

# **THE LEGAL FRAMEWORK FOR KENYA'S EDUCATION SYSTEM**

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## **PREFACE**

The Kenya Education Staff Institute (KESI) was established through a Legal Notice No. 565 of 1988. KESI is mandated to provide in-service training in Educational Management and Administration for all Education Personnel in the Ministry of Education. It aims at strengthening the managerial and planning capacity of various cadres of Educational Personnel through continued and expanded in-service training and staff development and to facilitate performance skills improvement for quality educational services in Kenya. KESI is situated within Kenyatta University, off Zambia Avenue. Since its inception in 1981, KESI has continued to develop and disseminate knowledge, skills and attitudes to Education Staff.

Consequently, KESI is expected to design and produce staff training materials and equipment for use in the dissemination of knowledge, skills and attitudes with a view to setting and maintaining the highest possible standards of administration and management of the Ministry's programmes. It is expected to function as a resource centre for the production and dissemination of information on educational and training programmes in liaison with other institutions running professional and administrative courses and to conduct research and evaluation of staff training and development programmes in education.

This points to the need for all staff in Education Management to be well acquainted and continuously updated on various educational policies and trends, hence this paper. International Development targets Universal Primary Education (UPE) by 2005 and gender equity in the education for all (EFA) goal by 2015. Relevant and quality educational standards are a

priority. To achieve these goals, present educational policies must be continuously assessed and reviewed with a view to meeting current and emerging needs and trends.

This paper is intended to help educational trainers and trainees, researchers and students to grasp the legal aspects that have formed the educational policies in Kenya. The first part examines the educational policies before independence. The second part, which is the core of this paper, explains the present education system. In the final part, conclusions and recommendations are drawn based on the foregoing and present educational status.

I wish to express my sincere appreciation and gratitude to the many officers in the Ministry of Education, Science and Technology and other people who contributed in the writing of this paper. Their insights, comments and contributions were an invaluable inspiration to the quality of this paper. I wish to single out Mr. K.C. Kabetu in Field and Other Services section of the Ministry, for his encouragement and contribution to this paper. Special thanks go to the staff trainers at KESI namely Messrs Alec Asutsa, Brown Onguko and Jeremiah Kalai, all Senior Lecturers at KESI, who enriched and nourished me with new dimensions on the shape this paper should take.

Special mention is made of Professor Daniel Sifuna who kindly read through the document and for his immense contribution to the quality and accuracy of this work. I am indeed proud to have been his student.

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## **ABBREVIATIONS/ACRONYMS**

<b>ASAL</b>	<b>Arid and Semi Arid Lands</b>
<b>BOG</b>	<b>Board of Governors</b>
<b>CHE</b>	<b>Commission for Higher Education</b>
<b>DEB</b>	<b>District Education Boards</b>
<b>DEOs</b>	<b>District Education Officers</b>
<b>EFA</b>	<b>Education for All</b>
<b>JKF</b>	<b>Jomo Kenyatta Foundation</b>
<b>KESI</b>	<b>Kenya Education Staff Institute</b>
<b>KIE</b>	<b>Kenya Institute of Education</b>
<b>KISE</b>	<b>Kenya Institute of Special Education</b>
<b>KLB</b>	<b>Kenya Literature Bureau</b>
<b>KNEC</b>	<b>Kenya National Examinations Council</b>
<b>KNUT</b>	<b>Kenya National Union of Teachers</b>
<b>KSTC</b>	<b>Kenya Science Teachers College</b>
<b>KTTC</b>	<b>Kenya Technical Teachers College</b>
<b>MOE</b>	<b>Ministry of Education</b>
<b>MOEST</b>	<b>Ministry of Education, Science and Technology</b>
<b>NDP</b>	<b>National Development Plans</b>
<b>PDE</b>	<b>Provincial Director of Education</b>
<b>TSC</b>	<b>Teachers Service Commission</b>
<b>TTCs</b>	<b>Teacher Training Colleges</b>
<b>UPE</b>	<b>Universal Primary Education</b>

# THE LEGAL FRAMEWORK FOR KENYA'S EDUCATION SYSTEM

## PART 1: PRE- INDEPENDENT KENYA

- ◆ Before colonisation at the turn of the twentieth century, Africans had developed their own ways of training the young generation to become responsible adults. This means that an education system existed in Africa. However, colonisation marked the start of foreign education systems and Christian Missionaries were the founders of foreign western education in Africa and in Kenya. The school curriculum depended on the missionaries concerned and the shape the education took lacked a definite policy (Sifuna, 1990, 115).
- ◆ An important aspect in the development of education in Kenya at the turn of the twentieth century was the Missionary - Government co-operation in the provision of education. Missionaries established the first formal schools in Kenya. From an early start, the two worked hand in hand, with the government urging missions to give technical education a central place in the schools. European settlers on their part needed the cheap labour provided by the Africans and therefore, they wanted them to have a practical education to acquire skills useful on the settlers' farms as labourers.
- ◆ In 1908, a **Joint Committee on Education** was formed to bring together various protestant missions for discussion on common problems in education and to bring together a united approach towards an efficient education system. It embraced both the Church of Scotland Mission and the Church Missionary Society. In 1909, the joint committee became the **Missionary Board of Education**. It represented

all the Protestant churches in Kenya and provided a forum for discussion of issues such as school textbooks, teaching methodology and language.

- ◆ In 1909, a **Government Education Board** was formed. This coincided with the Fraser Education Commission of 1909 that was commissioned to recommend a structure of education approach in Kenya.
- ◆ The **Fraser Education Commission (1909)** came up with several recommendations. He suggested a separatist system of education on racial lines, that is, European, Asian and African with European and Asian children receiving academic education. It suggested that there was no need for literacy education for the African natives but to develop industries among them. This way, it was argued, the Africans would replace the Indian artisans who were more expensive. This native education, he recommended, should be of a practical and technical nature and accompanied by religious instruction. The existing Government – Missionary cooperation was lauded as desirable and the government was to assist mission schools. Fraser also recommended the establishment of a Department of Education and the appointment of a Director of Education.

The Government Education Board approved and accepted the various recommendations on the administrative structure of the education system. As a result of the Fraser report, grants-in -aid were offered to certain mission schools for technical education. In addition, the **Department of Education** was also established in 1911 and a Director of Education was appointed.

By 1912, **Industrial Training** in basic technical skills such as carpentry and agriculture was conducted. In 1924, the government opened the Native Industrial Training Depot (NITD) to train African Artisans to replace the Indians.

Following the Great Depression of 1929, the intake at the NITD was reduced. In 1933, the missions dropped apprenticeship to concentrate on other types of education. The government in turn took over the responsibility for all industrial training. As a result, all primary schools were relieved of teaching technical education.

- ◆ In 1911, the Education Board took over the running of schools. It improved European and Asian Railway schools. In addition, it opened new schools for Europeans and Asians.
- ◆ In 1919, an Education Commission, the **Education Commission of East Africa Protectorate (Kenya)** was established to look into the nature of education in Kenya. The Commission noted the important role missionaries were playing in education of the natives in Kenya and lauded the already existing missionary bodies as the best method capable of furthering education training for the natives. The commission therefore recommended that the government should play a greater role in education and subsidise the Christian Missionaries in respect of technical schools. It further recommended the continuation of technical education in the African curriculum. On Teacher Training, the report recommended every missionary society to be encouraged to establish its own teacher training centres maintained by government funds, that teachers be graded according to their qualifications and their salaries subsidized.
- ◆ In 1922, the Education Department established a **grants-in-aid system** by which certain missionary schools that met certain standards would receive financial aid.
- ◆ In 1923, the **Devonshire White Paper** was issued. It stressed the supremacy of African interests. In addition, a general policy concerning native education in Africa was also founded in **The Conference of Mission Societies in Great Britain and Ireland of**



1923. Mission education was to aim at improving the general, material and moral life of the community and give special attention to the training of leaders. It was also meant to satisfy the needs of urban communities by training clerks and technical workers as well as professionals such as lawyers, doctors and the clergy.

