EDUCATION STRATEGIES AND THE RIGHT TO EDUCATION DURING COVID-19: AN ASSESSMENT OF KIBRA SUB-COUNTY, NAIROBI, KENYA
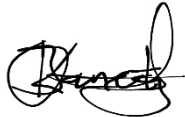
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A RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTERS OF ARTS IN HUMAN RIGHTS UNIVERSITY OF NAIROBI

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DECLARATION

This research project is my original work and has not been presented for examination or any other academic award in any other institution.

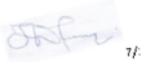Signature: Date: 7/12/2022

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This research project has been submitted with our approval as the University supervisors.

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DEDICATION

To my husband Edigah Kavuravu who has supported and encouraged me throughout the study.

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I appreciate my supervisors, Dr. Joseph Situma and Dr. Hassan Kinyua Omari. Their direction throughout my study was invaluable. I acknowledge the crucial role played by all my lecturers during my coursework.

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ABSTRACT

Nations have a duty to guarantee rights of all citizens. This includes education. Kenya has ratified several human rights instruments to effect that right. Similarly, its national laws also obligate it to provide for its implementation. Quality education should be enjoyed equally as a right. The State's response plan aimed at providing equal and inclusive access to education during and after the pandemic. Furthermore, it sought to facilitate the development of virtual instructional material for learning.

The concept of critical junctures was applied in this research to highlight the potential long-term impacts of the pandemic on access to the right to education and the resulting institutional advancement or lack thereof. Furthermore, it found that the decisions and steps taken by the State in its education strategies during the pandemic have potentially far-reaching consequences on the lives of children. This disproportionately affects children from informal settlements.

This study used the mixed-method design and employed qualitative and quantitative techniques. It also employed a case study and survey approach through engaging teachers and parents from five primary schools. The institutions were limited to those in Kibra sub-county. Utilizing cross-sectional survey technique, data was collected from selected teachers and parents, chosen to represent the experiences of low-income families in informal settlements. The sample frame was drawn from five schools and the sample size was fifty respondents, including teachers, parents and key informants including ministry of education officers. The schools were chosen using simple random sampling. The data relied upon was derived from both primary and secondary sources. The researcher used both semi-structured and structured questionnaires to collect data.

The study suggests that the effect of the COVID 19 on children from informal settlements' right to was exacerbated by pre-pandemic inequalities. Children who were already facing the threat of exclusion from enjoying their rights were largely impacted. The strategies outlined by the State did not sufficiently safeguard the accessibility of education for students from low-income backgrounds. Preparation of teachers to teach virtually was insufficient, as they were accorded few training sessions. Moreover, students could not access digital learning devices. Additionally, the State did not provide any resources for remote learning, and students and parents could not afford to purchase the resources. Parents' inability was aggravated by loss of livelihoods. Some students took up manual jobs to contribute to the family's finances. In this regard, children in informal settlements were disproportionately affected by the pandemic and the inadequate strategies of the State. Interruptions of learning caused by the directives on school closures during the pandemic led to increased drop-out. There was significant difference in children's school performance after re-opening of schools. Thus, the challenges related to accessibility of education prior to the pandemic worsened.

This study's findings indicate that there is need for the State to develop practical strategies that ensure education continuity in emergencies on an equal basis. The study recommends that any future strategies should ensure equitable distribution of resources to safeguard education as a human right.

CHAPTER ONE: GENERAL INTRODUCTION

1.0 Introduction and background to the study

Less than fifty percent of students get to progress to secondary schools out of those who sit their final exam at the primary level. Even fewer graduate to the tertiary level.[1] A study conducted on school transitions from 2009 to 2010 established that there is a lower likelihood of children from low-income backgrounds to transition to high school. In comparison to the eighty-eight percent transition rate for pupils from non-slum households, those from the urban slums comprised only fifty-nine percent.[2]This stark difference can be attributed to resource deprivation, poverty, and poor infrastructure.

Informal settlements are regions where clusters of housing structures have been built on land though the residents have no tenure over it. Furthermore, the housing units constructed on such land are often not in compliance with planning and construction guidelines.[3] These regions are also characterized by unavailability of basic amenities and insufficient infrastructure such as those that support the delivery of education equitably.[4]

Education has been identified and recognized as a right in the Constitution of Kenya.[5] The State has a duty to implement this right. International law also requires Kenya to perform its duty. This is outlined in international treaties on

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[1] Fiske, E. B., UNESCO & Collins Bartholomew Ltd. (2012) World Atlas of Gender Equality in Education. Paris, France: UNESCO. https://lccn.loc.gov/2012551953.

[2] Abuya, B., Ngware, M., Hungi, N., Mutisya, M., Mahuro, G., Nyariro, M., Gichuhi, N., Mambe, S. (2015). Community participation and after-school support to improve learning outcomes and transition to secondary school among disadvantaged girls: A case of informal urban settlements in Nairobi, Kenya.

[3] Glossary of Environment Statistics, Studies in Methods. (1997) Series F, No. 67. United Nations.

[4] UN-Habitat. (2015). Informal settlements.

[5] Constitution of Kenya. Art 43 and 53.

economic and socio-cultural rights[6], and rights relating to children.[7] There are many components of education. It should be availed without charge and should be offered to all children compulsorily. Additionally, opportunities to access to higher education equally, and education of quality both in public and private learning establishments should be availed. Education is an empowerment right and is a powerful instrument to develop a society's full potential, enhancing dignity and encouraging wellbeing at an individual and collective level.[8]

Education is characterized as a socio-economic right. Rights are dependent on participation and the freedom of expression. This means that when one is violated, others are likely to be violated as well. For instance, the denial of education as a right could affect one's opportunity to get employment, thereby affecting one's labour rights. This can also affect rights to political participation. However, socio-economic rights may need more investment and capital to guarantee their complete enjoyment.[9] The principle that advances a progressive approach to implementing certain rights is outlined in international laws. Progressive realization of rights requires State Parties to these human rights treaties to take the necessary procedures, steps and resources to implement these rights.[10] However, State Parties must not allow retrogressive measures to hamper the implementation of such rights.[11]

Retrogressive measures refer to steps taken by State Parties that lead to the limiting of persons from enjoying their human rights. This can also happen

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[6] International Covenant on Economic, Social and Cultural Rights 1966.
[7] Convention on the Rights of the Child of 1989
[8] Right to Education Initiative. (2020). Understanding education as a right. (2020). https://www.right-to-education.org/page/understanding-education-right.
[9] Office of the United Nations High Commissioner for Human Rights (n.d) *Frequently Asked Questions on Economic, Social and Cultural Rights* [Factsheet33].
https://www.ohchr.org/sites/default/files/Documents/Publications/FactSheet33en.pdf
[10] Ibid 13.
[11] Ibid 10.

when a State implements measures that reduce the present status of rights enjoyment by a particular group of people. A State takes retrogressive steps, it must be able to prove that the steps were taken following careful consideration of any available alternatives.[12] This direction should be replicated by States when considering measures regarding education as well.

Children from informal settlements often come from impoverished backgrounds. They therefore face unique challenges in accessing the right to education, compared to non-slum dwellers. Retrogressive measures can deepen the already existing challenges. Such measures can include introducing new methods of curriculum delivery but failing to provide the resources required to ensure its delivery. This can lead to inaccessibility to education, thereby violating their right to it.

Katrina Tomasevski[13] advanced four elements of education. Firstly, education that is free with satisfactory infrastructure and competent teachers who can adequately support education delivery. Secondly, the education system must be unbiased and available to all, and take obligatory measures that foster inclusion of all, including those most likely to experience exclusion. Third, the education content must be appropriate, unbiased, culturally apt, and of quality. Lastly, education should advance with the dynamic needs of a society and challenge disparities.[14]

Through development of efficient education policies and strategies, discrimination and marginalization in accessibility to education can be

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[12] Committee on Economic, Social and Cultural Rights General Comment 13: The right to Education, art 13.
[13] Committee on Economic, Social and Cultural Rights General Comment. (1999). The right to education (1999, para.6). https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CESCR_General_Comment_13_en.pdf
[14] Ibid.

overcome. States therefore need to develop strategies that advance education that is inclusive. The advancement of such policies and strategies should also encompass further strategies that can lead to a reduction in levels of poverty, discrimination and inequality.[15]

Strategy refers to an overall plan that an institution selects to achieve the set objectives or goals with the use of its resources. Organizations are considered efficient and operate effectively when there is coordination between the set objectives and the strategies. Strategy is of critical importance during times of uncertainty because it aids the institution to stay on track with its objectives while exercising due diligence. Strategy is defined using three criteria Firstly, it is a comprehensive and unified plan; secondly, the plan relates the strategic advantages of an institution to the challenges in the environment, and thirdly the strategy is created to see to it that the aims of the institution are realized through an implementation process that is properly executed.[16]The nature of strategy, therefore, is that it is based on the future where actions for new situations are required.

