the capacity of teachers in developing and using school based assessment of learning achievements, paying special attention to the acquisition of literacy, numeracy and enquiry skills.

CHAPTER NINE: PLANNING, IMPLEMENTATION MONITORING AND EVALUATION

9.1 Planning of Education and Training

9.1.1 Deepening decentralization of the management of education and training services requires that the scope of authority at each level of management be well defined and that the requisite data and information management system is established for effective education planning. Currently, most aspects of education and training planning are performed at the national level with district and local level offices responsible for implementation. Under a decentralized system, the role of the County Education Boards in education and training planning will be enhanced with Education Planning being institutionalised through the introduction of planning functions at the county level. Requisite Human Resource Capacity building as well as financial resources will support this process, and will be achieved through a programme of training procured through an open tender process.

9.1.2 As observed in the Sessional Paper No. 1 of 2005, Education Planning and Management would be more effective were an efficient Education Management Information System (EMIS) available; one which provides a smooth flow of information to policy makers, planners, managers and other stakeholders at all levels of education and training. Currently, information and communication to and from headquarters to the Counties, district and school levels is normally through letters and circulars sent by post or by faxes thus causing delays in decision making and follow-up actions. The education ministries lack an effective EMIS while electronic networking is very limited. Effective education management and planning using e-systems will need to be enhanced so that county and national headquarters are linked electronically. This shall be accompanied by a programme of capacity building for officers in relevant data management systems.

9.1.3 At present data on school enrolment, facilities, teachers and other educational personnel is collected on paper at the school level and sent to the district level for partial processing. Speedy analysis of this data is constrained by lack of capacity at the headquarters and when fully done, it is either too late or not adequately disseminated at the headquarters, to the field offices and SAGAs. A similar problem exists with regards the availability and dissemination of up-to-date data within the two education ministries, TSC and SAGAs.

9.1.4 The linkage between the provision of education facilities and spatial planning is weak, restricting the ability to engage in micro planning and integrating education needs in different parts of the country and the demand for education services into a coherent plan. Such a plan would provide a platform for ensuring that provision of education in Kenya is managed sustainably and

equitably. A spatial framework employing GIS technology shall be used to anchor the implementation, monitoring and evaluation of education policy.

9.1.5 Education planning at the national level is currently facilitated by the Central Planning and Project Monitoring Unit (CPPMU) in the Ministry of Education. The Central Planning and Project Monitoring Unit is staffed by a few economists who are overwhelmed by education planning work. The functions of the CPPMU include Information Management, Budgeting, Strategic Planning, and Policy Formulation, undertaking Feasibility Studies and Monitoring and Evaluation. In a sector as wide as education and training, the services of the CPPMU are spread very thinly thereby reducing the impact of its work. The absence of institutional Strategic Plans, and Provincial, District and School Development Plans demonstrate this weakness, and justifies the establishment of a cadre of Education Planning Professionals. The Government shall address this by establishing such a cadre.

9.1.6 With devolution, there will be an increase in the number of education and training managers and stakeholders involved in the management of education institutions. As a consequence, it shall be necessary to decentralise certain planning functions to the county and school level. Roles and functions of these various actors in the sector shall need to be clarified to ensure that planning, management and accountability in the sector is efficient. Currently, decision-making in education and training management is highly centralised at the ministry headquarters with limited capacity at district level where actual education and training and management services are delivered. This situation will be reversed by undertaking a staffing and skills needs analysis at national and county level, and, where necessary, transferring Education Officers to the County level offices.

9.1.7 To address these planning issues, the Government shall implement the following policies:

- (i) Rationalise education and training management systems and structures at national and county levels.
- (ii) Establish a National Education Board
- (iii) Establish County Education Boards
- (iv) Capacity building in data management at the national, county and institutional levels
- (v) Rationalize staffing at the national level
- (vi) Establish research unit at national level and at each county