- ◆ In 1923, an **Advisory Committee on Native Education** in British Tropical Africa was created. The advisory committee had government, missions and settler representatives.
- ◆ The **Ormsby-Gore Commission** (1923) encouraged cooperation and control between the government and other agencies in promoting education. It recommended that education should be based on the culture of the people and emphasized on religion and character building. It also recommended the establishment of grants-in-aid and emphasis of teaching of selected vernacular languages, the expansion of teaching staff, inspection and supervision of education. It emphasized technical and vocational training, female education and a general restructuring of the school system.
- ◆ In 1924, **E.R. Hussey** was invited by the government to investigate Arab and African education. He noted the need to improve Arab education, the continuation of grants-in-aid and the need to improve African village or elementary schools. He recommended the commencement of evening classes in commercial and technical subjects in Nairobi and Mombasa. The Director of Education was also to be assisted by European and African Inspectors in village schools.
- ◆ In 1924, the **Phelps - Stokes Commission** visited East Africa. Although the commission welcomed the development of the grants-in-aid, it focused greatly on the dismal state of education for Africans. Government expenditure on African education was negligible and inadequate in proportion to the population. It noted and praised the

appointment of the Advisory Committee on Native Education (1923) with representatives from government, missionaries and the settlers. However, it emphasized the need for greater cooperation between the government and the missions. As a result, it recommended a uniform system of education for all mission and government schools, increased grants-in-aid administered by the Department of Education and more staff and responsibilities for the Department of Education.

The Commission stressed the need for teachers and further emphasized the need for the Government to set up adequate Teacher Training Centres (TTCs) as a responsibility of the Government. It emphasized the need for training in Agriculture and Industry and the adoption of education to individual and community (local) needs. English was to be a medium of instruction in the upper forms. In addition, it pointed towards the expansion of girls' education and that girls' and women's education should be brought into prominence.

As a result of the Phelps Stokes Commission, the **Education Ordinance of 1924** was instituted. This marked a definite commitment on the part of the Government to supervise and direct education at all levels. This was to be done with the assistance of 3 advisory committees to deal with European, Asian and African Education. Subsequently, all teachers and schools were to be registered. In addition, the Director of Education was empowered to inspect all schools. District Education Boards (DEBs) were set up to assist in the management of all local schools. Members of the DEB were nominated. This marked the start of interest in African representation and opinion in Educational Management though the content of education differed in many aspects from European and Asian education.

This resulted in the establishment of agricultural and technical schools and leadership schools like Alliance and Mang'u. This development notwithstanding, the shortcoming of the commission led to the emergence of more independent schools.

A 6-2-4 (6 years primary, 2 years intermediate and 2 years secondary) system of education was also established in 1924.

- ◆ In 1924, **Local Native Councils** were established. These were considered more legitimate to represent African interests. They had power to vote tax levies. To meet Africans demands for education, the Local Native Councils set up secular schools separate and independent of the missionary influence. For example, Narok, 1922.
- ◆ The issue of Teachers payment came into the limelight in **1925** when an inquiry was made into the grants-in-aid system. The inquiry recommended that the government should provide leave passage allowance and pay four-fifth of the pay of European teachers in missionary employment. For African teachers, the government was to provide two-thirds of the salary and the missions to pay for a third. Building and equipment maintenance allowance was increased considerably following satisfactory reports by the government inspector. The government was also to pay half of the cost of new capital expenditure on the mission schools. The missionaries welcomed the proposals.

In 1925, the colonial office established a **Permanent Advisory Committee** on Education. This constituted the **1925 Memorandum**. It relied heavily on the Phelps Stokes report and established 13 broad principles among them the need to adopt education to positive moral traditions and occupation of the various peoples. Cultural and environmental aspects were to be considered and adopted progressively and as appropriate. The memorandum cited the

importance of developing the entire range of faculties from infant education (pre-school) to higher (university) status. This included specialised training as well as general community development. To achieve these aims, educational advisory boards representing various agencies were to be established and the element of cooperation was to be maintained by the grants-in-aid system of subsidising mission schools.

- ◆ **The Kenya Education Ordinance of 1931** evolved a more comprehensive education policy. It created separate education advisory councils for African, Arab, European and Indian Education and made rules regarding the issue of teacher certificates. The committees consisted of the Provincial Commissioner and 3-6 representatives of the Local Native Councils. The Ordinance categorised primary teachers as elementary, lower primary and primary.
- ◆ In 1933, a **Conference of Directors of Education** of all the three Territories of East Africa was held in which several major recommendations were made. These included:
  - The reduction of gender disparities in education
  - The continuation of grants-in-aid to missions
  - Increased number of European inspectors to be provided to make them adequate
  - Native authorities to make use of the services of mission bodies
  - The development of technical and vocational training according to the needs of the country
  - Careful regulation to provide training in the administration and technical services of the country
  - More emphasis on adequate supply of teachers
  - Elementary and vernacular education was to be extended as suited the environment

- The need for a practical agricultural curriculum
  - More advanced education for a limited number of people
  - The continued use of Makerere College rather than building new centres
  - Improved housing conditions in the villages
- ◆ **The Kenya Education Ordinance of 1934** established District Education Boards to function in various parts of the country. The DEBs handled various issues including: registration of schools; the allocation of grants; school fees and scholarships; salary scales; and, the leasing of school development plots.
  - ◆ **The Pim Report of 1935** recommended further extension of teacher training facilities and extension of schools. It noted and complained about the high financial expenditure on primary education brought about by the high percentage of European teachers in schools. To cut down the cost and the high expenditure, there was need to expand the training of native (African) teachers. This prompted the missionaries to establish TTCs separate from primary and secondary schools. Plans were put forward by the protestant missions to open the Joint Normal School at Kahuhia. Some primary schools were also earmarked for future teacher education training. As a result, Kagumo College opened in 1944 to train primary teachers of all denominations.
  - ◆ Independent schools had started to emerge in Kenya before the First World War. The management and control of these schools came in the limelight in **1925** when a Mr. Silvester was requested by the Department of Education to conduct a survey into village education in Kavirondo and to take special note of what were then referred to as ‘outlaw schools’ (Sifuna, 1990:156). These were schools conducted by Africans without dependence on a recognisable body.

The report highlighted the inefficiency of the mission schools. As a consequence, 'outlaw' schools had emerged. There was need to supervise and register these 'outlaw' schools. The quality of education was noted to be low and some merely prepared students for membership to a particular sect.

Independent schools faced many practical problems. These included the quality of buildings, teaching materials and teaching staff. The problem of teachers was acute in that these teachers were government and mission rejects or unqualified. Fees and fees payment were low and misappropriation of funds common. Despite these difficulties, most of them were notable in regard to general discipline, cleanliness and in some cases, the standards were as high or higher than the mission schools.

In 1936 a Joint Conference was held with representatives of government and independent schools at the Jeanne's School. Among the issues to be discussed was the role of English as a subject of Instruction. Independent schools felt English should begin in standard two while the Department of Education felt this was too early and insisted on standard four. A compromise was reached in which the teaching of English would start in standard three and English would be the medium of instruction from standard four. In addition, the Independent schools were to follow the official syllabus, become members of the DEBs, subject to supervision by the Department of Education and their teachers were to be paid by the government.