One of the four strategic objectives of the response plan developed by the State to ensure education continuity during the pandemic was to improve accessibility and parity in the fulfilment of education.[17]Parity in accessibility to education refers to the prevention of barriers to achieving educational potential, despite the individual's circumstance such as age, economic situation, gender or place of

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[15] EFA Global Monitoring Report. (2010). Reaching the marginalized
https://unesdoc.unesco.org/ark:/48223/pf0000186606.
[16] Glueck, W. (1976). *Business policy*. McGraw-Hill.
[17] Ibid.

residence. This ensures fairness. Additionally, equity means ensuring standardization of education for all, therefore achieving inclusivity. Accessibility to education refers to the way the education system and its policies are set up to provide opportunities equally to all children, as well as their participation. Furthermore, the policies that contribute to additional barriers based on circumstances ought to be removed.[18]

The benefits of developing a strategy are numerous. It allows an organization to make choices on future projections; deal with emerging trends in an effective way; help the organization remain focused on its objectives; maintain the effectiveness of the organization through proper implementation; encourage proactivity and being conscious of the environment, and enhance management and allocation of resources.[19]

This study focuses on the education sector as an institution, as such, it is essential to distinguish between education sector strategies and policies, and goals. As described previously, a strategy is a game plan selected to achieve the objectives of an institution and is usually well- thought out, especially considering the current environment. Education strategies, therefore, are designed to achieve the long-term goal that is to ensure that each child's educational right is safeguarded and fulfilled in its entirety. Education policies on the other hand are sets of principles and rules directing the decisions of the sector. They serve as guidelines for operational decision-making. An education

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[18] Organization for Economic Co-operation and Development. (2012). Indicators on Equity.https://gpseducation.oecd.org/revieweducationpolicies/#!node=41746&filter=all
[19] Glueck, W. (1976). *Business policy*. McGraw-Hill.

strategy is aimed at supporting the implementation of the policy. Since strategies are developed given prevailing circumstances to achieve the best results, they may be reviewed or revised regularly whereas policies may have a longer review cycle. This research therefore assessed the impact of education sector strategies on the quality education as a right for children in slum areas in Kenya. The study was restricted to Kibra sub-county.

1.1 Statement of the research problem

The State verified the first COVID 19 virus incidence in the country in March 2020. Shortly after, the Ministry of Health outlined restrictions in an attempt to prevent its spread. The measures included the closure of schools from 15th March 2020, which remained closed until January 2021.[20] Arising from the closure, the education ministry developed and released a plan in response to the pandemic effect on the education system. This was to ensure accessibility and continuity of education during the pandemic and afterwards. A report by Human Rights Watch on the effect of the pandemic on children revealed that the closure of learning institutions during the pandemic resulted in exacerbation of pre-existing inequalities. Furthermore, children at higher risk of exclusion from receiving quality education were more affected.[21]

The Ministry of Education's response plan aimed at the providing children in Kenya with accessible quality, inclusive and equitable right to education throughout and following the pandemic so as to guarantee continuity of learning; facilitate the development of virtual teaching and learning resources

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[20] Ministry of Health. (2020). Press statement on the update of coronavirus in the country and response measures.https://www.health.go.ke/wp-content/uploads/2020/03/Coronavirus-Press-Statement-March-17-2020.pdf.
[21] Human Rights Watch. (2021). Impact of Covid-19 on Children's Education in Africa https://www.hrw.org/news/2020/08/26/impact-covid-19-childrens-education-africa.

while expanding current distance and virtual learning programs; sensitization and training of teachers to support and implement remote learning. This includes monitoring and assessment. It also sought the development and implementation of intervention programs that support education continuity for marginalized vulnerable students. Lastly, the plan aimed at providing psychosocial care to all stakeholders in the education sector.

The interventions developed by the Ministry through the plan presented an unprecedented barrier to access to the right to quality education for children from low-income backgrounds. Although studies on the access to education for children in informal settlements have been conducted, there is little research on how pandemics and other life-altering crises have impacted the accessibility and how States respond to the challenges brought about.

The study therefore undertook to examine the sufficiency of the strategies put in place to enable children to access quality education during the pandemic. It aims at providing insights on the shortfalls of the strategies as well as illustrate the need for development of plans, policies and strategies that align with the concept of progressive realization of rights and that do not limit rights.

1.2 Research questions

The study endeavoured to respond to the following set of questions:

1. Which strategies should the State employ to ensure children's access to quality education in Kibra sub-county during the pandemic?

2. To what extent do the education strategies mitigate the challenges posed by COVID-19 on access to quality and inclusive education of children in the Kibra sub-county?

3. In what respects do the education strategies fail to mitigate the challenges posed by COVID-19 to children's access to quality education?

1.3 Objectives of the study

Principally, this study's core aim was to gauge the adequacy of learning modes deployed by the State of Kenya during COVID-19 in ensuring children's access to education in informal settlements.

The specific objectives therefore were:

1. To examine the strategies designed by Kenyan State to protect and provide for accessibility to quality education for children in the Kibra sub-county in the wake of the pandemic.

2. To analyse the extent to which education strategies alleviated the problems caused by the pandemic in accessibility to quality and inclusive education for children in the Kibra sub-county.

3. To examine the shortcomings of the education strategies to mitigate the challenges occasioned by the pandemic on access to quality education for children in Kibra sub-county.

1.4 Justification of the study

This research is significant in informing policy formulation in the advancement of education as a right during emergencies and pandemics such as during the 2020 pandemic. A State needs to invest in the right to education during crises and emergencies to ensure sustained recovery. This study is instrumental to policy makers in advancing education systems that can be resilient, responsive, and efficient during a crisis and ensure reduced disruption of education activities and swift recovery post-crisis.

The study provides insights into the importance of alternatives to physical learning to ensure continued learning for all children. The pandemic presented an unparalleled challenge in the system of education, causing interrupted learning for almost one year in Kenya and disrupting the school year. It is crucial now more than ever to develop alternatives to face-to-face learning. While more developed countries have had smooth transitions to virtual learning, this may not be feasible, especially for children in informal settlements who are majorly from poor backgrounds. This research therefore informs education strategists on alternatives to ensure inclusive education for all during emergencies.

Additionally, the study guides different actors in the education sector including teachers, education officers, and parents on how to contribute to and ensure continued learning for children during a pandemic situation. This study intends to find ways in which these different actors in their different capacities can be empowered to advance education as a right for children.

1.5 Scope and limitations of the study

This study limits itself to primary level schools that are public and households in Kibra Sub-County because it is one in fourteen of the informal settlement areas in Nairobi and is, therefore, a small sample size. The findings therefore may not be generalized. The research focuses on guiding education sector officials and the State in identifying better alternatives to physical learning and the importance of ensuring the implementation of strategies to ensure continued learning for children from informal settlements who are likely poor and marginalized. Furthermore, it focuses on the impact of the strategies on children

as rights holders during the pandemic period. For this reason, it limits itself to children from low-income backgrounds in informal settlements and highlights the challenges they have faced in accessing quality and inclusive education during life-altering crises such as the pandemic.

CHAPTER TWO: LITERATURE REVIEW

2.0 Literature review

The inadequacies of the education system in many nations were brought to light following the unparalleled pandemic effects the provision of quality education for learners. As the pandemic is a new challenge in the education sector, very little literature exists. To appreciate the study efforts on this issue and highlight the research gaps, this section evaluates the challenges faced by learners from informal settlements, the effect of interrupting learning during the pandemic within informal settlements, evaluate the adequacy of State responses in ensuring continued quality learning amidst the pandemic as well as determine its extent; and assess the importance of alternatives to physical learning that enable continued learning for all students on an equal basis in emergencies.

2.1. Challenges faced by learners in informal settlements in accessing quality education

The UN-Habitat defined informal settlements using three main criteria. Firstly, residents lack security of tenure; secondly, the neighbourhoods typically lack or receive inadequate basic amenities and infrastructure; and thirdly, the housing may not observe building regulations and is usually located in geographically and environmentally hazardous areas.[22]Formal basic services and infrastructure include the provision of education infrastructure, which refers to suitable spaces for children to learn. This study suggests that perhaps the definition of education infrastructure must be widened to include several alternatives to physical

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[22] United Nations. (2015). Conference on Housing and Sustainable Urban Development – Habitat III, Issue Paper No. 22 on Informal Settlements.

learning, including the provision of ICT materials to enable online or remote learning.

Cameron (2010) asserts that the problem of access to education for slum dwellers is fundamental. This problem is compounded by slum-dwellers poor living conditions and low-income. These two conditions make them a particularly vulnerable group.[23]Cameron uses the concept of virtual exclusion to refer to children who are in school but who, for whatever reason, are not learning. Cameron concludes that virtual exclusion may be because there is no learning at all or that children are not learning as easily as other children. However, he recommends that further studies on this should be conducted. This is due to the widely varying levels of virtual exclusion. Cameron's study is important to this study because it indicates that efforts by the Bangladesh State to provide access to education though commendable, quality education is still not accessible by the urban poor in Dhaka. This study determines whether access to this right is any different in Nairobi's slum-dwellers in the Kibra sub-county. Before the COVID-19 pandemic, children from informal settlements faced numerous challenges in accessing education. Noting the challenges that children from informal settlements faced before the pandemic, it may be that their learning has further been derailed due to the pandemic.

The student-teacher ratio is possibly another challenge. Ajani (2014) states that class size is an important factor to ensure high-performing students. Large class size is often impersonal, and teachers are not able to get to know their students, resulting in discipline problems. Therefore, students are often placed in streams

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[23] Cameron, S. (2010). *Access to and Exclusion from Primary Education in Slums of Dhaka, Bangladesh*.

according to their abilities.[24] This study determines whether the education ministry had enforced satisfactory measures to deal with the problem of the student-teacher ratio, given the transmission rates of the COVID-19 virus.