9.1.8 To implement and address these policies, the Government shall employ the following strategies:

- (i) Develop a comprehensive framework and modalities for decentralizing education and training functions, human and financial resource management as well as decision-making authority to the county and institutional level management bodies;
- (ii) Establish a national mechanism for consultation and co-ordination of various providers of education and training services for the purpose of ensuring harmony in education planning and provision of services at all levels;
- (iii) Strengthen education planning at national, county and institutional levels.
- (iv) Entrench education planning in the education law
- (v) Establish guidelines for the registration of education and training institutions to ensure that construction of schools is linked to current budgetary allocation and address the trend of un planned school construction and consequent staffing of un planned schools
- (vi) Develop an effective and harmonised education data management system for the county and institutions
- (vii) Develop and institutionalise an efficient financial management system for education; customised for at national, county and school levels.
- (viii) Establish a cadre of Education Planning Professionals for the education sector;
- (ix) Establish national EMIS system with decentralised electronic data management, processing capacity;
- (x) Strengthen KEMI to offer education planning capacity building programmes in collaboration with relevant institutions.
- (xi) Harmonize and link the collection and processing of education statistics framework at County and Ministry and Agency levels with the National Integrated Monitoring System.

9.2 Monitoring and Evaluation

9.2.1 The Government faces many challenges with regards Monitoring and Evaluation (M&E). Government ministries and districts have not fully embraced M&E, and there is a general lack of appreciation and a positive attitude towards monitoring and evaluation. Monitoring activities have not been harmonised resulting in duplication of effort, an inefficient use of resources, and an inadequate appreciation of monitoring and evaluation results. Funding for M&E is a major challenge within the government. Schools and districts are not well sensitized to the importance of providing reliable and credible data. Some school managers exaggerate enrolment figures in order to obtain more government/donor funding. Establishing an accurate baseline upon which to measure changes in the quality of education services being provided is an on-going challenge. There are a limited number of personnel with technical competencies and skills in M&E, whilst data analysis is often

poor. The other challenge is the stand alone M&E systems within the Ministry and Government as well as lack of standardized questionnaires

9.2.3 To address these challenges the Government shall adopt the following policies:

- (i)
 - (i) Develop and mainstream standard M&E system, integrated with the national Government M&E system
 - (ii) Build capacity of staff at national, county and institutional level

9.2.4 To implement the above policies the Government shall employ the following strategies;

- (i) Develop a national Monitoring and Evaluation (M&E) strategy and link the education M&E system with the National Integrated monitoring and evaluation framework;
- (ii)
- (iii) Standardize Monitoring and Evaluation procedures
- (iv) Build capacity of personnel at county and institutional level.
- (v) Enhance school based M&E activities
- (vi) Establish a sustainable M&E funding mechanism.
- (vii) Strengthen the co-ordination process to avoid duplication of efforts.
- (viii) Strengthen the process of obtaining comprehensive baselines linking all M&E activities to the Education Management Information Systems (EMIS).
- (ix) Introduce centralised information tracking system and complementary reporting systems to improve data gathering and the dissemination of results.
- (x) Develop and implement a score card system on key basic education indicators (on access, equity, participation, internal efficiency, and learning achievements, among others) for monitoring at various levels; institutional, county and national.

CHAPTER TEN: FINANCING AND RESOURCE MOBILIZATION

10.1 Public spending on education and training increased from Ksh.92.6 billion in 2005/6 to Ksh.160 billion in 2009/10; accounting for 28 percent of the aggregate public expenditure in 2005/6 and 26 percent in 2009/10. The country's education expenditure as a percentage of GDP remained fairly constant, ranging from 6.1% in 2005/6 to 6.4 % in 2009/10. Recurrent spending, predominantly administration and teachers' salaries, accounted for 91% of education sector public spending in 2009/10.

10.2 The unit public spending at secondary education was 3.8 times higher than that of primary education in 2010 and constituted 58 percent of the GDP per capita. Technical and university education public unit spending were 8 times and 14 times higher than that of primary education; respectively. Public spending per capita at Technical and university education were 124 and 214 percent of the GDP per capita which was about Ksh.56,267 in 2010 at market prices. These costs exclude the off-budget expenditures such as household spending on education and off-budget financing by development partners and Non-Government Organisations. These disparities shall be addressed.