- ◆ The **Pim Commission** of 1937 recommended further extension of training facilities and expansion of schools.
- ◆ In 1937, the **De-La-Warr commission** was established to look into the possibilities for higher education in East Africa. The commission recommended that Makerere College in Uganda be the University

College of East Africa. Makerere had started as a technical college in 1922.

- ◆ In 1945, the Commission on Higher Education in the colonies, the **Asquith Commission** visited Makerere College. It reported that the college had taken steps towards becoming a university since 1937. Therefore, it recommended that Makerere should award its own diplomas and efforts made to secure the recognition of these diplomas. In addition, it recommended that the College should offer university degrees in conjunction with the University of London.
- ◆ The 1948 **Education Memorandum for Citizenship** noted the need to integrate literacy and technical skills with a sense of public responsibility and democracy.
- ◆ In 1949, a committee led by Archdeacon **Beecher** was appointed to look into the African education system. The committee noted the intensity of expansion of primary education without adequate provision of funds. It highlighted the need to strictly supervise and control primary school expansion and teacher training. Further, it recommended that primary and intermediate schools be placed under the earlier established and reconstituted DEBs to ease the financial burden on local authorities. It also recommended that the existing cooperation between the government and the mission be maintained. The report recommended a change of education system from 6-2-4 (introduced in 1924) to 4-4-4 (4 years primary, 4 years intermediate and 4 years secondary) system. The new structure was meant to present each stage of education as a complete course. Though the report was accepted and approved by the government in 1950, Africans objected to some aspects of the report. They argued that the report emphasized on quality rather than quantity and thus would

lead to low enrolment and would not improve on literacy. The 4-4-4 system, they argued was also too short to achieve permanent literacy. The Beecher report remained the basis for government policy in education in the 1950s.

- ◆ In 1949, a committee chaired by G.L. **Willoughby** recommended the establishment of a Technical and Commercial Institute in Nairobi. The institute was to provide full-time and part time instruction for courses leading to the Higher National Certificate offered in Britain. The institute was also expected to prepare students through full-time study for university degrees in engineering and allied subjects not provided at Makerere University in Uganda.
- ◆ The **Binns report** of 1952 studied the position of African Primary and Secondary Education and consulted on the future progress. It expressed utmost concern on the status of the teaching profession caused by lack of coordinated and structured teacher institutions. The commission therefore recommended the setting up of institutions of education to coordinate teacher training activities. It emphasized the co-operation between the government and the missionaries in the provision of education services. It called for a unified teaching force and emphasized agricultural training in primary schools. It endorsed the teaching of vernacular languages to preserve the moral values of the natives but advocated the elimination of Kiswahili on the basis that it impeded the learning of both vernacular and English.
- ◆ In 1956, the **Technical and Commercial Institute in Nairobi** obtained a Royal Charter and merged with the Gandhi Memorial Academy to become the **Royal Technical College**. Gandhi Memorial Academy was an institution of higher learning started by the Asian community.



Higher education received growing interest from the authorities. As a result, two working parties led by Sir Alexander Carr-Saunders and John Lockwood were instated in 1955 and 1958 respectively. They both recommended that the East African Territory should establish a university college. Following the recommendations, the Royal Technical College, Nairobi was transformed to **Royal College, Nairobi** and begun to conduct degree courses with the University of London in 1961.

In 1963, Royal College, Nairobi become **University College, Nairobi**. Together with the University College Dar-es-Salaam and Makerere University College, the three formed the Federal University of East Africa. University of Nairobi was established as the first public university in Kenya by an Act of Parliament in 1970.

- ◆ On the 14<sup>th</sup> of May, 1959, the **Kenya National Union of Teachers (KNUT)** was founded. The fight for a teachers union dated back to 1934 when Messrs. James Gichuru and Eliud Mathu formed a teacher's association, the Kenya African Teachers Union. This union was eventually suppressed by the colonial powers. Later, teachers started forming sectional or regional organisations based on provinces or denominations.

It was not until 1955 when His Excellency the President, Hon. Daniel Arap Moi was elected to the Legislative Council from Rift Valley and he successfully moved a freelance motion in the house in 1957 on the need for the government to assist teachers form a national body. The government accepted the motion and in a meeting of the leaders of the existing unions at Pumwani DEB school in 1957, a teacher's organisation was formed.

The central Executive Committee later the National Executive Council met and issued several demands. These included: abolition of the

colonial code of discipline; unified terms and conditions of service; a single employer for teachers; pay rise for all teachers in all grades; free pension for all teachers; and, responsibility allowance for all posts of responsibility.

- ◆ The **Lawrence Commission** in 1959 was formed to look and report into the teachers' demands. It recommended that teachers' salaries were not to be reviewed. This was rejected by KNUT and resulted in a strike in 1962. As a result, the **Pratt Commission** was formed in 1963. It recommended new salaries for teachers.

Despite the education commissions and policy statements, government involvement and participation in African education remained minimal until the 1920s. The main government concern was with European and Asian education. African schools were largely in the hands of missionaries. The idea that Christian Africans could only be effectively civilised away from their pagan environment led to the setting up of boarding schools in the mission stations (Sifuna, 1990, 115).

Before the implementation of education policies, the school system consisted of Village and Central schools. Little secular instruction was given in the village schools. Above the village schools were the central schools which aimed at the completion of primary school course. This provided a general education leading to a Teacher Training Course or secondary school. What came to be known as primary schools were formally central schools and these were mainly boarding schools (Sifuna, 1990:131). Elementary and primary education expanded rapidly though this was elementary and at very low level while the development of secondary education was painfully slow.

A cordial relationship developed between the government and the missionaries. For example, with the development of grants-in-aid system the relationship was strengthened and officially acknowledged by the Education Department in 1926. The relationship became increasingly formalised so that the missions assumed responsibility for primary and secondary education and the government for higher education and technical subjects.

During the inter-war period, education was marked by increased government involvement through support of the mission schools. Government expenditure on African education was negligible until 1921 when the colonial office directed that it be increased. Interest in African education had also started to develop in Britain. For example, in 1929, the colonial office gave the first grants for colonial development but the depression in 1929 and the Second World War prevented any effective financial assistance. It was not until 1944 when the Commonwealth Development and Welfare Act was passed that effective funding could be made. As a result, the British Colonial office became more concerned with the pattern of education in the African colonies.

Technical education remained an important aspect of native education since the Fraser report (1909). However, the existing education policies did not adequately address African education. For example, only the Beecher report (1949) comprehensively surveyed African education in Kenya and was acted upon. Thus, higher education generally lagged behind and secondary and higher education only witnessed a steady and expanded growth after the Second World War.

Various Education Commissions emphasized the importance of training qualified teachers for native African schools (Education Commission, 1919; Phelps Stokes Commission, 1924). This was because Missionaries trained and employed the teachers under different terms and conditions of service. These terms were set and dictated upon by the various individual missionary groups. Therefore, teachers had no voice and no union. It was difficult to organise and run an effective teacher' organisation at the time. Thus it was not till after independence that the terms and conditions of service for teachers were harmonised.

On the eve of independence, there was an absolute need to expand and reform the education system to make it more effective, efficient and responsive to the needs of the country. More educational opportunities needed to be created. A lot of importance was attached to the role of education in promoting economic and social development that resulted in a rapid expansion of the education system. There was a clear need to review the existing curriculum and an integration of the African culture in education. Universal Primary Education was a major issue that needed to be addressed and education had to provide for the growing economic development.