Schools in low-income or marginalized areas have the biggest infrastructure needs and this means that students that attend those schools are doubly disadvantaged. Barret et al. (2019) highlight the importance of adequate school infrastructure to learning. They posit that one of the key inputs to the education system is education infrastructure which improves educational quality. Barret et al. found that improved learning space could lead to better learning outcomes as well as provide safer and healthier environments for children. Furthermore, new approaches to improving learning spaces must be developed to ensure quality education.[25] The findings of Barret et al are a critical component of this study. With the onset of the pandemic and the fact that it remains for the unforeseeable future, it is important to rethink approaches to education as well as to ensure up-to-date infrastructure to enable continued learning in emergencies.

2.2 Effects of interrupted learning arising from the pandemic in slum areas

The closing of many educational institutions resulting from the pandemic, several learners in Kenya, especially those in informal settlements are likely to have a problem accessing continued quality learning. While learners from middle and high-income families can incorporate online learning, those from low-income households do not have the luxury or resources.[26] Indeed, the State introduced measures to ensure continued learning including disseminating

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[24] Ajani, I.R., & Akinyele, O.B. (2014). Effects of Student-Teacher Ratio on Academic Achievement of Selected Secondary School Students in Port Harcourt Metropolis, Nigeria. *Journal of Education and Practice, 5*, 100-106.
[25] World Bank, & Barrett, P. (2019*). The impact of school infrastructure on learning: A synthesis of the evidence*. World Bank Publications.
[26] Obimbo, N. (2021). *Student Learning: The Impact of Covid-19 on Education in Kenya*. Potentash. https://www.potentash.com/2021/01/20/learning-impact-covid19-education-kenya.

educational material on local radio and television stations and YouTube. However, this may not have been sustainable and possibly excluded learners from informal settlements and other marginalized areas. This is because slum-dwellers are low-income earners and therefore they are bound not to afford remote learning resources and opportunities.

The 2019 National Population Census report indicates that only sixty-two percent of families residing in urban areas own a working television while fifty-four percent can access information through the radio. Only eighteen percent of households in those areas own laptops or tablets, resulting in inadequate access to the internet.[27] Most low-income households in informal settlements are unable to meet their basic needs. This fact, coupled with the challenges that COVID-19 has presented has likely severely affected the ability of low-income households to finance school-related expenses including learning materials.

Bonal and Gonzales (2020) highlight the educational effects of school closures in Spain. The authors acknowledge that most research studies in this area have weighed the immediate impacts of the closures. Thus, it may be too early to deduce whether the impact should be viewed as learning losses or as momentary effects caused by a lack of use, which can be recovered with practice. Previous research studies, which highlight the impact of being out of school due to closures, can aid the understanding of the potential impacts of the closure of schools and interrupted learning. Bonal and Gonzales argue that school closures indicate a change in learning style such as a decrease in instructional time and periods of learning. In their view, this would still be the case despite the offering

[27] Asego, C. (2020). *Double tragedy for learners in informal settlements amidst pandemic - APHRC*. APHRC. https://aphrc.org/blogarticle/double-tragedy-for-learners-in-informal-settlements-amidst-pandemic.

of distance learning opportunities. Therefore, failure to attend school decreases learning opportunities for learners, but this is probably disproportionately the case for learners from low-income households and environments. The article concludes that there are inequalities in the ability to maintain school-based learning and that households with parents who have low levels of educational accomplishment have inadequate knowledge as well as resources to assist their children's tasks from school.[28] This article is important as it examines the challenges brought about by the impacts of school closures. However, its review of the literature does not delve into the potential long-term effects of past occurrences of the same nature as the pandemic period. The conclusions of this article are therefore based on the immediate impacts.

Meng and Zhao (2016) discuss the effects of school interruptions on birth cohorts between 1966 and 1976 in China due to political upheaval during the Cultural Revolution. The first two to three years of the revolution resulted in the closure of all schools. Thereafter, there was a gradual reopening of primary and junior- high schools and later on senior- high schools. This resulted in school interruptions for up to seventeen birth cohorts born between 1947 and 1963. Meng and Zhao refer to authors Acemoglu et al (2001)[29] and Nunn (2008)[30], and Iyer (2010)[31] in citing the importance of understanding the impact of a large-scale event on intergenerational education. The authors found that a state's

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[28] Bonal, X., & González, S. (2020). The impact of lockdown on the learning gap: family and school divisions in times of crisis. *International Review of Education*, *66*(5–6), 635–655. https://doi.org/10.1007/s11159-020-09860-z
[29] Acemoglu, D., Johnson, S., & Robinson, J. A. (2001). The colonial origins of comparative development: An empirical investigation. *American Economic Review*, *91*(5), 1369–1401. https://doi.org/10.1257/aer.91.5.1369
[30] Nunn, N. (2008). The long-term effects of Africa's slave trades. *The Quarterly Journal of Economics*, *123*(1), 139–176. https://doi.org/10.1162/qjec.2008.123.1.139
[31] Iyer, L. (2010). Direct versus indirect colonial rule in India: Long-term consequences. *The Review of Economics and Statistics*, *92*(4), 693–713. https://doi.org/10.1162/rest_a_00023

economic advancement is greatly affected by historical shocks during critical junctures.

In their study, Meng and Zhao found that the children of parents who had several years of school interruptions during the Chinese Cultural Revolution completed fewer years of learning in schools and are not likely to pursue higher education compared to those whose parents had fewer interruptions or were not affected by the revolution.[32] This article is profoundly relevant to this study because it highlights the long-term effects of interrupted learning. It supports the concept of widening inequalities and why fulfilling the right to quality education, even amidst a pandemic for poor and marginalized children is crucial to ensuring that the cycle of poverty is broken. Although this article highlights the negative effects that resulted from the revolution through the concept of critical juncture, it does not highlight the positives, which may have arisen from it.

2.3 State responses in ensuring continued quality learning amidst the pandemic

Kenya's constitution outlines that each child should have access to education free of charge and compulsorily. The State has an obligation to work towards enhancing this right, including through affirmative action. Additionally, minorities and marginalized groups are entitled to the provision of special opportunities in the field of education.

Kenya has developed wide-ranging policies and laws that advance the right to education but implementation still presents a challenge. Those who are more

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[32] Iyer, L. (2010). Direct versus indirect colonial rule in India: Long-term consequences. *The Review of Economics and Statistics*, *92*(4), 693–713. https://doi.org/10.1162/rest_a_00023

affected are children from poor and marginalized backgrounds.[33] Some issues include a high ratio of pupils to teachers, inadequate instructional materials and resources and low-quality education, especially in public schools. Additionally, even though the State provides free primary and secondary education, there are still fees to be paid by parents, leading to dropouts and interrupted learning.[34]

There have been many trends that exacerbate inequalities such as conflict, past epidemics, and climate change.[35] The pandemic has highlighted the fragility of many systems of education in the world and will have long-term effects.[36]The gain from educating a child accrues not only to the child or to his parents, but also other members of society. The state must therefore guarantee the protection of education as a right.

Nzuki and Wanyama (2020) highlight the shortfalls of the State's response plan to education during the pandemic. Following the closing of all schools by Kenya's State, the education ministry released the response plan to ensure education continuity during and after the pandemic. The plan acknowledged the importance of distance learning during the pandemic but that learners from underprivileged backgrounds may lack access to the resources required and that low literacy levels affect home-based learning because it requires the assistance of pupils from parents and guardians.

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[33] Right to Education Project. (2014). *Right to Education Country Factsheet*. https://www.right-to-education.org/sites/right-to

[34] Ibid 34.

[35] United National Department of Economic and Social Affairs. (2020). *Historically high levels of inequality closing the door to a better life for millions of* https://www.un.org/development/desa/en/news/social/world-social-report-2020.

[36] Deslandes-Martineau, M., Charland, P., Arvisais, O., & Vinuesa, V. (2020). *Education and COVID-19: challenges and opportunities*. Canadian Commission for UNESCO. Retrieved 6 March 2022, from https://en.ccunesco.ca/idealab/education-and-covid-19-challenges-and-opportunities.

The interventions outlined in the response plan adopted by the State to guarantee education continuity included: utilization of radio shows and television broadcasts; strengthening the education cloud; streaming live lessons to enable peer to peer learning; building the capacity of teachers; supporting decentralized access to an internet connection; utilizing tutoring sessions; cooperation with other State ministries to guarantee the availability of power, especially in rural areas and mobile charging areas; supporting the program on digital literacy to ensure continuous utilization of e-learning, especially throughout times of crises and afterward; creating relevant educational information; and supporting home-based learning. While these measures are welcome, the plan does not address the glaring issue, which is the digital gap. There are no implementation plans on how the decentralization of connectivity will take place. The plan seems to disregard the fact that some learners lack access to resources for digital learning. Authors Nzuki and Wanyama (2020) acknowledge the alternatives provided in the plan that are seemingly more accessible to learners from low-income households. These are text messaging, mounting speakers to disseminate information, and distributing hardcopy material.[37]This article is essential to this study as it highlights the general inadequacies of the State's education strategy during the pandemic.