10.3 Although low income groups benefit more from primary education expenditures, they benefit the least from investments at secondary and tertiary education compared to high and medium income groups. The gains for poorest quintile at primary level are estimated at 24.7 percent; 9.5 percent for secondary and 1.9 percent for tertiary education². Gains for richest quintile are 27.2 percent and 70 percent, at secondary and tertiary education respectively. This points to the need to increase access to post primary education among low income groups in order for education and training to play a more significant role in poverty reduction and to address income inequalities, and ensure sustainable development and in developing high technology skills identified in Kenya Vision 2030.

10.4 Despite the introduction of FPE and FDSE, 1.9 million primary school age children and 2.7 million secondary school age children were out of school in 2009 (2009 Census). This was mainly because school managers in both public primary and secondary school levels re-introduced levies. These levies comprise of PTA charges, extra tuition charges, examination fees, sports fees and boarding fees, among others. All these off-budget expenditures add to the high cost of schooling in

² Demery L. and Gaddis (2009). Social Spending, Poverty and gender Inequality in Kenya

Kenya. Fees in private education institutions are high when compared to public education institutions, yet increasing numbers of parents are sending their children to private schools; arguing that quality is better and teacher absenteeism lower.

10.5 Co-ordinating the mobilization of resources in the sector is poor. Physical infrastructure development especially those funded through decentralized funds such as the Constituency Development Fund (CDF) and Local Government Transfer Fund (LATF) is not clearly linked to central government spending and recurrent sector spending. This has resulted in the emergence of small and unviable schools in some localities, many without qualified teachers or with limited numbers of teachers.

10.6 The Kenya Constitution (2010) (Article 43 (1) (f)) makes education a right of every Kenyan and underscores the importance of education in sustainable development. The provision holds that every child has a right to free and compulsory basic education; and access to affordable tertiary education, training and skills development. Provision of basic education is also provided for as a basic human right in the Bill of Rights implying that citizenry will hold the state accountable in ensuring that every school age going (age 4-17 years) child is in school. This is consistent with the national education targets, Education for All (EFA) and Millennium Development Goals (MDG) targets on increasing access, equity, quality, relevance, efficiency and effective management of education and training.

10.7 In view of the above, financing and resource mobilisation of education and training will be guided by the principles of affordability; needs-based resource allocation including capitation grants; efficiency in resource utilisation; partnerships; strong decentralised financing and accountability systems; and effective coordination. Overall, education and training financing sources will include financial outlays by central and county governments, private sector providers of educational services, religious organizations, civil society, foundations, the private sector and Non-Governmental Organisations; households, communities and other stakeholders.

10.8 The envisaged expansion of the education sector also assumes an increased participation by the private sector in the provision and financing of education and training, particularly at the secondary, technical, tertiary and university levels. The government shall develop and implement a policy framework that promotes private investment across all levels of education. It shall also improve and facilitate private school registration as well as learn from the private sector on how to

inculcate the culture and practice of quality assurance and supervision. The aim will be to remove constraints and to facilitate on private participation in education whilst maintaining quality standards, and to make private education more attractive to private investors.

10.9 The government shall uphold the overall policy for quality improvement but will aim to reduce the cost of education to households through the provision of teachers, teaching and learning materials and grants to schools to cover operational and maintenance expenses under FPE and FDSE policy. Needs-based capitation grants shall be allocated to learners in ECDE, primary, secondary, special needs education, adult education and not-for-profit non-formal schools that meet set criteria.

10.10 The building of new schools/classrooms and the rehabilitation and maintenance of existing facilities will continue to be the responsibility of the (central and county) government, communities and households. Community and household support will be based on agreed guidelines and aimed at reducing the cost burden of education on communities and households.

Pre-Primary

10.11 The Fourth Schedule, on the Distribution of Functions in the Constitution of Kenya (2010), allocates the responsibility of planning and development of Pre-Primary, village polytechnics, home craft centres and childcare facilities to County governments. The National Government shall retain responsibilities for policy, standards and curriculum development, even where implementation is undertaken by county governments. The constitutional requirement making Pre-Primary (4-5 years) part of basic education sub-sector will require increased investment in infrastructure and personnel to cater for increased demand. Currently over 60 percent of the existing public primary schools share some facilities with their respective pre-primary units. Consequently, responsibility for financing this sub-sector as part of basic education shall be borne by both the Central and County governments.