## **PART 2: PRESENT EDUCATION FRAMEWORK**

Education in Kenya aims at:

- ⇒ Fostering national unity
- ⇒ Equipping the youth with knowledge, skills and experience to play effective roles in the nation
- ⇒ Serving the needs of national development
- ⇒ Developing, fostering and communicating the rich and varied cultures
- ⇒ Promoting justice, morality and social responsibility
- ⇒ Fostering positive attitudes towards other nations

The vision of the MOEST is:

**Quality Education for Development**

The mission of the MOEST is:

**To Provide, Promote and Co-ordinate Life-long Education,  
Training and Research for Sustainable Development**

Educational policies in Kenya are based on various policies and statutory documents established in independent Kenya. They constitute the Legal framework of the country's education system.

These are:

- ◆ **The Constitution.** The Constitution of Kenya guarantees the fundamental rights of the individual, whatever the race, tribe, place of origin or residence, colour, creed or sex (Section, 70).

◆ In 1963, Kenya attained independence. In the 1963 **Kenya African National Union (KANU) Manifesto**, the Government committed itself to eventual provision of free Universal Primary Education (UPE) and also spelt out other social –economic aspirations to be met through education.

◆ **The Kenya Education Commission (Ominde Report) of 1964** was appointed to look into the existing education system in Kenya. It was also to advise the Government on the formulation and implementation of national policies of education. The commission set out the objectives of education in Kenya and laid the foundation of the pattern of education in independence Kenya.

It abolished the segregation of schools along racial lines and established a standardized national curriculum for all. It localised the curriculum and the medium of instruction. The Ominde report recommended the management of public primary schools by local authorities. It placed emphasis on secondary and higher education for the production of middle and high-level manpower training required for development. On Teacher education, the Commission recommended the consolidation of Teacher Education Centres.

The Commission further recommended free primary education. The report however observed that primary education could only be free if it was universal. Community responsibility and their involvement were emphasised in the provision of services. Further Government efforts were to be directed towards the ASAL areas where enrolment fell below expectations. As a way to strengthen girls' education in sparse areas, the report recommended that separate schools for girls be established in these areas.

In 1974, school fees were abolished in standard 1-4. This resulted in an overwhelming enrolment of over 1.8 million additional children in

schools. School fees for standards 5-7 were abolished in 1979. The introduction of free milk in 1979 was also meant to intensify the feeding programme for school children especially in arid and semi-arid areas. In a circular 9/9/67 of 1<sup>st</sup> February 1989, all secondary schools were categorised into either public or private schools. Private schools are developed, equipped and provided with staff from private individuals or organisations. Public secondary schools are developed, equipped and provided with staff from public funds by the Government, parents or the community. For admission purposes, public secondary are categorized into three categories: National, Provincial and District schools.

- ◆ **The Sessional Paper No. 10 of 1965 on African Socialism and Its Application to Planning in Kenya** set out strategies for social-economic development. It underlined the role of education as the principal means of producing domestic skilled manpower for economic growth and development and equalizing economic opportunities among all the citizens.
- ◆ **The Board of Adult Education Act of 1965** established the Board of Adult Education to co-ordinate Adult Education activities.
- ◆ **The Jomo Kenyatta Foundation** was founded in 1966 to print, publish and distribute educational materials and award of scholarships to bright needy secondary school students.
- ◆ **The Teachers Service Commission Act Chapter 212 of 1967 (Revised 1968)** established a single teachers' employer and unified the terms and conditions of service for teachers in the country.

The Vision of the TSC is:  
**Effective Service for Quality Development.**

The TSC is responsible for: Registration, that is to establish and maintain a register of teachers; Recruitment of teachers and confirmation of appointment; Deployment, that is posting and transfers; Promotion of teachers and confirmation of appointment; Remuneration, that is payment of salaries, returned salaries, other payments, leave, pension and death gratuity; Discipline of Teachers; and, Maintenance of Education Standards.

The Mission of the TSC is:

**To Establish and maintain a Quality Teaching Service Sufficient for all Public Institutions Responsive to a Changing Environment.**

In 1980, the regulations for the promotion of teachers were revised. The new regulations superseded any previous regulations on promotion of teachers on merit.

- ◆ **Sessional Paper No.5 on Special Education (1968)** laid out a special education policy framework consisting of a special education unit at the MOE and a special education curriculum development unit at KIE
- ◆ **The Education Act Chapter 211 of 1968 (Revised 1980)** put the responsibility for education in the hands of the Minister responsible for education (Section 3) to promote the education of the people of Kenya and the progressive development of institutions devoted to the promotion of education. It instituted various organs for the organisation and management of education at all levels.

These include:

- Entrust of Functions to Local Authority (Section 5)
- Management of schools (Section 6 - 9)
- School Committee (Section 9)



- Board of Governors (Section 10 - 12)
- Registration of schools (Section 13 - 17)
- Inspection and Control of Schools (Section 18)
- Regulations as to Conduct of Schools (Section 19)
- Examinations and Diplomas (Section 20 - 22)
- Issue of Certificates or Diplomas (Section 21 - 22)
- Kenya Institute of Education (Section 23)
- Religious Instructions (Section 26)
- District Education Boards (Section 28 - 33)
- Use of Public Funds (Section 34 - 35)
- General Power to Make Regulations (Section 37)

Various legal notices have been issued to facilitate the effective functions of these organs. These include:

- Legal Notice No. 73/1965 and 278/1966: The Education (Board of Governors) Kenya Polytechnic Order established a BOG for the Kenya Polytechnic that specified its corporate status, membership and functions. Kenya Polytechnic was opened in 1961.
- Legal Notice No. 106/1968: The Education (Education Standards) Regulations. Under Section 19 of the Education Act (1968), the Ministry of education is expected to regulate educational standards as to the conduct and management of schools. The legal notice established the set standards of a primary or secondary school and any maintained training college.
- Legal Notice No. 18/1969: The Education (Board of Governors) Regulations. This was established under section 12 (2). It regulates that where an administrator of a school is appointed by the Minister for Education in accordance with section 12 of the Education Act

(1968), then the powers and duties of the BOG of the school shall be vested, exercised and carried out by the administrator.

- Legal Notice No. 201/1969: The Education (Registration of unaided Schools) Regulations. Under Section 17 of the Education Act (1968), the Ministry of Education is to register all schools. The legal notice regulates the procedures to be followed in the registration of an unaided school by any person who desires to manage a private school.

The Heads manual (1975:30-31) gives further guidelines on Registration of schools (aided and unaided schools). It states clearly that it is a requirement that all secondary schools should be fully registered and the registration certificate clearly displayed in every school. Registration includes the registration of the school and approval of the manager of the school.

All registration certificates include the maximum number of pupils allowed in the school. A class is permitted 40 pupils. The Minister for Education appoints BOGs. Equally, the Minister must approve every manager of a school.

- Legal Notice No. 50/1970: The Education (Entrustment of Functions to Local Authorities) Order. Under Section 5 of the Education Act (1968), the Minister responsible for Education can entrust any of his functions with respect to education to a local authority on such terms, conditions or restrictions set at the time. Primary schools in the following municipalities are under them: Eldoret, Mombasa, Kisumu, Nakuru, Kitale, Thika and the city of Nairobi Municipal Council.
- Legal Notice No. 200/1970: The Education (Local Entry Fees for Examinations) Regulations issued under Section 22 of the

Education Act (1968) regulates the fees payable by candidates on entering for specified examinations.

- Legal Notice No. 40/1972: The Education (School Discipline) Regulations. Under Section 19 of the Education Act (1968), the Minister may make regulations on the conduct and management of schools. The legal notice regulates school discipline to be applied in all schools. It provides for suspension of a pupil from school and the administration of corporal punishment.