The digital gap ensuing from the education ministry's response plan suggests that the measures deployed were insufficiently considered and are therefore retrogressive. This is because of the difficulty it presents for children in informal settlements and low-income backgrounds in accessing the resources required to

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[37] Nzuki, C., & Wanyama, J. (2020). *Responding to COVID-19 crisis: A critique of the 2020 Basic Education Response Plan in Kenya - Centre for Intellectual Property and Information Technology law*. Centre for Intellectual Property and Information Technology law. https://cipit.strathmore.edu/?p=7837.

access education. Furthermore, due to the lack of standardization of the digital resources required, there is a likelihood of unequal access to quality of learning using digital aids. Learners from low-income backgrounds may be able to access low-budget items such as their parent's phones or radios, while others from middle or high-income families may be able to access items such as laptops or computers. Children were unable to access education equally. It therefore denotes that the State's plan results in the abuse and disregard to children's right to access education is in contravention with national and international laws.

Rabin (2008) discusses the components of education. This encompasses state-funded educational facilities and equal chances to access education. He classifies these as educational rights and highlights how states infringe upon these rights. He highlights that education equity is the most violated right.[38] This research demonstrates and determines that indeed, through the examination of the education strategies and polices, they created a platform that breeds inequality in the accessibility of education. This article is essential to this study, as it highlights the need to avail resources that aid the provision of education. Furthermore, this research suggests that educational facilities and resources ought to be dynamic and relevant to the prevailing situation.

There have been numerous endeavours to improve children's equal accessibility to education. Despite this fact, millions of children still face exclusion. More children face a risk of being school- dropouts and many are in schools that are not conducive to optimal learning. States are often behind this failure because they bear responsibility to implement education as a right. The resultant gap

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[38] Rabin, Y. (2008). *The many faces of the right to education*. https://papers.ssrn.com/abstract=1080302

caused by the lack of action by the State to provide adequate accessibility to education and the challenges they face is termed as the education deficit. The article argues that eliminating the education deficit requires working on interventions at both primary and secondary levels while eradicating the systemic and financial challenges that several children face today. It also requires that states tackle the violations that prevent children from attending school.[39]This article is relevant to this study as it faults States for creating an education deficit and suggests that States must remove all barriers to the implementation of rights. The research therefore suggests therefore that the pandemic has widened the education deficit and that this correlates with State educational strategies established.

Mualuko (2007) discusses what is meant by the terms quality education. Admittedly, educational quality is a controversial concept and quite subjective. Some advance it as the value input to the system of education and some advance the notion that education quality refers to the quality of outcomes and processes. The indicators of quality education include the inputs, processes, and outputs. Input includes but is not limited to the finances used to facilitate the provision of instructional materials, books, and physical facilities among others as well human resources, time resources, and quality assurance.

Process means the coordination of school activities to ensure the attainment of projected goals. According to Mauluko, the ability of students to comprehend the communication medium is a pointer to a quality process as well as the appropriateness of teaching approaches. Lastly, outputs refer to attainment.

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[39] Human Rights Watch. (2015). *The Education Deficit: Failures to Protect and Fulfil the Right to Education through Global Development Agendas*. https://www.hrw.org/report/2016/06/09/education-deficit/failures-protect-and-fulfill-right-education-through-global>

They include examination performances, co-curricular activities, and imparting social and life skills. Mauluko (2007) finds that the challenges brought about by poverty with regard to provision of education that is of quality where the contributions are inadequate result in deterioration of the processes and outputs. He further states that innovation and creativity by players in the education sector are paramount to ensuring quality education.[40] Although this article was published before the COVID-19 pandemic, Mauluko concludes that the inputs made by the State in providing quality education for children in low-income settings are inadequate. Indeed, the sentiments held by the author on the need for more innovation and creativity to ensure quality education were especially relevant when the pandemic curtailed access to schools. The article is essential as well because its suggestions can be applied to other emergency situations.

2.4 The need alternatives to physical learning in emergencies

Accessibility to inclusive and safe education on an equal basis does not terminate in emergencies. Interrupted learning and long periods of being away from school create a likelihood that some children may not return to school, especially those from low-income households. Alternative methods of learning must therefore be developed to ensure continued learning.

While learning through television or radio is a marvel idea, for some of the most vulnerable and marginalized children, the unavailability of resources to access those learning aids may exclude them from such programs. The article offers several recommendations to States including supporting teachers in creating remote learning materials and activities and applying existing tools and practices

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[40] Mualuko, N. (2007). The Issue of Poverty in the Provision of Quality Education in Kenyan Secondary Schools. *International Scholars Journal*.

to deliver inventive methods of learning. Some examples include radio and television, online, short messaging service, phones, resources for parents, and resources for peer-to-peer learning.[41]In a bid to find more effective alternatives to physical classes that ensure quality learning that includes all children, this section of the study highlights various examples from some countries and the responses adopted in other emergencies.

Reimers and Schleicher (2020) highlight the importance of education continuity, especially during emergencies. They posit that the knowledge, experience, and skills gained through various methods of delivering distance learning material can be developed further and be employed in the future, resulting in mixed modes of teaching and learning. This will lead to personalized education and increase the time of learning and opportunities for students. Efforts by several States to ensure continued learning amid the pandemic and the need for physical distancing revealed the inequalities in accessing technology and the skills to engage with it as well as connectivity availability.[42]

An article by Reimers and Schleicher urge that to guarantee full integration of all students in a world where the ability to participate in education is increasingly relying on accessing technology, addressing the disparities is of paramount importance. Furthermore, children who are marginalized and children from places with high levels of social disparity benefit more from the ability to attend school, learn near teachers and their peers, and the availability

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[41] *Learning Must Go On: Recommendations for keeping children safe and learning, during and after the COVID-19 crisis | Save the Children's Resource Centre*. Save the Children's Resource Centre. (2020). https://resourcecentre.savethechildren.net/document/learning-must-go-recommendations-keeping-children-safe-and-learning-during-and-after-covid/.
[42] Reimers and Schleicher. (2020). *Schooling disrupted, schooling rethought: How the Covid-19 pandemic is changing education* https://globaled.gse.harvard.edu/files/geii/files/education_continuity_v3.pdf>

of many services in schools. The pandemic has likely resulted in financial constraints for both State and citizens. In view of this, there is need to further the novelty potential observed during the pandemic so as to prevent interference of children's accessibility to education. Novelty should be encouraged and utilized to improve the delivery of education. The strategies put in place by States that employ approaches to remote learning including access to technology will cultivate student autonomy and independent learning.[43]This article highlights the importance of physical learning and the need to reopen schools. It however points out the importance of improving modalities of education in the twenty-first century. Regarding past epidemics, the authors acknowledge that up to fifteen percent of infections are prevented by simply closing schools. This article highlights the importance of alternatives to physical learning during a pandemic and recommends the integration of such strategies in future learning.

An article on strengthening remote, distant or online education during school closures highlighted the vital part that teachers and family members have in supporting learners during this period of uncertainty. The organization predicted a high likelihood of continued disruption of schooling until the COVID-19 vaccines became readily available. So much so, that if a new wave of the virus does not materialize, localized and momentary closure of schools may be necessary to curb the spread of the virus. Children who have contact with infected persons may need to be isolated. Inadequate resources to enable attendance of classes may force schools to adopt a blended model of online and physical learning to guarantee social distancing and prevent transmission. It is

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[43] Reimers and Schleicher. (2020). *Schooling disrupted, schooling rethought: How the Covid-19 pandemic is changing education* https://globaled.gse.harvard.edu/files/geii/files/education_continuity_v3.pdf>
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therefore crucial for States to develop policies that can increase the efficacy of virtual teaching and learning.[44]

Burgess (2020) offers suggestions for choosing effective education policies. "He urges that the use of online resources to continue learning has not and will not work and implies that effective intervention through the development of policies must be school-based, as opposed to home-based. He goes on to affirm that the policy that fits that description is tutoring in small groups and school-based.[45] He refers to an article by Education Endowment Foundation on small group tutoring. Tutoring in small groups entails one teacher teaching between two and five students in a group, enabling the teacher to direct full concentration on a lesser number of students. The quality of this modality of teaching and learning is more effective than the alternatives suggested which require decentralized technology infrastructure to operate optimally. Burgess further points out that small group tutoring is an effective tool for remediating learning loss during periods of school closures. This article is profound because the author insists on the importance of seeking alternatives that work and that can be accessed by all learners regardless of existing inequalities. Although his approach is more geared towards repairing the educational damage using small group tutoring, this may also be used as an alternative to complete school closure while also protecting learners from the risk of transmission of the virus.

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[44] *Strengthening online learning when schools are closed: The role of families and teachers in supporting students during the COVID-19 crisis*. OECD. (2020). https://www.oecd.org/coronavirus/policy-responses/strengthening-online-learning-when-schools-are-closed-the-role-of-families-and-teachers-in-supporting-students-during-the-covid-19-crisis-c4ecba6c.

[45] Burgess, S., & Henrik Sievertsen, H. (2020). *The impact of COVID-19 on education*. https://voxeu.org/article/impact-covid-19-education.