10.12 A major challenge facing Pre-Primary service provision is that most teachers are untrained and where teachers have been trained, they are employed on very low salaries. In the Sessional Paper No. 1 of 2005, the government was to have integrated Pre-Primary into basic education but this policy was not fully implemented, and most Pre-Primary development has come from private initiatives. Pre-Primary structures are mostly semi-permanent, local or church halls or any other building which the local communities accept as suitable. However, few premises have been inspected and the consensus view is that many Pre-Primary premises fail to meet minimum

education standards. The sector generally lacks adequate learning and teaching materials, especially books for use at the early age, whilst no standard curriculum is followed. There is no evidence that operators of Pre-Primary centres consider the needs of children with disabilities.

10.13 To address these challenges, the Government shall, through the respective County governments, adopt the following policies:

- (i) Mainstream Pre-Primary into basic education and ensure automatic transition from Pre-Primary to primary education across the country;
- (ii) Provide Pre-Primary capitation grants based on the unit cost of providing such services at this level; while considering specific standards for school inputs including teachers; teaching and learning materials and capacity building;
- (iii) Encourage communities to continue provision of teaching and learning materials
- (iv) Promote increased private sector financing of Pre-Primary services;

10.14 To implement the above policies, Government shall employ the following strategies:

- (i) .
- (ii) Review Pre-Primary policy, standards and regulations with a view to arriving at clear instruments and articles governing the Pre-Primary sub-sector.
- (iii) Recruit, remunerate and deploy teachers to Pre-Primary centres to meet a PTR target of 30:1 and a class size of 25:1;
- (iv) Monitor and ensure automatic transition from Pre-Primary to primary education across the country;
- (v) Establish clear quality criteria for registration of public and private Pre-Primary Centres;
- (vi) Strengthen partnership for the development of Pre-Primary services through a number of incentives to private investors;
- (vii) Identify and allocate capitation grants for children with special needs and plan for special Pre-Primary Centres that would offer services to such children; and
- (viii) Promote nutritional and health programmes at Pre-Primary Centres in collaboration with the line Ministries of Health, agriculture and other stakeholders.
- (ix) Review financing of Pre-Primary to ensure that Pre-Primary funding becomes sustainable; including teacher education curriculum support.

- (x) Mobilise funding for the introduction of appropriate ICT skills, which support play and psycho-motor development across all Pre-Primary centres.

Primary

10.15 At the primary level, the government shall continue to cover the cost of teachers' personal emoluments, non-salary costs, teaching and learning materials and other operating costs; but shall hold officers and teachers accountable for this investment. Parents will meet other indirect costs, including uniforms.

10.16 However, the sub-sector faces serious challenges including; resource mismanagement, poor infrastructure, corruption related to procurement, failures in monitoring, maintenance and equipping schools; all of which are going to require considerable financial investment to remedy. Equally challenging is the need to improve the efficiency of the sub-sector, not least to ensure the application of efficient staffing norms, improved value added from teachers, cutting the levels of teacher absenteeism and improving the quality of teaching and learning outcomes. The continued existence of child labour and the failure of schools to report such practices to relevant authorities further constrain access and completion whilst making schools less cost-effective.

10.17 To address these challenges, the Government shall adopt the following policies:

- (i) Continue to provide resources for free and compulsory primary education for all children;
- (ii) Continue to provide resources for infrastructure
 - (i) Establish a cost-effective system of sustainable financing of primary education.
- (ii) Encourage and mobilise Non State Actors (NSA) to invest in education services.
- (iii) Invest in more ICT as instructional resource as well as a management tool.
- (iv) Continue to fund school feeding, health and nutrition programme
- (v) Support low-cost boarding schools in ASALs
- (vi) Review unit cost after every 5 years

10.18 To implement the above policies, the Government shall employ the following strategies:

- (i) Finance primary education through the provision of teachers; teaching and learning materials, operational costs and capacity building of teachers;
- (ii) Address issue of cost-effectiveness of the education sector by reviewing teachers' terms and conditions of service and addressing teacher absenteeism to obtain greater value for money.