The Heads Manual (1975:28-29) clearly stipulates that the head is ultimately responsible for school discipline and that all members of the school community must be involved in establishing discipline. It emphasizes that school rules must be short, clear and precise. They must be beneficial, purposeful and rules that can be enforced. Pupils and staff must know the rules. The deputy headteacher is in charge of school discipline but the school daily routine is handled by the teacher-on-duty assisted by the prefects.

The system of punishment should be clearly established and punishments fairly and consistently applied. Two books are recommended for record purposes: the major and the minor offence books (Heads Manual, 1975:14-15). All major offences are dealt with by the head or the deputy and recorded in the major offence book that is kept in the office. All minor offences are dealt with by teachers and/or the teacher on duty and recorded in the minor offence book that is kept in the staff room.

On 13<sup>th</sup> March 2001, the Minister for Education banned corporal punishment in schools under legal notice No. 56 of 13<sup>th</sup> March, 2001.

- Legal Notice No. 17/1969, 160/1969, 82/1970, 206/1973 and 34/1977: The Education (Board of Governors) Order. Section 10 of

the Education Act (1968) establishes a BOG for any maintained or assisted school other than a primary school.

- Legal Notice No. 84/1967 and 36/1972: The Education (Board of Governors) Mombasa Polytechnic Order established a BOG for the Mombasa polytechnic specifying its corporate status, membership and function.
- Legal Notice No. 59/1972 and 207/1973: The District Education Boards Regulations. DEBs were established under Section 28 - 33 of the Education Act (1968). The Legal notices established a DEB for each district with jurisdiction in respect of all maintained and assisted primary schools situated within the district in which it is established and regulates the functions of the DEB in promotion of education and maintenance of standards within the area of jurisdiction.
- Legal Notice No. 105/1976: The Kenya Institute of Education Order. KIE was set up in 1964 but established under 23 (2) of the Education Act (1968). The legal notice regulates the functions of the institute and established a council for the institute providing for its membership.
- Legal Notice No. 190/1978: The Education (School Committees) Regulations. Under Sections 9 and 37 of the Education Act (1968), the management of a primary school was to be conducted by a school committee established by a DEB or Municipal Council. The legal notice regulates the membership and functions of a school committee duly established.
- Legal Notice No. 242/1978: The Education (Board of Governors) Kenya Technical Teachers College Order established a BOG for KTTC and regulates its functions.

- Legal Notice No. 234/1978 and 166/1979: The Education (Board of Governors) Kenya Science Teachers College Order established the KSTC Board with corporate status, provided for its membership and regulated the functions of the board.
- Legal Notice No. 262/1993 and 263/1993: The Education (BOG, Non Teaching Staff) regulations sets out the regulations governing non-teaching staff employed by BOGs and allows the BOGs a union of their choice.
- Legal Notice No. 56/2001: The Education (School Discipline) (Amendment) Regulations, 2001 of 13<sup>th</sup> March, 2001. This was issued in accordance with Section 37 of the Education Act. In effect, it banned the use of corporal punishment in schools.
- Sections 34-35 of the Education Act (1968) concern the use of public funds. The Audit section of the Ministry of Education gives detailed instructions on keeping and maintaining books of accounts. Some of the following Circulars should be available and helpful to schools:
  - Accounting Instructions No.14/9 of 29<sup>th</sup> September, 1969
  - AC/INT/03/86 of 26<sup>th</sup> June, 1970
  - AC/INT/03/114 of 27<sup>th</sup> August, 1970
  - AC/INT/03/124 of 7<sup>th</sup> October, 1970
  - S/19/10TPY/3 of 5<sup>th</sup> July, 1971
  - AUD/EXP/01/10 of 23<sup>rd</sup> July, 1971
  - AUD/CIR/23 of 4<sup>th</sup> November, 1971
  - Heads Manual (1975 pgs. 9-25, 59-72)
- ◆ **The University of Nairobi Act Chapter 210 of 1970** established the first National University, the University of Nairobi. It provided for its control, government and administration. It also established Kenyatta University College as a constituent college of the University of

Nairobi. This was repealed by the University of Nairobi Act (1985) to provide for the establishment of constituent Colleges of the University to enhance management within the University.

- ◆ **The Ndegwa Commission (1970-1971)** made several recommendations concerning education and the teaching service. It recommended that DEB responsible for the administration of primary education be established at an early stage. It also recommended an overhaul of the inspectorate system. On purchase and distribution of primary school equipment, the commission recommended that this should be decentralised. It recommended that the diversification of the secondary school curriculum be expanded to include technical and vocational subjects. It also recommended that primary teacher training colleges should be reviewed and increased.
- ◆ **The Bessey report (1971)** studied the curriculum development in Kenya. It emphasized the need to broaden the primary and secondary school curriculum and a rapid expansion and enrichment of teacher training colleges. It highlighted the need to review the staffing policy at all levels of the education system and that considerable changes be made in examination content and structure.
- ◆ **The Industrial Training Act CAP 237 of 1972** regulates the training of workers in industry and established the National Industrial Training Council and the Industrial Training Levy.
- ◆ In 1975, the Ministry of Education prepared a **Manual for Heads of Secondary Schools in Kenya** (Heads Manual, 1975) to provide in a compact and convenient form various aspects of school administration. The Manual clearly emphasized the enormous responsibility placed on the head of a school and elaborated on the duties of the head, deputy, heads of departments, subject heads, subject and class teachers, housemaster and the career's masters (Heads Manual, 1975:2-7; 56-

58). It further clarified on the school administration and records (Heads Manual, 1975:9-16), Finance (Heads Manual, 1975:25) and discipline (Heads Manual, 1975:26-29).

- ◆ **The National Committee on Education Objectives and Policies (Gachathi Report) of 1976** recommended the extension of free primary education to upper levels, standard 5-7 by 1980. By 1965, *harambee* secondary schools constituted one-third of all the secondary schools in Kenya (Sifuna, 1990:165). The Gachathi report recommended that *harambee* schools should be integrated into the national education system to improve the quality of education offered in these schools. It emphasized practical oriented subjects and suggested a restructuring of the education system to 9 years of primary education, 4 years junior secondary and 2 years higher and 3 years minimum university (9-4-2-3 system).

The Gacathi report (1976) recommended that teacher education needed to be greatly expanded and improved upon to improve and maintain the quality of education. It recommended the promotion of teachers on merit that led to the revision of regulations on the promotion of teachers (1980). It also recommended the need to train teachers in guidance and counselling.

The Gacathi report (1976) highlighted the need to shift resources to directly productive activities in Agriculture production and related industrial and commercial activities to generate increased resources for education and other services. It noted that the tremendous expansion of education was being achieved at the cost of quality and relevant education.

- ◆ **The National Council for Science and Technology Act (1978)** established a body to co-ordinate research in Science and Technology and to advise the government on relevant policy issues.

- ◆ **The Kenya National Examinations Council Chapter 225 (A) Act of 1980** (Revised 1981) established a national body the KNEC to administer national examinations.
- ◆ **The Kenya Literature Bureau Act of 1980** established a bureau to publish, print and distribute books and other educational materials. This was meant to facilitate the production of low-cost books and other materials and make them available for distribution throughout Kenya. It was also meant to promote, encourage and assist Kenyan authors through financial incentives or otherwise and make available for general readership works of interest and value to the public.
- ◆ **The Presidential Working Party on the Establishment of a Second University (Mackay Report) of 1981** was established to prepare detailed plans and make recommendations on the decision of the government to establish a Second University in Kenya. The working party found overwhelming support for the establishment of a University that was technically oriented and technically biased. However, academic studies at the proposed university were to be blended with social-cultural instruction and orientation. The working party found a strong demand for continuing education at university level and recommended the establishment of a college for continuing education as part of the second university. It recommended the lengthening of university education by one year and made recommendations on the restructuring of the education system from 7-4-2-3 to 8 years of primary education, 4 years of secondary and 4 years minimum of University education (8-4-4). Other post-secondary training institutions were to be expanded. It also highlighted the need for a diversified school curriculum and emphasis on pre-vocational and technical skills.