2.3 Conceptual framework

This research employs the critical junctures concept. It refers to states of uncertainty where the decisions of significant players in particular sectors of a society or institution are pivotal for the selection of a specific path of institutional advancement over other likely paths. This is referred to as a path-dependent process.[46] The critical nature of junctures is derived from the fact that they situate advancements on paths that are hard to change. Critical junctures, therefore, are the initial points for many process that depend on specific paths. Regarding institutions, critical junctures are defined by two circumstances. Firstly, the choices available to decision makers increases and secondly, the ramifications of these choices are potentially very important. Contingency is therefore heightened.[47]

This study suggests that the pandemic is an event that requires a monumental change in the curriculum delivery model to foster equal access to education. An inadequate approach to addressing educational interventions at a critical time can lead to consequences such as perpetuation of inequality and, violation of rights. Children from low-income backgrounds such as those from slum areas face far-reaching unique consequences.

 The study of critical junctures has attracted criticism through claims that it is used rather casually, referring to it as a model of change but failing to probe further into its meaning or developing methodologies.[48]Collier and Collier's (1991) defined critical junctures as a time of momentous adjustment which

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[46] Capoccia, G., & Kelemen, R. (2007). The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism. *World Politics*, *59*(3), 341-369. https://doi.org/10.1017/s0043887100020852
[47] Capoccia, G., & Kelemen, R. (2007). The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism. *World Politics*, *59*(3), 341-369. https://doi.org/10.1017/s0043887100020852
[48] Capoccia, G., & Kelemen, R. (2007). The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism. *World Politics*, *59*(3), 341-369. https://doi.org/10.1017/s0043887100020852

materializes in different methods in diverse states and is theorized to result in different legacies.[49] In a comparative study of Central America, James Mahoney (2000) highlights the linkage between critical junctures and processes that depend on specific paths, highlighting that when a specific choice is made during a critical juncture it is challenging to return to the original point where several possibilities were accessible.[50] However, Hogan (2006) argues that the important contributions by Collier and Collier and, Mahoney lack conceptual uniformity and fail to deliver satisfactory methodological direction to those who wish to use the critical junctures concept.[51] Conceptual shortcomings are distinct in situations where there are power imbalances, time horizons, analysis units, and near misses.[52] Asymmetrical power exists among individuals or parties when some among them can harm others to a greater degree than others.[53] This critique by Capoccia and Kelemen is essential to this study because decisions of education sector actors during the pandemic are likely to disproportionately affect students from low-income backgrounds in the long run.

This study views the pandemic as a critical juncture. As highlighted, decisions at such periods affect advancements for institutions or individuals involved. This study suggests that the State's response plan to ensure education continuity was inadequately considered and resulted in retrogressive measures. The measures deepen inequalities and challenges for children in informal settlements that were

[49] Collier, R & Collier, D. (1991). Critical Junctures and Historical Legacies. 10.2307/1008380.

[50] Mahoney, J. (2000). Path Dependence in Historical Sociology. *Theory and Society*, *29*(4), 507–548. http://www.jstor.org/stable/3108585

[51] Hogan, J. (2006). Remoulding the critical junctures approach. *Canadian Journal of Political Science. Revue Canadienne de Science Politique*, *39*(3), 657–679. https://doi.org/10.1017/s0008423906060203

[52] Capoccia, G., & Kelemen, R. (2007). The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism. *World Politics*, *59*(3), 341-369. https://doi.org/10.1017/s0043887100020852

[53] Stolyarov, G., II (Ed.). (2007). *Power Symmetries and Asymmetries* (Issue IssueCXXXVI). http://rationalargumentator.com/issue136/powersymmetries.html

existing prior to the pandemic. International law obligates the State to ensure that any measures employed must be carefully considered and must not limit the right to education.

Additionally, since rights are dependent, failure to adequately provide education will likely hamper other rights and the ability to secure them. This research uses the critical junctures concept to demonstrate that this fact alters their paths, which may be difficult to alter because they did not receive equal opportunity to access the right to education. The measures implemented by the State also curtail the advancement of the education system because it contradicts with its constitutional responsibility to fulfil the education as a right while observing equity.

CHAPTER THREE: METHODOLOGY

3.0 Research Design

Both quantitative and qualitative techniques were used during this research. Qualitative research[54] studies an event in its natural environment. It provides a description and explanation of the current state of events or groups of people and limits itself to that group. The conclusions of a qualitative study do not provide a wide view of a situation that can be generalized to the entire populace. Quantitative research[55] on the other hand draws conclusions from a set of data representative of a population sample. A representative sample is used because it is impractical to obtain data from the entire population due to resource challenges. However, conclusions drawn from the sampled group can be inferred to the whole populace. Quantitative research seeks to support an inferred theory through collection and analysis of numerical data while qualitative studies seek to observe the behaviour of events or groups of people and arrive at a theory that explains it.

This study employed a case study and survey approach. Case studies aid in the examination of multifaceted circumstances in particular settings.[56]This study engaged several primary schools within Kibra Sub- County in a case study, drawing insights from teachers as well as parents. Furthermore, it focused on a single unit of analysis as it explored answers to specific research questions and pursued the evidence presented in the setting. It included a comprehensive study

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[54] Creswell, J.W. (2007). Qualitative Inquiry &Research Design: Choosing Among Five Approaches. Thousand Oaks: Sage Publications Inc.

[55] Kasomo, D. (2006). *Research Methods in Humanities and Education*. Egerton University Press.

[56] Rashid, Y., Rashid, A., Warraich, M. A., Sabir, S. S., & Waseem, A. (2019). Case study method: A step-by-step guide for business researchers. *International Journal of Qualitative Methods*, *18*, 160940691986242. https://doi.org/10.1177/1609406919862424

of selected school teachers and parents from selected primary schools in Kibra sub-county. The case study approach is ideal as human experiences happen in their natural environments.[57]

This study utilized the method of cross-sectional survey to collect information in a case study. A sample of teachers and parents' data was collected at a particular period of time. They were carefully chosen to represent the experiences of low-income families in informal settlements[58]. The survey method allowed the gathering of information that was unavailable from other sources. This data was taken from the sampled teachers and parents.[59] The survey allowed merging of information gotten from both parents and teachers.

Interviews were conducted for key informants, who were resource persons with specialized knowledge in an area of research. They gave insight on background data on the project that was unavailable from other sources.

3.1 Study Site

The focus of this research was on selected primary schools in Kibra Sub-County. These were chosen because many students from Kibra informal settlements were from low-income backgrounds and were likely disproportionately affected by the decisions of education sector players generally and during the pandemic.

3.2 Sampling and Unit of Analysis

The target populace was twenty-five teachers working in five primary schools in Kibra Sub- County and twenty parents whose children studied in those schools.

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[57] Gillham, B. (2000). *A case study research methods*. Continuum International Publishing Group.
[58] Owens, L. (2002). *Introduction to Survey Research Design.* http://www.srl.uic.edu/seminars/Intro/introsrm.pdf
[59] Owens, L. (2002). *Introduction to Survey Research Design.* http://www.srl.uic.edu/seminars/Intro/introsrm.pdf

The unit of analysis was parents and teachers as individuals. The research viewed the parents and teachers as individuals and as groups in a society. The ramifications of inadequate education interventions during the pandemic were examined at both levels.

A sample frame was drawn from five out of a total of nine public primary schools[60] in Kibra Sub- County and fifty respondents as the sample size[61] was chosen using simple random sampling[62]. This enhanced an impartial depiction of the populace. The size sampled, that is fifty allowed for efficient and effective analysis of data within a short period of time that is, three to four months. Furthermore, the study was conducted during the pandemic period thus only a small number of respondents could be accessed.

There are twelve thousand eight hundred and eight students currently enrolled in the nine public primary schools in Kibra Sub- County. The five schools that were studied included Ayany Primary, Raila Educational Centre, Mbagathi Primary, Kibera Primary and Toi Primary. They are located in Sarang'ombe, Makina, and Woodley wards. These schools have a total of five thousand five hundred and ninety-three pupils.[63]

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[60] Nairobi City County. (n.d) Education Department Data on Nairobi Public ECD Centres & Primary Schools and Locations. https://nairobi.go.ke/download/public-primary-schools/

[61] European Commission. (2013). *Development of methods and scenarios for an integrated system of European Social Surveys*.

[62] Hayes, A. (2022, February 8). *Simple Random Sample*. Investopedia. https://www.investopedia.com/terms/s/simple-random-sample.asp

[63] M Mohammed, personal communication, November 28, 2022.

3.3 Data Sources

Primary data[64] was collected from twenty-five teachers, twenty parents, and five key informants. Key informants included one officer from Kibra Gender and Advocacy Network, which is an NGO based in Kibra, one officer from the Kibra National Government Constituencies Development Fund, one ward representative from Lindi Ward and two head teachers from Olympic Primary School and Joseph Kang'ethe Primary School. Secondary data[65] was derived from reviewing published data. This included reviewing books, State education policies, journals, articles and the Ministry of Education strategic plan.

Although this research was related to children's rights, they were not in a position to assess the quality of education delivered resulting from the State's strategies or policies. Therefore, the study sought information from parents, teachers and other relevant stakeholders who were key informants.

3.4 Data Collection methods

Structured surveys were utilized to aid in collection of information from the sampled teachers and parents. The interview queries were composed of both close and open-ended questions. Key informants participated in semi-structured questionnaires, and they were conducted on an individual basis.