- (iii) Develop a Financial Management System for schools to capture both budgetary and off-budget resources in schools;
- (iv) Ensure budgetary allocations to schools are on the basis of identified individual school needs and unit cost;
- (v) Review unit cost after every 5 years to take into account emerging issues in the sector and inflationary tendencies;
- (vi) Review the current norms on ideal school size and to increase it to at least 160 pupils, with at least 25 pupils per class or 160 pupils per school within the first year of establishment.
- (vii) Provide education services based on learning needs and the unit cost of providing such services at this level;
- (viii) Ensure that the development and maintenance of infrastructure is well coordinated and linked to the recurrent budgetary provisions; both by central government, county government and decentralized funds.
- (ix) Implement enrolment based staffing norms; with high potential schools receiving teachers on basis of 1:45 pupils and 1:25 pupils for low potential areas.
- (x) Use school mapping and demographic data in planning and provision of education, including and establishing new schools.
- (xi) Offer structured training to all head teachers and members of school management committees/boards in accountancy and procurement management, backed by well trained support staff.
- (xii) Change the composition of school procurement committees to include members of the SMC with the Chair not being the same person as the Chair of the SMC.
- (xiii) Ensure full enforcement of teacher absenteeism disciplinary measures as in the Code of Regulations in order to improve efficiency in teacher resource utilisation in schools.
- (xiv) Integrate sanitary towels costs into FPE capitation grants to schools for girls who require them;
- (xv) Promote girls education through provision of sanitary towels to girls requiring them.
- (xvi) Review financing of Primary Education to ensure that FPE becomes sustainable;
- (xvii) Mobilise funding for the introduction of ICT across all primary schools;
- (xviii) Consider raising Bonds for financing primary education.

- (xix) Develop an incentive plan for NSA to invest in education

Special Education

10.19 Financing of special education still remains a major challenge to the Government. The Government spends 0.2 percent of the total education budget on special education, which is inadequate. Consequently, most of the financing comes from civil society, particularly local and international NGOs. In view of the Constitution of Kenya (2010), its commitment to international protocols on the rights of children and its commitment to the EFA goals, a framework incorporating the financing requirements of special education will be established.

10.20 There is a shortage of specialised teachers and other support staff; children and youth with severe special needs continue to be excluded from school due to the inability of regular schools to meet their physical and educational needs. Identification of children with special needs remains problematic, whilst the Education Assessment Resource Centres (EARCs) have inadequate specialized equipment and human resource to discharge their services effectively. Additional costs associated with children with disabilities, such as medical treatment, special diets and assistive devices raise the unit cost of special education. Inappropriate infrastructure, inadequate facilities and lack of equipment compound the difficulties being faced in this area. Whilst the government subscribes to the policy of inclusion in education, it acknowledges that integration of all children with special needs in regular education and training programmes is professionally unachievable.

10.21 To address these challenges, the Government shall implement the following policy:

- (i) Provide instructional materials and equipment and offer incentives for local production of such materials and equipment
- (ii) Provide infrastructure and facilities
- (iii) Rehabilitate and strengthen education assessment resources centres (EARCs) as well as assessment programme in order to facilitate identification and placement of learners with special needs;

10.22 To address the challenges and policies, the government shall implement the following strategies:

- (i) Enhance and continue disbursing capitation grants to special schools and units; procure specialised instructional materials and equipment in addition to the capitation;

- (ii) Provide incentives for local production of specialized equipment and instructional materials;
- (iii) Disburse operational grants to EARCs to enable the staff carry out community mobilisation and other outreach activities;
- (vii) Undertake a needs assessment of the Kenya Institute of Special Education (KISE) and universities which offer training programmes for special needs education teachers across all levels.
- (viii) Adequately fund and resource these institutions.
- (vi) Improve SNE data management system and integrate it into the EMIS at National and County levels;
- (vii) Provide specialized instructional materials, equipment, assistive devices and appropriate ICT software and hardware to institutions with learners with special needs;
- (viii) Improve the physical and social environments in learning institutions;
- (ix) Develop and fund programmes to create public awareness and advocacy on SNE mainstreaming into the education programmes across levels.