The working party recommended the establishment of a Council on Higher Education to coordinate university and post-secondary education in the country. As a result, the Commission for Higher Education (CHE) was formed in 1985.

- ◆ **The Moi University Act of 1984** established Moi University as the Second National University. In 1990, a legal Order established Maseno College as a constituent college of Moi University.
- ◆ **The Universities Act of 1985** Cap 210B was enacted to provide for the advancement of university education in Kenya. It established the Commission for Higher Education (CHE), a body corporate responsible for the advancement of university education and to regulate University education in Kenya. The functions of the CHE are: planning, programming and financing of public universities; co-ordination of admission processes, the accreditation of universities; and, public relations.
- ◆ **The University of Nairobi Act (1985)** repealed the University of Nairobi Act of 1970.
- ◆ **The Kenyatta University Act of 1985** established Kenyatta University as the third National University.
- ◆ **Sessional Paper No. 1 of 1986 on Economic Management and Renewed Growth** stipulates the current Manpower Development policy. This aims at training for the total economy both formal and informal.
- ◆ Legal Notice No.17 of 1986 established the Kenya Institute of Special Education (KISE).
- ◆ **The Egerton University Act of 1987** established Egerton University as the fourth National University.

- ◆ The Kenya Education Staff Institute (KESI) was inaugurated in 1981 but was accorded legal status through Legal Notice No.565 of 1988 to organize and conduct training in the administration and management of education programmes.
- ◆ **The Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond (Kamunge Report) of 1988** suggested several changes in the education system. It recommended the strengthening and improvement of Teacher Advisory Centres (TACs) and the need to reduce on wastage occasioned by dropout and repetition. One of the most important issues that arose from the Kamunge report (1988) was the need for increased cost-sharing in educational management and financing between the Government, parents and communities in the provision of education at all levels.
- ◆ **The Kamunge Report (1988) and the ensuing Sessional paper No. 6 of 1988** recommended that all parents who had children of school going age especially girls should be required to send them to school. This was to ensure that majority of children had access to education and were enrolled in school. Further, the report recommended that parents should be required to retain children in school for the whole duration of primary education. This would ensure attendance in schools and the attainment of basic education. Though the government accepted these recommendations, the Koech report (1999:72) established that the recommendations were not implemented. The Kamunge Report (1988) and the ensuring Sessional Paper No. 6 of 1988 also recommended cost sharing in schools. The prohibitive fees and other levies charged by educational institutions have had a negative impact and reduced access to primary and secondary

education. The cost of numerous textbooks has added to the cost. Since it was implemented, cost sharing with the existing poverty has greatly contributed to the decline in enrolment and attendance in school. Enrolment in pockets of poverty in both urban and rural areas and especially in ASAL has been greatly affected. At times, parents simply cannot afford to pay the levies and/or fees.

- ◆ **Sessional Paper No. 6 of 1988 on Education and Manpower Training for the Next Decade and Beyond** laid out strategies for implementation of the 8-4-4 system of education. One of them was the need for the Government to reduce the share of its budget to education by shifting recurrent costs such as the provision of textbooks and other accessories in school to the parents and communities. The Government would provide and pay the teachers while schools have to depend entirely on parental and community contribution for all other costs.
- ◆ **The Universities (Establishment of Universities, Standardization, Accreditation and Supervision) Rules, 1989** set out procedures to be followed when establishing private universities. The Rules also set out the process of accreditation leading to the award of charter by both existing and proposed private universities. Universities are classified as Public and Private Universities (Appendix III).

**Public Universities** are established by Acts of Parliament.

They are:

- The University of Nairobi (1970)
- Moi University (1984)
- Kenyatta University (1985)
- Egerton University (1987)
- Jomo Kenyatta University of Agriculture and Technology (1994)
- Maseno University (2000)

**Private Universities** are established in accordance with the Universities Act 1985 CAP 210B and Legal Notice No. 56, The Universities (Establishment of Universities (Standardization, Accreditation and Supervision)) Rules, 1989.

They fall into three categories:

a) **Chartered Universities.**

These universities have been fully accredited by the CHE.

They are:

- The University of Eastern Africa, Baraton
- The Catholic University of Eastern Africa
- Daystar University
- Scott Theological College
- The United States International University

b) **Registered Universities.**

These are universities that were offering degrees before the establishment of the CHE in 1985. They were issued with Certificates of Registration after fulfilling the requirements set out in the Universities Rules, 1989.

They are:

- The East Africa School of Theology
- The Kenya Highlands Bible College
- The Nairobi Evangelical Graduate School of Theology
- The Nairobi International School of Theology
- The Pan Africa Christian College
- St. Paul's United Theological College

c) **Universities Operating under Letters of Interim Authority**

These are universities that applied to the CHE for their establishment and fulfilled requirements as stipulated in the Universities Rules, 1989.

They were issued with Letters of Interim Authority by the CHE.

They are:

- The African Nazarene University
- The Kenya Methodist University
- Kabarak University

The CHE is working with them towards the issuance of Charters.

Only these universities under the two categories of public and private universities are authorised to advertise and/or mount approved degree and postgraduate certificate and diploma programmes. It is an infringement of the Universities Act, 1985 and Universities Rules, 1989 for a private institution to advertise and/or mount university level programme(s) without obtaining a letter of interim authority from the CHE.

Proposals to establish private universities are received by the CHE. Institutions are supposed to complete Form ACC/CHE 3 in accordance with Section 6 (2) of Universities Rules, 1989.

- ◆ **The Presidential Committee on Student Unrest and Indiscipline in Kenya Secondary Schools** (The Sagini Report, 1991) was set up to look into the causes of strikes and unrest in schools and to make proposals and recommendations aimed at eliminating these strikes. The first strike occurred in Maseno School in 1908 when the boys refused to participate in manual labour and pressed for more reading and writing. Since then, numerous strikes have occurred in schools and educational institutions causing concern. Some have been tragic resulting in loss of human life (St. Kizito, Nyeri High and Kyanguli). This culminated in the St. Kizito tragedy (1991) when 19 students died and later the Kyanguli tragedy (2001) when 68 students lost their lives.
- ◆ **The Jomo Kenyatta University of Agriculture and Technology (JKUAT) Act of 1994** established the fifth Public University.

- ◆ Recommendations to appoint a **National Task Force on Gender Education and Training (NTFGET)** and a Unit for Gender and Education (UGE) was made during a National symposium on the Education of Girls' held in Machakos, Garden Hotel, 21<sup>st</sup> – 24<sup>th</sup> March, 1994. During the workshop, it was recommended that a unit for gender and education be established. In 1995, the UGE was established with members drawn from various departments and institutions of education. These included: Ministry of Research, Technical Training and Technology (MRTTT); TSC; KNEC; Family Life Education Project; and, sections of the Ministry of Education that included Planning, Primary, Secondary and Teacher Education and non-formal education. The Minister for Education in September 1995 appointed members of the NTFGET and it was launched on 25th January, 1996. It was to act as an advisory body to the Government on issues related to gender and education. These included factors that affect access, attendance, retention and performance.
- ◆ **The Commission of Inquiry into the Cult of Devil Worship** (the Archbishop Kirima Report, 1995) was set up to investigate into the allegations of the existence of the cult of devil worship, and to establish the extent to which the cult had influenced the learning institutions among other elements of society.
- ◆ In 1995, the Mungai report was set up to look into the **Future Development of University Education in Kenya**. It looked into all aspects of university education and made proposals to improve both the administrative and financial management of universities.
- ◆ **The Master Plan on Education and Manpower Training (1997-2010)** produced by the Ministry of Education has a consolidated approach in the provision of education and training to make it more cost-effective and affordable.