The researcher followed a specific order in collecting data. Firstly, interviews were issued to the key informants, which allowed the researcher to detect omitted details in the survey questions which was important for responding to research questions, therefore, achieving the research objectives. Secondly, the

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[64] Blog, F. (2020, January 15). *Primary vs secondary data:15 key differences & similarities*. Formplus. https://www.formpl.us/blog/primary-secondary-data
[65] Blog, F. (2020, January 15). *Primary vs secondary data:15 key differences & similarities*. Formplus. https://www.formpl.us/blog/primary-secondary-data

researcher administered a test of the questionnaire before the actual interviews. This was done with some of the parents and teachers who did not take part in the real survey. This enabled the researcher to deduce whether the questionnaire was suitably framed. Lastly, the researcher did an actual survey of the fifty chosen respondents from five schools in the Kibra sub-county.

Throughout the collection of data, the researcher maintained a journal where observations were made.

3.6 Data Analysis

Data analysis included consistent, reviewing, and compiling of the information received from the parents and teachers, and key informants. Statistical Package for Social Sciences (SPSS) was employed to analyze information that was quantitative. This was represented through tables.

Qualitative data is organized through coding and analyzed using different thematic subjects. Coding is a feature derived from analysing quantitative information then presenting it text format. It is then used to outline patterns and themes that are expressed in a numerical format. The different themes from the analysis are stated under subtitles and interpreted therein.

3.5 Research Ethics

This study endeavoured to safeguard the integrity and quality of the study. This was through ensuring informed consent from all respondents, confidentiality, and respect for the anonymity of interviewees when requested as well as encouraging their voluntary participation. The researcher took necessary steps to reduce or curb the exposure of the respondents to harm.

CHAPTER FOUR: DATA PRESENTATION AND DISCUSSION OF FINDINGS

4.1 Introduction

This section puts forward and deduces information analysed. Findings of the study are interpreted as they relate to the research objectives. The chapter submits a data analysis from key informant interviews, that includes teachers, education officers, and head teachers. It also includes interviews with parents of primary school-going children in Kibra Sub- County. The study contains findings on the respondents' demographics and the results on the study objectives. This information has been submitted in a narrative descriptive format, and where necessary, tables have been used for clarity and exactness.

4.2 Response Rate and Demographics

4.2.1 Response Rate

This research administered fifty-five questionnaires. Thirty teachers, twenty parents, and five key informants were interviewed. All questionnaires were accordingly responded to and reverted, resulting in a 100% rate of response, which was deemed appropriate for analysis. The finalized surveys were revised for completeness and accuracy. The study further conducted an interview schedule with five key informants to get their responses on the study objectives.

4.2.2 Demographics

This sub-section outlines the respondents' demographics and relates to the respondents' age, their level of educational attainment, length of teaching careers, and the number of pupils taught.

4.2.2.1 Respondents' age

The research aimed at identifying the selected respondents ages. The results show that 56.67% of teachers were between the ages of thirty-one to forty years 33.3% of the respondents were between twenty to thirty years, 6.67% were over fifty years and 3.33% were between forty-one to fifty years. This shows that most teachers were between thirty-one to forty years. The results in Figure 2 indicate that 52.63% of parents were between forty-one to fifty years, 31.58% were over fifty years and 15.79% were between thirty-one to forty years.

Value	Frequency	Percentage
31-40 years	17	56.67
20-30 years	10	33.33
Over 50 years	2	6.67
41-50 years	1	3.33

Figure 1 Teachers' age

Value	Frequency	Percentage
41-50 years	10	52.63
over 50 years	6	31.58
31-40 years	3	15.79

Figure 2 Parents' age

4.2.2.2 Level of Education

This research aimed at establishing the educational attainment level of sampled teachers, education officers, and parents. The results in Figure 3 show that 66.67% of the teachers had attained a diploma degree, 16.67% had attained a

bachelor's degree and 16.67% had a post-graduate degree. Figure four shows that 36.84% of the parents had completed KCPE, 26.32% had completed a certificate course, 26.32% had no education and 5.26% had completed and KCSE as well as attained a bachelor's degree.

Value	Frequency	Percentage
Diploma	20	66.67
Bachelors degree	5	16.67
Post graduate degree	5	16.67

Figure 3 Teachers' educational attainment

Value	Frequency	Percentage
KCPE	7	36.84
Certificate	5	26.32
None of the above	5	26.32
KCSE	1	5.26
Bachelors degree	1	5.26

Figure 4 Parents' level of education

4.2.2.3 Number of school-going children per parent

This section sought to identify the number of children attending school that each sampled parent had. Results from Figure 5 show that 42.11% of the respondents had three children attending school, 26.32% has one child, 21.05% had two and 10.53% had more than four.

From these findings, a large percentage of parents have three children attending school. This denotes higher levels of spending for these parents. With the knowledge that people from informal settlements likely earn low incomes, it is more challenging for these parents to afford resources. The challenges presented

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by the pandemic and the State's direction to deliver the curriculum remotely through digital devices put a heavy financial burden on these parents.

Value	Frequency	Percentage
3	8	42.11
1	5	26.32
2	4	21.05
>4	2	10.53

Figure 5 Number of children attending school per parent

4.2.2.4 Parent's source of income

This study sought to determine the sampled parents' source of income. Figure six shows that 68.42% of the respondents were casual labourers, 21.05% were business persons and 10.53% were unemployed.

A large percentage of parents are casual labourers. This means that their earnings are often very meagre. In Kenya, casual labourers do not enjoy other benefits such as medical cover from their employers. Furthermore, they often do not have job security.[66]Because this is a pre-existing situation, the pandemic therefore pre-disposed children in Kibra informal settlement to inadequate access to State strategies that aimed at ensuring the right to education. This pre-disposition may create a path-specific future for children in informal settlements that may lead to inaccessibility of other human rights.

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[66] Lilian Kaivilu. (2016). The Harrowing Experience of Kenya's Casual Workers. Impact Hub. https://impacthubmedia.com/10948/harrowing-experience-kenyas-casual-workers/

Value	Frequency	Percentage
Casual labourer	13	68.42
Business	4	21.05
Unemployed	2	10.53

Figure 6 Parent's source of income

4.2.2.5 Number of classes taught per teacher

This research aimed at finding out how many classes each of the sampled teachers taught per day. Figure seven shows that 60 % of the respondents teach two classes in a day, 36.67% teach three classes and 3.33% teach one class.

Value	Frequency	Percentage
2	18	60
3	11	36.67
1	1	3.33

Figure 7 Number of classes taught

4.2.2.6 Teaching experience

The aim of this section was to find out years of experience in teaching that the teachers sampled had. Figure 8 shows that 53.33% of the respondents have been teachers for less than 7 years, 40% of the respondents have been teaching for 8-14 years and 6.67% have 15-19 years of teaching experience.

Value	Frequency	Percentage
<7 years	16	53.33
8-14 year	12	40
15-19 years	2	6.67

Figure 8 Teaching experience

4.2.2.7 Number of students taught per class

This research sought to identify the number of students the teachers teach per class. Figure nine shows that 46.67% of the respondents teach between 20-30 students per class. 40% of the respondents teach 31-40 students while 6.67% have more than 40 students per class and another 6.67% said that their classes have less than 20 students.

Value	Frequency	Percentage
20-30	14	46.67
31-40	12	40
>40	2	6.67
<20	2	6.67

Figure 9 Number of students the teachers have per class

4.3 State measures that ensured education continuity in Kibra sub-county during the pandemic

This research sought to identify the State measures employed to ensure education continuity in Kibra Sub- County. The aim was to determine whether the respondents were aware of any measures employed. Figure 10 indicates that 76.67% of the teachers highlighted that they were aware of such measures, while 23.3% were not. The measures identified by the respondents included the provision of protective equipment such as masks and sanitizers, social distance directives, and online classes.

Interviews from key informants revealed that during the pandemic, the State provided water for hand washing and masks to facilitate learning. However, they noted that this was not enough and that furthermore, most of these efforts were supported by non-governmental organizations and individuals. The findings,

therefore, indicate that the State did not take adequate measures to ensure education continuity in Kibra sub-county.

Furthermore, these measures were not sufficient for the protection of both students and teachers. This is because from figure 9, the number of students per class ranges from twenty to forty students. The State's directives on the number of people per social gathering was fifteen. The class sizes therefore presented a health risk for both students and teachers and affected the quality of learning.

Value	Frequency	Percentage
Yes	23	76.67
No	7	23.33

Figure 10 Teachers' awareness of State measures

4.4 Availability of digital equipment to facilitate virtual learning

This section's aim was the examination of the extent of delivery of the education virtually through available digital equipment. The teachers were asked whether they received any digital equipment from the State to facilitate learning. Figure 11 shows that 80% of the teachers stated that they did not receive the equipment, while 20% stated that they did. Parents were asked whether they owned any digital devices that aid online learning. Figure 12 shows that 89.47% of the respondents did not own any digital devices and that 10.53% did.

Furthermore, Figure 13 shows that 43.3% of the sampled teachers rated the ratio of digital devices per student was 1:3. 30% of the respondents rated it at 1:4, .23.3% at 1:2, and 3.3% at 1:1. These results indicate that a large number of students had inadequate access to aids for remote learning.

The findings indicate that the State inadequately provided digital technologies that aid online learning. This study suggests that the education response plan was impractical because of the large investment required to provide digital resources. The plan was not in tandem with the 2018-2022 strategic plan of the Ministry of Education whose objectives included to expand accessibility to and equitable education for all.