Secondary Education

10.23 Secondary School Education is currently financed through capitation grants from Government under the Free Day Secondary Education programme and boarding user fees by households. The private sector, Faith Based Organizations (FBOs), NGOs and Community Based Organizations (CBOs) invest in secondary schools and complement school construction by the Government. Due to the high cost of funding public secondary education in Kenya, which accounts for 23% of the total education budget, sustainable financing investment strategies, including for the delivery of technical subjects, will need to be pursued to allow the sub-sector to expand to meet demand.

10.24 Other direct fiscal challenges facing the secondary sub-sector include:

- (i) Low transition rates from primary to secondary school level. In 2009 and 2010, the admission rate was recorded at 62 percent and 66 percent, respectively, or 34 percent of pupils completing primary education are not progressing to secondary education – get recent data;
- (ii) The coexistence of over-utilisation and underutilization of resources with the pupil teacher ratio of 24:1 against the national pupil teacher target of 35: 1 (ERSWEC); and low teacher workloads (up to 18 contact hours a week). Class sizes are even lower in some areas and there is the emerging challenge of small schools in some regions, we should be talking of Curriculum Based Establishment

10.25 To address the above challenges, the government shall implement the following policy:

- (i) Continue to provide resources for free and compulsory day schools
- (ii) Continue to provide resources for infrastructure
- (ix) Establish a cost-effective system of sustainable financing
- (x) Encourage and mobilise NSA to invest in education services.
- (xi) Invest in ICT as an instructional resources as well as a management tool
- (xii) Provide resources for equipment, teaching and learning materials as well as infrastructure for 100% transition from primary to secondary
- (xiii) Review the unit cost every 5 years.

10.26 To address the above policy, the government shall implement the following strategies:

- (i) Develop and institutionalise the use of a linked in school-County-Headquarters Financial Management Information System to capture both budgetary and off budget financing (including user fee charges) to the sector while empowering parents and community members to make better choices and participate more effectively in school financial management
- (ii) Review teachers' conditions of service and implement cost-effective staffing norms.
- (iii) Improve access to secondary education through reduction of unit costs at secondary education and the introduction of automatic progression and transition through the various grades and levels;.
- (iv) Review the current norms on ideal secondary school size to at least 150 pupils; and at least 25 pupils per class or 150 pupils per school within the first year of establishment;
- (v) Adopt cost effective resource allocation standards including class sizes of 45 students; PTR of 1:35; and for each school to have at least 3 streams per class for effective resource utilisation.
- (vi) Review the curriculum based teacher establishment staffing norm to include enrolment considerations while increasing the average teaching load from 18 hours to 20 hours per week while progressively increasing it to 25 hours per week.
- (vii) Require all school principals to sign performance contracts.
- (viii) Increase capitation grants for secondary school students in line with inflation,

- (ix) Target day schools for the expansion of secondary education.
- (x) Target secondary school bursaries from the Ministry of Education for poor and vulnerable children in public schools through Country Education Boards. Beneficiaries shall be identified from primary school level and provided with full support for secondary education.
- (xi) Improve the management, monitoring, targeting and effectiveness of decentralized bursary funds.
- (xii) Expand secondary school entry to at least three streams per school to ensure better utilization of teachers.
- (xiii) Where necessary, construct additional facilities to cater for the envisaged reforms.
- (xiv) Strengthen school inspection and quality assurance services to ensure compliance with contracts and quality norms.
- (xv) Ensure full compliance with the fees guidelines.
- (xvi) Reform teacher training policy to ensure teachers are trained to teach at least two specialist subjects.
- (xvii) Explore other cost effective modes of secondary education delivery including distance learning and use of ICT.
- (xviii) Reform the curriculum to reduce the number of taught and optional subjects; while integrating problem solving skills.
- (xix) Improve the special assistance scheme and affirmative action policies for the needy students.
- (xx) Ensure effective co-ordination and implementation of all projects in the sector.
- (xxi) In Arid and Semi-Arid Lands (ASAL) expand provision of boarding and mobile schools, which shall be subsidized by the government.
- (xxii) Consider raising Bonds for financing secondary education