◆ **A Commission of Inquiry into the Education System of Kenya (Koech Report, 1999)** was appointed under Gazette Notice numbers 2291 and 2292 of 14<sup>th</sup> May, 1998 to look into issues related to educational goals, objectives, structure and content of education. It was also to look into the management, co-ordination and financing of education at all levels. The commission was particularly mandated to recommend ways and means of enabling the education system facilitate national unity, mutual responsibility, accelerated industrial and technological development, life-long learning and adaptation of education in response to changing circumstance. Kenya targets industrialisation by 2020. The Commission concluded that:

- Though the goals of education have evolved over the years, their achievement had been hindered by factors that were not necessarily beyond the systems control
- There was need to strengthen the moral fabric of society by adoption of a practical approach in the teaching of Religious and Social Education and Ethics
- Technical education had taken a downward trend
- Growth and development in education had been hindered by the centralisation of decision making in formal education at the MOE headquarters coupled with poor co-ordination of education services by various Ministries
- Though the objectives of the 8-4-4 system (Mackay Report, 1981) were laudable, the implementation process was haphazard and poorly coordinated right from the initial stages
- Other sections of the education system such as learners with special needs, early childhood education, ASAL and pockets of poverty had been neglected

- The quality of university education had been lowered by the immense increase in population
- The Education Act (1968) was lacking in many aspects.

The Commission (Koech Report, 1999) came up with 583 recommendations highlights of which were:

- The introduction of a manageable curriculum at all levels of education that is not a burden to the learner and the reduction of examinable subjects at KCPE from 8 to 5. The other subjects were to continue to be taught but not examined. In 2001 KCPE, candidates were examined in 5 subjects. These are: English, Kiswahili, Maths, Science and GHC (Geography, History & Civics and Religious Education).
- The expansion of basic education from 8 years (primary education) to 12 years (secondary education) to enable every child the opportunity to attain a minimum secondary education. Consequently, it highlighted the need to eliminate existing disparities in education and equity in education through provision of universal and compulsory basic education
- Expansion of post-secondary educational opportunities. Subsequently, it recommended the introduction of a modular learning approach and credit accumulation in post secondary education to allow for credit transfer from one institution to another
- Expanded alternative and Continuing education
- A comprehensible new legal education framework that addressed previously omitted aspects of education. These include early childhood education, technical education and special education. The Commission came up with 145 recommendations (R8.1-8.145, Koech Report, 97-137) on special education. It recommended the repeal and



re-enactment of the Education Act (1968) to consolidate all laws relating to education in Kenya.

➤ It recommended a new system of education: Totally Integrated Quality Education and Training (TIQET). This is education and training that is total, integrated and of enhanced quality as an alternative to the numerical titles and structures of 7+4+2+3 or 8+4+4.

◆ **Maseno University Act (2000)** established the sixth public university.

◆ The Government continuously prepares and releases **National Development Plans (NDP)** to cover a planned period of years. These specify the projected growth of the economy and the investment programme of the government within those years. These are: 1964-1968; 1969-1973; 1974-1978; 1979-1983; 1984-1988; 1989-1993; 1994-1996; and, 1997-2001. For example, the NDP 1970-1974 envisaged massive educational expansion at all levels of the education system. The NDP 1979-1983 included strategies for satisfying the basic human needs of vulnerable groups.

In 1994, the Ministry of Education introduced a policy of allowing girls who get pregnant while in school to continue with education. On gender and development, gender, education and literacy, the NDP (1994 - 1996:255) stated that the government would endeavour to, among other things, create comprehensive data on the situation of the girl child in Kenya with particular reference to poor urban, poor rural, nomadic, girl child, school drop outs and adolescent mothers and promotion of use of such data for appropriate learning; and, start a programme for deliberate monitoring and follow-up of school drop out with particular reference to adolescent mothers and immediate policy change towards facilitating their rehabilitation and re-entry into the education system.

It is estimated that 10,000-13,000 girls drop out of school every year

due to teenage pregnancy (Division of Family Health, 1988; Okumu & Chege, 1994; Njau & Wamahiu, 1994; Wango, 2001). This policy was and is expected to facilitate and enable such teenage mother's re-entry to the formal school system, curb drop out and push out and further increases attendance and participation rates for girls. In addition, functional and operational guidance and counselling services have been established and enhanced in primary and secondary schools and all educational institutions to assist and enable pupils and students especially girls to cope with life problems.

- ◆ In 2001, **corporal punishment** was abolished through Legal Notice No. 56 of 13<sup>th</sup> March, 2001. This form of punishment was seen as one way that discouraged children from attending school due to the fear instilled by this form of punishment. In particular, pupils and students were punished for petty offences, failing to do their homework and for failing in a subject. It is expected that the new school environment will ensure greater and more enhanced pupil - teacher interaction and improve positively and constructively the teacher - pupil relationship to enhance effective learning.
- ◆ On 25<sup>th</sup> July 2001, the Minister for Education appointed a Task Force led by the Director of Education to solicit information and brainstorm with stakeholders and make recommendations on the following issues: discipline in secondary schools; strategies for achievement of UPE and EFA by the years 2005 and 2015 respectively; and, ways of increasing transition rate from primary to secondary. The **Task Force on Student Discipline and Unrest in Secondary Schools** met with representatives of stakeholders from all districts at seven centres and received oral and written submissions. It came up with 168 recommendations. Major recommendations included:

- That the MOEST should intensify the involvement of other stakeholders in education policy formulation
- That a research bureau should be established at the MOEST to undertake research and planning in education and that research findings should be the basis for policy formulation and planning
- That field officers should be capacitated to disseminate information on education and centres established to facilitate free flow of information on education
- That recommendations of any Task Force should be implemented
- That the review of the Education Act, 1968 (Revised 1980) should be concluded and harmonised with relevant legal statutes
- That DEBs be mandated to coordinate and monitor the disbursement of funds and other material resources to schools
- That inspection reports should have a clear follow-up plan and that PDEs and DEOs should take prompt action on these reports and inform the Director of Education as appropriate
- That Mock examinations should be restricted to examination classes (Standard 8 and Form 4)
- That private tuition should be banned
- That KNEC should not rank schools and should revise the regulations in regard to class attendance
- That KESI should be revitalised
- That Guidance and Counselling training should be revitalised
- That the rules regarding recruitment, deployment and promotion of teachers should be strictly adhered

### **PART 3: CONCLUSION AND RECOMMENDATIONS**

The present Kenya Education Framework has its basis in colonial education. The existing framework has built on this and modified the system to reflect the needs and aspirations of national development. However, there is an absolute need for the MOEST to review and disseminate the contents of the education framework to all stakeholders in education. Access to quality and relevant education is a major challenge. It is obvious that stakeholders in education are not keenly involved in the formulation of policies. This way, it is argued, they would comprehend the aims and objectives of the Kenyan Education and its aspects.

The KNEC had been ranking schools in national examinations (KCPE and KCSE). This system has been criticised by education officers who argue that the mean score diminishes pupils and students and concentrates on schools, notably the mean score. This in turn had led to cut-throat competition, in which pupils and students were forced to repeat the examination classes to improve on the overall grade, read mean score. In year 2000 and 2001 examinations, the MOE ranked pupils and students, a system many feel will finally bring focus in teaching and learning on the learner as befits the purpose of learning and education.