Value	Frequency	Percentage
No	24	80
Yes	6	20

Figure 11 Teachers whose schools received digital equipment

Value	Frequency	Percentage
No	17	89.47
Yes	2	10.53

Figure 12 Percentage of parents who owned digital devices

Value	Frequency	Percentage
1:3	13	43.33
1:4	9	30
1:2	7	23.33
1:1	1	3.33

Figure 13 Ratio of digital device per student

4.5 Teacher and student preparedness sensitization fora on the use of digital equipment for students' remote learning

This study sought to determine whether there were any preparedness forums to help students learn through digital devices. Figure 14 indicates that 93.3% of the

respondents were aware of such fora offered to students in schools while 6.67&
were not aware.

This study also revealed that while online education was offered, some schools required students to have their resources to access classes. Figure 15 shows that 60% of the respondents admitted that the schools in which they taught required students to have their resources to aid them in participating in online learning. 40% did not have this requirement. However, it was noted that this did not equate to the availability of the resources provided at school.

This study suggests therefore that the State's plan to ensure education continuity through digital learning is retrogressive because it did not provide the devices required to effect teaching and learning. Parents and students therefore have to purchase the devices themselves. As already established, this may prove difficult because people in informal settlements are often poor and therefore cannot afford the resources required. This goes against the concept of progressive realization of socio-economic rights.

Value	Frequency	Percentage
Yes	28	93.33
No	2	6.67

Figure 14 Teacher/student preparedness sensitization fora

Value	Frequency	Percentage
Yes	18	60
No	12	40

Figure 15 Percentage of schools that required students to have resources to access remote learning

4.6 Students resumption to school after long periods of school closure

This section aimed at establishing the rate at which students returned to school after long periods of closing of schools during the pandemic. The data in Figure 17 indicates that 60% of the respondents submitted that all the students returned, 33.33% noted that only half the class resumed, and 6.67% stated that less than half resumed school**.**

Value	Frequency	Percentage
All students	18	60
Half the class	10	33.33
Less than half	2	6.67

Figure 16 Rate of students who returned after long periods of school closures

4.7 Students' performance after the re-opening of schools

This study aimed at determining whether the school closures enforced during the pandemic had any effect on the students' performance. Figure 18 indicates that 50% of the respondents rated the performance of students as satisfactory, 46.67% rated it as average and 3.33% rated it below average.

One respondent stated:

The students performed even better before the pandemic when the teachers could deliver the curriculum physically in class as well as monitor students one

on one. Remote teaching and learning through digital technologies therefore significantly affected student's performance.

From these findings, it is evident that the delivery of the curriculum online was not very feasible because many students could not access it. This affected their performance.

Value	Frequency	Percentage
satisfactory	15	50
Average	14	46.67
Below average	1	3.33

Figure 17 Students' performance after the re-opening of schools

4.8 Challenges faced by children in accessing education in the duration of the pandemic

This section's aim was determining whether the sampled parents faced any challenges in accessibility to education as a right during the pandemic, as well as the type of challenge experienced. Figure 19 indicates that 68.42% of the sampled parents cited inadequate finances to pay school fees, 26.32% stated that there was inadequate learning material and 5.26% noted that their children could not get adequate food at home during the period when schools were closed.

The results indicate that a large percentage of parents faced financial challenges during the pandemic. Digital learning requires availability of digital aids. The State inadequately provided these and the burden therefore fell to the parents. Thus, it worsened the financial constraints.

Value	Frequency	Percentage
Lack of school fees	13	68.42
Inadequate learning material	5	26.32
Other	1	5.26

Figure 18 Challenges faced by respondents in accessing education as a right

Responses from the key informants highlight that due to the disruption caused by the pandemic, syllabus coverage slowed down. There was also an increase in teenage pregnancies and increased urban-to-rural migration necessitated by the loss of employment for parents. Parents were therefore incapable of paying school fees or afford the resources required for remote learning.

One interviewee observed that;

During the pandemic, there were some who completely left school because they lacked the funds to ensure continuity of education. Furthermore, some turned to manual labour such as *dhobi* work. This was to increase their family's income.

The Ministry of Health's directives to maintain social distance presented a challenge for some learners. In some instances, learners had to study under a tree. Accessing remote learning was also costly. One interviewee highlighted that;

Due to the mass loss of employment, the purchasing power of families has reduced, straining their ability to purchase mobile data for online learning

and other resources to ensure children receive education during the pandemic.

CHAPTER FIVE: SUMMARY OF FINDINGS, CONCLUSION, AND RECOMMENDATIONS

5.1. Introduction

The section outlines a synopsis of results while relating it to the research questions. The conclusions and recommendations are also highlighted in this chapter. Furthermore, it outlines suggestions of issues that require further research.

5.2. Summary of Findings

The results of the collected data demonstrated that many sampled respondents were aware of strategies adopted by the State to ensure education continuity. The pandemic presented several challenges that prevented children in Kibra from accessing the right to education. Many parents lost their livelihoods and could not bear the financial burden of purchasing learning resources for remote learning. Furthermore, many households did not own any digital devices before the pandemic. The loss of livelihoods also leads to their financial inability to maintain the access to education for their children.

The research also established that the actions by the State gave rise to limitation of the education as a right. This is because the State's decisions imposed a financial obligation on the parents of children from informal settlements who could not afford the required resources. Most of the parents were casual labourers. This means that they earned meagre salaries and there was no job security. With this dwindling financial insecurity, they could not sustain remote learning for their children.

Additionally, a larger percentage of parents had three children in school. This means that their financial burden was even greater than those with one child.

Noting that people residing in informal settlements often have low incomes, it was not feasible to access remote learning because they had to cater for their own learning materials.

This study also established that there were efforts to ensure continued learning through provision of personal protective gear such as masks, sanitizers and hand washing stations. However, these were largely provided by local non-governmental organizations. Even so, this study found that the number of learners in the classes was higher than the number required to avert the spread of the COVID 19 virus. This presented a risk for children, teachers and parents. Some students had to study under trees. Without monitoring from teachers, the quality of learning was greatly affected.

The study further established that there were efforts to prepare teachers to adopt digital ways of teaching. However, this preparation was insufficient as the State provided only a few training sessions. Additionally, teachers could not deliver online teaching while students were unable to access digital devices. The State did not provide any resources to aid remote learning and students had to depend on the devices available in their homes if any during school closures.

Furthermore, this study established that because of the earning capacity of parents from informal settlements, the digital technologies they could afford were perhaps phones or radios. This was insufficient because digital learning requires a range of digital equipment. Additionally, access to digital learning attracts extra costs for parents. Besides paying for school fees, food and books, parents had to dig even deeper to provide the digital aids.

The study revealed that due to the school closures, there was a significant disruption of the school calendar. This deepened the challenges of children in Kibra in accessing the right to education. A significant percentage of students even dropped out of school and some took up manual jobs to contribute to the family's income. Some students fell pregnant while others began abusing drugs. This indicates that education was inaccessible for most children in informal settlements.

The study also established that there was a change in school attendance before school closures during the pandemic and after they re-opened. There was a significant reduction in school attendance. This was partly because of the urban-to-rural migration by many families following the loss of their livelihoods. Some students dropped out of school because their parents could no longer afford school fees due to unemployment.

From the study, it was established that most of the parents were not aware of the digital learning tools that were required to facilitate learning. Numerous parents who were sampled could not afford the items required to support learning. It was further established that there was little involvement of parents in planning the rollout of digital technologies that support remote learning. Parents were therefore unprepared to assist their children to access the resources.

These findings indicate that there was no standard equipment required for learning. There is a wide range of digital technologies for learning. The lack of standardization or any direction for parents to assist their children at home created a platform for failure of the State's response plan. This also deepens inequalities that already exist for children in informal settlements.

The study further shows that there was a substantial variance in the students' performance after schools re-opened. Most of the interviewed respondents mentioned that performance during this period was average as compared to before the school closures occasioned by the pandemic. This was because some students were able to continue with the curriculum because their parents could afford some digital learning aids while others could not access it at all. As already observed some left school completely to work or began abusing drugs. The strategies by the state were inadequate to the extent that they caused limitations of a group of children from low-income backgrounds, therefore violating their educational right.

5.3 Conclusion

This research analysed the education strategies designed by the State to safeguard children's access to education in Kibra Sub- County during the pandemic. It determined that one of the four strategic objectives of the education ministry's strategic plan was to enhance access and equity in the realisation of education as a right for all children in Kenya. In line with this objective, the Ministry of Education's response plan during the pandemic aimed at providing accessible education that is of quality and is equitable as well as inclusive. It also aimed at facilitating the development of virtual instructional materials while increasing programs that support learning remotely, create and implement intervention programs that target marginalized and most vulnerable learners. This study established that there were efforts to adhere to the strategy to ensure access to the right to education. Some teachers received training on digital teaching and learning. However, students did not get any digital equipment from the State. Digital learning was therefore inaccessible.

This study sought to evaluate the scale to which the strategies employed by the State mitigated the challenges posed by the pandemic on children's access to quality and inclusive education in Kibra Sub- County. From the findings, only twenty percent of the sampled teachers stated that their schools received digital devices to facilitate remote learning. 93.3 percent of the teachers were aware of student preparedness forums. This study concludes that the Ministry of Education executed its plan partly by providing preparedness forums and only a few students who received digital devices or whose parents owned digital devices could benefit from the workshop.