CHAPTER ELEVEN: PUBLIC-PRIVATE PARTNERSHIP IN EDUCATION AND TRAINING

11.1 Kenya currently invests 6.4% of GDP annually on education or, approximately Ksh 160 billion per year. This heavy investment is borne largely by Government alone. One important policy option is partnership between the Government and non-public providers of education and training that can help reduce levels of public financing. Public-Private Partnership (PPP) has been adopted widely internationally over the last two decades to enable governments to obtain greater value for their investment in education. This was acknowledged in chapter ten of the Sessional Paper No. 1 of 2005.

11.2 Government recognises that without a working partnership on financing education, it will be hard to address the problems of access, equity, quality and the current heavy household financial burden in education.

11.3 PPP can take various forms from direct investment by the private sector either for the establishment of an institution or in support of one or more. It can also involve government and private institutions partnering to provide investment for specific educational purposes, as for example, support for ICT. In other forms it is based on the simple logic that if governments can obtain better value than it can for their investment in education using public sector providers, then it should shift some of its resources to buying some of these services from the private sector.

11.4 The challenge faced by Government is to establish an environment conducive to facilitating partnerships between Government, household and local communities, industry and commerce, private sector providers of educational services, NGOs and foundations. Government acknowledges that encouraging investment from the private sector is a complex business, but it believes that removing the constraints on private participation in education, especially in the areas of school financing and land acquisition, by giving incentives designed to make private education more attractive to investors and by creating a facilitative regulatory environment, significant progress can be made.

11.5 The idea of incentives to encourage the Growth of Private Sector Education in Kenya is not new. Sessional Paper No 1 of 2005. An incentive is a catalyst for development or an investment in the future and could include tax incentives, VAT and Stamp Duty relief and the provision of low

interest ‘start-up’ loans. Land availability and cost, especially in urban areas is a major disincentive to potential investors. Another area where international education investors face challenges concerns their legal identity as international schools, whilst obtaining work permits for key staff has been a constant challenge. Government will address this.

11.6 The government is committed to ensuring quality and relevance of provision of education and training, as well as how to improve efficiency of public spending in order to meet the demand for education at all levels. It accepts that it is axiomatic that every child educated in the private sector and not taking up a free place entitlement releases valuable educational resources in the state sector. This means smaller and better resourced classes in state schools.

11.7 To address these challenges the government shall implement the following policy:

Adopt and operationalise a public-private partnership (PPP) framework for the Education Sector in Kenya.

11.8 To address the above policy, the Government shall adopt the following strategies:

- (i) Undertake a study of PPP in Kenya and establish effective ways of facilitating and fostering PPP in the education sector.
- (ii) Develop a PPP regulatory and development framework.
- (iii) Prioritise the creation of a revolving capital fund for lending to Educational entrepreneurs at a marginal interest rate, and other innovative funding initiatives including the introduction of an Education Bond.
- (iv) Consider raising sovereign Bonds to support the funding of the sector.
- (v) Build MoE capacity on PPP.

CHAPTER TWELVE: LEGAL FRAMEWORK

12.1 Education and training in Kenya presently has its legal basis in the Education Act of 1968 (revised 1980) and other related Acts of Parliament, including the TSC Act, the KNEC Act, the Adult Education Act, and various Acts and Charters for universities. However, the Education Act of 1968, and related Acts are not harmonized, and are no longer adequately responsive to the emerging environment created by the Constitution (2010) or to Kenya Vision 2030.

Comment [AM8]: Need to build a case and add justification here – legal team to do.

The Constitution

12.2 The Constitution of Kenya, (2010) provides for a number of education related provisions embodied in the Bill of Rights.. More particularly, the constitution makes the following key provisions as regards education: It guarantees the Right to Education for everyone under Article 43, every child has a right to Free and Compulsory Basic Education Under Article 53 (b). Children are to be protected from abuse, inhumane treatment and violence under Article 53(1) (d). Youth are entitled to government measures which include affirmative action to ensure that they have access to relevant education and training, access to employ and protection from harmful cultural practices and exploitation under Article 55.