The Ministry of Education has produced several documents. These include: the Manual for Heads of Secondary Schools (1975) which clearly guides the head on various crucial administrative aspects; MPET (1998) that critically examined various aspects of education; and, the Handbook for Inspection of Educational Institutions (2000), the first formal inspection guide ever produced in Kenya. These are valuable documents to the education process. Perhaps, the Ministry should proceed

along this line and produce handbooks that enable people interpret and implement different policies and strategies such as guidance and counselling, teacher training, gender and education, special needs education and UPE and EFA goals and initiatives.

Aspects of education policy administration that emerged from the Task Force on Student Discipline and Unrest (MOEST, September 2001:9-23) need to be addressed. For example, the Task Force was informed that policy pronouncements are often in response to crisis; previous reports and recommendations had not been made public; and; there was no effective monitoring system in place to ensure the implementation of policies.

The Task Force (September, 2001) was also duly informed that non-educationalists often make statements on education that would complicate what in essence is the official policy. In particular therefore, the MOE should produce a handbook for all education officials / managers of educational institutions. Also, clear guidelines should be issued on particular issues such as school fees / tuition and the role of PTAs to reflect the Government education policy.

Finally, HIV/AIDS poses a serious threat to the achievements made in education in Kenya. The MOE through the KIE has produced a syllabus for purposes of enhancing the teaching and learning of the danger posed by HIV/AIDS in schools.

It is recommended that:

\* A study should be done to assess /evaluate:

i) The extent to which Government Educational policies are

understood and implemented in educational institutions;

ii) The extent to which the school ethos is a direct result of existing Government policy issues;

iii) The nature and extent to which Education managers and administrators understand and implement government policies.

- \* The newly established policy section in the MOEST should do a critique of present educational policies and recommend a continuous review of the same
- \* A handbook on policy framework in education in Kenya with clear guidelines on implementation strategies should be prepared and issued to all educational managers
- \* KESI should introduce a one-week Induction Course to train officials in educational management and school administrators on Government Policies in Education. This should be mandatory to all education managers and administrators
- \* The role of school sponsors and that of PTAs should be harmonised with that of BOG / SMC since they can be represented in the school Management
- \* The role of PTAs should be clearly fore grounded and executive members of the PTA should play the key role in the BOG/SMC
- \* The present system in which pupils rather than schools are ranked in national examinations should prevail
- \* All teachers in primary, secondary and tertiary institutions should be inducted and trained on infusion and integration of HIV/AIDS in the curriculum
- \* The Provincial Administration (Provincial and District Commissioner) should not chair the Provincial and District Education Boards (PEB and DEBs) but can attend as members

- \* The Manual for Heads of Secondary Schools in Kenya (1975) should be revised and reviewed to reflect the status quo
- \* All projects and programmes in education should clearly focus on the pupil (learner) and the benefits accrued from the project / programme should directly impart and impact on the learner
- \* Head teachers and deputy head teachers should be trained on alternatives to corporal punishment and the concept integrated in the Education Act
- \* Guidance and counselling teachers should be continuously well trained on discipline & punishment and living values & life skills

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## APPENDIX 1

### POLICY AND STATUTORY DOCUMENTS

- ◆ The 1963 Kenya African National Union (KANU) Manifesto
- ◆ The Kenya Education Commission (Ominde Report) of 1964
- ◆ Sessional Paper No. 10 of 1965 on African Socialism and Its Application to Planning in Kenya
- ◆ The Board of Adult Education Act Cap 223 of 1965
- ◆ The Jomo Kenyatta Foundation (founded in 1966)
- ◆ The Teachers Service Commission Cap 212 Act of 1967 (Revised 1968)
- ◆ Sessional Paper No. 5 of 1968 on Special Education
- ◆ The Education Act Cap 211 of 1968 (Revised 1980)
- ◆ The University of Nairobi Act Cap 210 (1970)
- ◆ The Industrial Training Act Cap 237 (1972)
- ◆ The National Committee on Education Objectives and Policies (Gachathi Report) of 1976
- ◆ The National Council for Science and Technology Act (1978)
- ◆ The Kenya National Examinations Council Act Cap 22A (1980)
- ◆ The Kenya Literature Bureau Act (1980)
- ◆ The Presidential Working Party on the Establishment of a Second University (Mackay Report) of 1981
- ◆ The Moi University Act Cap 210A (1984)
- ◆ University of Nairobi Act (1985)
- ◆ The Universities Act Cap 210B (1985)
- ◆ The Kenyatta University Act Cap 210C (1985)

- ◆ Sessional Paper No. 1 of 1986 on Economic Management and Renewed Growth
- ◆ The Egerton University Act Cap 214 (1987)
- ◆ The Presidential Working party on Education and Manpower Training for the Next Decade and Beyond (Kamunge Report) of 1988
- ◆ Sessional Paper No. 6 of 1988 on Education and Manpower Training for the Next Decade and Beyond
- ◆ Universities Rules, 1989
- ◆ The Jomo Kenyatta University of Agriculture and Technology (JKUAT) Act (1994)
- ◆ Master Plan on Education and Manpower Training (1997-2010)
- ◆ Report of the Commission of Inquiry into the Education System of Kenya (Koech Report), 1999
- ◆ Maseno University Act (2000)
- ◆ National Development Plans. These are: 1964-1968; 1969-1973; 1974-1978; 1979-1983; 1984-1988; 1989-1993; 1994-1996; and, 1997-2001

## APPENDIX II

### SUBSIDIARY LEGISLATION

- ◆ Legal Notice No. 73/1965 and 178/1966: The Education (Board of Governors) Kenya Polytechnic Order
- ◆ Legal Notice No. 106/1968: The Education (Education Standards) Regulations
- ◆ Legal Notice No. 201/1969: The Education (Registration of unaided Schools) Regulations
- ◆ Legal Notice No. 50/1970: The Education (Entrustment of Functions to Local Authorities) Order
- ◆ Legal Notice No. 200/1970: The Education (Local Entry Fees for Examinations) Regulations
- ◆ Legal Notice No. 40/1972: The Education (School Discipline) Regulations
- ◆ Legal Notice No. 17/1969, 160/1969, 82/1970, 206/1973 and 34/1977: The Education (Board of Governors) Order
- ◆ Legal Notice No. 18/1969: The Education (Board of Governors) Regulations
- ◆ Legal Notice No. 84/1967 and 36/1972: The Education (Board of Governors) Mombasa Polytechnic Order
- ◆ Legal Notice No. 59/1972 and 207/1973: The District Education Boards Regulations
- ◆ Legal Notice No. 105/1976: The Kenya Institute of Education Order
- ◆ Legal Notice No. 190/1978: The Education (School Committees) Regulations
- ◆ Legal Notice No. 242/1978: The Education (Board of Governors) Kenya Technical Teachers College Order

- ◆ Legal Notice No. 234/1978 and 166/1979: The Education (Board of Governors) Kenya Science Teachers College Order
- ◆ Legal Notice No.17/1986: Kenya Institute of Special Education
- ◆ Legal Notice No.565/1988: Kenya Education Staff Institute
- ◆ Legal Notice No. 56, The Universities (Establishment of Universities (Standardization, Accreditation and Supervision)) Rules, 1989
- ◆ Legal Notice No. 262/1993 and 263/1993: The Education (BOG, Non Teaching Staff) regulations
- ◆ Legal Notice No. 56/2001: The Education (School Discipline) (Amendment) Regulations, 2001