 Lastly, this research sought to determine how the education strategies failed to mitigate the challenges to access to education for children in informal settlements during the pandemic. Children in Kibra sub-county faced numerous challenges. Insufficient accessibility to virtual learning resources which facilitate remote learning was one of the challenges. This included inadequate access to digital resources that aid remote learning. Although a large number of students participated in preparedness fora, they could not access remote learning due to unavailability of equipment. This put an additional financial burden on parents to provide those resources. Many could not afford them and therefore could not purchase them.

This study further concludes that digital learning technologies are vast. This study found that the utilization of learning digital equipment in Kibra sub-county was rudimentary and many could not access them anyway. In some cases, students had to share the equipment, which was not feasible because of the pandemic restrictions on social distancing. In consultation with stakeholders,

it would be important for the education ministry to digitize the curriculum and integrate digital learning progressively. However, it is crucial that the ministry maintain other alternatives to virtual learning because learners in remote areas may not be able to access it.

Additionally, the school closures resulted in other educational challenges such as an increase in dropouts, drug abuse, and early pregnancies. The State did not provide any alternatives to school closures. The strategies developed by the State to ensure education continuity were inadequate and were not feasible for students in Kibra Sub- County. Notably, the decisions of the State greatly affected the lives of many students from slum areas. Some may be unable to return to school. Reversing the effects of drug abuse and early pregnancies may be challenging. Their paths have therefore been altered by the actions of the State. This is a curtailment of their right.

The study concludes that the education strategies did not sufficiently mitigate the challenges to children's access to education in Kibra sub-county. The challenges experienced by these learners stem mainly from lack of financial resources. The education strategies outlined by the Ministry of Education could not be adequately implemented and students could not benefit from them. Children in Kibra Sub County therefore could not adequately access the right to education. More practical solutions are required, as opposed to abrupt outlining of strategies which are not likely to be implemented without careful consideration and investment. The pandemic revealed many gaps in the system of education and exposed the problems faced by low-income background learners. This research suggests that these gaps should be addressed in their

totality first before employing additional techniques. Better infrastructure, adequate books and an increased number of teachers are necessary.

This study concludes that as a duty bearer, the Kenyan State failed in its mandate to guarantee children's educational right during crises and emergencies in a safe, equitable, and well-resourced environment. This includes providing sufficient resources required to facilitate digital learning, proper preparation of teachers, parents, and stakeholders on their role in the adoption of new technologies, and sufficiently budgeting for learning devices. The State also needed to provide practical alternatives to remote learning.

This study concludes that the measures adopted by the State were retrogressive and in contravention with the responsibility to guarantee progressive realization of education as a right. Failing to provide resources needed but requiring their use in accessing learning put a heavy burden on parents. This would in turn curtail their right. The financial situation of children resident in slum areas was not considered, resulting in unequal access to education. The success of an education policy and system should include consultations with all entities involved. These include teachers, parents, learners, non-governmental organizations and other related stakeholders. Public participation would be a useful tool in the development of the response plan. The composition of the stakeholders must also include individuals from low-income backgrounds. This will lead to the creation of better policies that work for all those involved and can be easily implemented.

Furthermore, this study relies on the concept of critical junctures. The findings of the research indicate that children in informal settlements faced unique

challenges and consequences from long periods of school closures and inadequate State interventions. The pandemic period placed the education system at a state of uncertainty and that any strategies or response plans by the State were a pivotal moment for the selection of specific paths of development. This study suggests that the pandemic created a critical juncture and that it placed some children's advancement on a path that may be difficult to alter. The ramifications of inadequate strategies have deepened already existing inequalities for children in informal settlements. These deepened inequalities may have far-reaching consequences such as a cycle of poverty and unequal access to opportunities due to periods of reduced quality of education.

5.4 Study recommendations
This research recommended the following:

1. That the State ought to develop practical strategies to ensure education continuity in emergencies. These should also be carefully considered and in consultation with all stakeholders including parents and teacher. The strategies should ensure equitable distribution of resources. Failure to develop practical strategies will curtail learners from education as a right. Furthermore, following the abrupt nature of the pandemic and the strain it occasioned on many institutions, it will be important to create dynamic measures and provide adequate infrastructure. This will enable the system of education to quickly transition whenever need arises, such as during emergencies to ensure continuity.

2. That the State sets aside enough resources to procure digital learning resources to ease the burden on the students and parents who struggle during emergencies to afford basic commodities. Furthermore, the Ministry of Education should

allocate adequate educational emergency funds. Additionally, the State should standardize the use of digital aids whenever virtual learning is required. Learners should receive training on virtual delivery of the curriculum.

3. Standardization of digital learning methods and technologies. Teachers should also receive training on how to deliver teaching material online.

4. That based on the findings and recommendations, further research of a related nature should be conducted. The studies should focus on:

a) An analysis of challenges in adopting digital learning strategies in schools

b) Exploring alternatives to school closures and remote learning during emergencies

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APPENDICES

APPENDIX 1

INTRODUCTION LETTER

My name is Janet Jepkoech Kosgei, a postgraduate student at the University of Nairobi. I am carrying out a study on *Education Strategies and the Right to Education during COVID-19: An Assessment of Kibra Sub-County.*

Kindly spare some time to answer the questions in the questionnaire and interview forms. You can also send your responses to janetkosgei94@gmail.com. The information you give is purely for scholarly work and will remain confidential.

Thank you.

APPENDIX II

QUESTIONNAIRE FOR TEACHERS
Questionnaire number ---

Name of the respondent--

1. What is your age?

o 20-30 years

o 31-40 years

o 41-50 years

o Over 50 years

2. What is your highest level of education levels?

o Post-graduate degree

o Bachelor's degree

o Diploma

3. How many classes do you teach in a day?

o 1

o 2

o 3

o >4

4. For how long have you been a teacher?

o < 7 years

o 8-14 years

o 15-19 years

o >19 years

5. How many students do you teach per class in your school?

o <20

o 20-30

o 30-40

o >40

6. Are you familiar with any government measures taken to ensure education continuity in your school during the pandemic?

o Yes

o No

7. Did your school employ any measures to ensure education continuity?

o Yes

o No

   If yes, please specify them

8. Does the school receive digital equipment to facilitate digital learning during the pandemic?

o Yes

o No

   If yes, specify

9. Were there any teacher/student preparedness workshops to prepare for remote learning?

o Yes

o No

10. How many students in the classes that you teach returned to school after the reopening of schools?

o All students

o Half the class

o Less than half

11. How would you rate your students' performance after reopening as compared to before the pandemic?

o Satisfactory

o Average

o Below average

12. In your opinion, what measures can the government employ to ensure the right to education for learners in informal settlements?

QUESTIONNAIRE FOR PARENTS

Questionnaire number ---

Name of the respondent---

1. What is your age?

- o 18-30 years

- o 31-40 years

- o 41-50 years

- o Over 50 years

2. What is your highest level of education levels?

- o Postgraduate degree

- o Bachelor's degree

- o Diploma

- o Certificate

- o Kenya Certificate of Secondary Education (KCSE)

- o Kenya Certificate of Primary Education (KCPE)

- o None of the above

3. How many school-going children do you have?

- o 1

- o 2

- o 3

- o >4

4. What is your source of income?

- o Business

- o I am employed

- o Casual labourer

- o Unemployed

5. Do you own any digital devices that aid online learning such as radio, television, and laptop?

- o Yes

o No

6. What challenges did you face before the pandemic in ensuring your child/children access the right to education?

o Lack of school fees

o Inadequate learning material

o Other (specify)

7. Did you face any new challenges in ensuring the right to education for your children during the pandemic?

o Yes

o No

If yes, specify

APPENDIX IV

KEY INFORMANT GUIDE (FOR COUNTY EDUCATION OFFICE OFFICIALS IN NAIROBI COUNTY, ONE OFFICIAL AT THE KIBRA NATIONAL GOVERNMENT CONSTITUENCIES DEVELOPMENT FUND OFFICE, AND TEACHERS)

Background information

1. Your name…………………………….

2. Age bracket………………………………

3. For how long have you been in your current workstation?

4. In your opinion, in what ways did the pandemic impact learning? Comment on the situation before and during the pandemic.

5. What are some of the challenges experienced by students in Kibra Sub- County due to the pandemic?

6. In your view, did the challenges faced by learners in accessing the right to education increase or remain constant?

7. Can you identify some specific measures or strategies put in place by the government to ensure the right to education was not disrupted during the pandemic?

8. In your view, have the measures worked towards adequately ensuring the right to education for learners in informal settlements?

9. What strategies can the government employ to mitigate the challenges faced by learners in accessing the right to education in informal settlements?

Thank you

APPENDIX V

RESEARCH LICENCE

REPUBLIC OF KENYA

**NATIONAL COMMISSION FOR
SCIENCE,TECHNOLOGY & INNOVATION**

Date of Issue: 09/May/2022

RESEARCH LICENSE

This is to Certify that Ms.. Janet Jepkoech Kosgei of University of Nairobi, has been licensed to conduct research in Nairobi on the topic: THE IMPACT OF EDUCATION SECTOR STRATEGIES ON THE RIGHT TO QUALITY EDUCATION FOR CHILDREN IN INFORMAL SECTOR SETTLEMET AREAS IN KENYA DURING THE COVID 19 PANDEMIC:AN ASSESMENT OF KIBERA SUB COUNTY for the period ending : 09/May/2023.

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