12.3 Every matter involving the child must take into consideration the best interest of the Child as required by Article 53(2). Persons with disability have a right of access to appropriate educational institutions and facilities under Article 54. The constitution also provides that minority and marginalized groups are to be provided with special opportunities in the educational and economic fields (Article 56(b)).

12.4 The Fourth Schedule (Parts 1 & 2) on the distribution of functions between the National and County governments gives the National Government the mandate over education policy, standards, curricula, examinations, university education and the granting of university charters, tertiary education and institutions and other institutions of research and higher learning. It also has the mandate for primary education, special education, secondary education and the promotion of sports and sports education. The County governments have mandate over pre-primary education, village polytechnics, home-craft centres and childcare facilities.

International Conventions

12.5 By virtue of Article 2(6) of the Constitution, treaties or conventions ratified by Kenya are to form part of the law of Kenya. Accordingly, a number of conventions relating to education which Kenya has ratified, form part of the education legal framework of the country.

12.6 Kenya has ratified two key regional conventions which make provision for education. These are; the African Charter on the Human and Peoples' Rights, Article 17, which provides that every individual shall have a right to education; and the African Charter on the Rights and Welfare of the Child, Article 11, which provides detailed provisions on the right to free and compulsory basic education for the child and, state's obligation towards that right.

12.7 Of the UN Conventions, Kenya has ratified the International Convention on Social and Economic Rights, Article 13, which declares the recognition of the right of all to education and the objectives thereof, and the Convention on the Rights of the Child, Articles 28, 29 and 30, which secure the rights of a child to free and compulsory basic education.

Legislation to be implemented

12.8 The provisions on education under the constitution and international conventions cannot by themselves adequately facilitate the provision of education and training in the country. Further legislation will have to be passed in order to bring the principles to fruition.

12.9 Some existing laws governing education are not aligned with the Constitution and the socio-economic needs of the country. For example, the expanded role of parents and communities through the establishment of PTAs, in education management and financing, the role of civil society organizations such as NGOs in the provision of education especially, in pre-primary, primary and non-formal education sub-sectors as well as the roles of international and private providers of education and training..

12.10 The Education Act assigns the management of secondary schools to BoGs and primary schools to SMCs without giving any role to parents through PTAs and communities in the management of schools and resources.

12.11 The Teachers Service Commission Act established a highly centralized system of teacher management, which allows limited decentralization through agency to PDEs, DEOs and MEOs for

deployment and disciplining teachers. In order to align TSC functions to the Constitution, it will be necessary to decentralize them.. The current TSC Act will have to be repealed and the revised version enacted in line with the Constitution.

12.12 In order to address these issues, the government shall adopt the following policy:
Enact a new Education Act.

12.13 In order to implement the above policy, the government shall adopt the following strategies;

- (i) Repeal all the relevant Acts of Parliament on education and training with a view to harmonising them, facilitating a clear division of roles and responsibilities and providing for:
 - resolving of existing conflicts in related Acts;
 - re-defining the existing structures to develop and promote education;
 - re-orientating of existing structures to embrace the demands of Kenya Vision 2030 and the Constitution (2010);
 - closing of identified gaps;
 - developing a comprehensive Education and Training legal framework which defines the roles and responsibilities of all players and stakeholders;
 - providing sanctions against persons and/or bodies and institutions contravening the demands of the constitution;
 - providing sanctions against individuals and/or bodies found guilty of the misappropriation of public funds, breach of contract or for unprofessional conduct.
- (ii) Develop a responsive education strategic and implementation plan and financing framework.
- (iii) Identify and indicate the roles of different actors in the provision of education and training services at all levels particularly, the Government, parents/community, sponsors and the private sector.
- (iv) Decentralize operational functions and vest authority and decision-making in management bodies at all levels of service delivery in the education and training sector.
- (v) Establish an independent National Standards and Quality Assurance Commission which will hold accountable all ministries, departments and institutions involved in the provision of education services.
- (vi) Ensure that the Ministry and national education bodies have their duties and services effectively devolved to the county level.

Create an enabling legal environment to facilitate public-private partnerships *inter alia* by, for example, defining international, faith and other types of school.

