

**PARA- LEGAL TRAINING NEEDS ASSESSMENT FOR THE SECONDARY
SCHOOLS ADMINISTRATORS IN KIAMBU DISTRICT**

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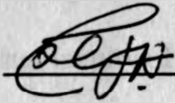
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**Research project submitted for the partial fulfillment
of the Award of Degree of Masters of Education in Educational Administration and
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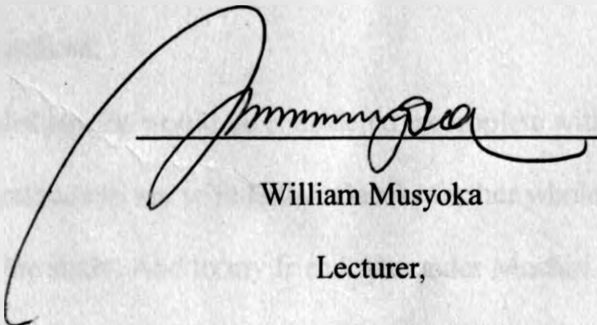
DECLARATION

This research project is my original work that has not been presented for a degree in any other university



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This research project has been submitted for examination with my approval as university supervisor.



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DEDICATION

This research work is dedicated to my wife Esther Gaceke and my children Eric Njau and Lucy Wanjiku who saw me through this study with undying love, encouragement, support and patience that boosted my morale.

My late mother Lucy Wanjiku Gakuru and Brother Patrick Mutung'u, whom through their dedication, commitment and sacrifices have made me proud of what I am today.

ABSTRACT

The social political changes in Kenya as a society has led to increased demands on its various social structures, in particular the education sector which is charged with responsibility of developing its human resources.

One of the major demands posed on the education sector is the need for skills and knowledge for handling increased legal issues in schools, as a result of high demands for transparency, accountability, justice, respect for human rights and good governance by the stake holders who are; students, teachers, parents donors, sponsors, government and general public.

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This demands have created the need to determine whether the situation have reached a level where the leadership of the education institutions required a specialized training on legal matters that are or may affect the education sector in general (i.e. Para-legal training). The study sought to fulfill five objectives:

- i) To establish the percentage level of the need for Para-legal training for the school administrators.
- ii) To establish the extent to which school administrators are conversant with basic knowledge of law and legal system in the country.
- iii) To establish the extent to which the school administrators are conversant with the legal provisions that affect day-to-day operations of the schools.
- iv) To identify the major legal issues in public secondary schools.
- v) To propose a Para-legal course outline for the school administrators based on the research findings.

To realize these objectives the study answered the five research questions based on objectives:

- i) What is the percentage level of the of need for Para-legal training for the public secondary schools administrators?
- ii) What is the percentage level extent to which public secondary school administrators are conversant with the basic knowledge of the law?
- iii) What is the percentage level of extent to which public secondary school administrators are conversant with the legal provisions that govern various aspects of the schools?
- iv) What are the major legal issues in public secondary schools?
- iv) What should the Para-legal course for secondary schools administrators entail?

The dependent variable for all the questions was the need for the basic knowledge of law. It was influenced by the independent variables, which were, legal issues in public secondary schools. This independent variables were viewed in terms of :

- i) Realization of the need or importance of the basic knowledge of the law by the public school administrators in attending to legal issues in schools.
- ii) Lack of basic knowledge of law and legal provisions that affects operations of schools more frequently among the public secondary school administrators.
- iii) High occurrence of legal issues in public secondary schools.
- iv) Lack of other ways of solving legal issues in schools amicably, a part from legal system.

The study was designed as descriptive survey research study. The stratified sampling was used to select 140 administrators from the National schools, Provincial schools, and District schools (see table 3.2). All the selected administrators (head teachers and deputy head teachers) were given questionnaire to complete. However only 110 questionnaires were returned. Based on the study's data, the following were the key findings of this study;

- i) The majority of the public secondary schools administrators were Bachelor degree holders.
- ii) There was A very high percentage level of the need for Para-legal training among the public secondary school administrators (i.e. 72.08 percent).
- iii) The percentage levels of basic knowledge of law and legal provisions for the public secondary school administrators were 39.66 percent and 18.61 percent respectively.
- iv) There were thirteen major legal issues in public secondary schools
(See Table 4.50)
- v) Although the major legal issues were highly varied they were grouped into three major categories. These categories were used to as basis for proposing course out-line of the Para-legal training for the teachers. The course out-line consisted of three parts:

Part I: Elements of law

Part II: Administrative laws

Part III: Labour laws

Drawing from its findings the study suggested the following recommendation;

- i) Frequent workshops, in-service and refresher courses for school administrators on legal aspects of schools should be enhanced.
- ii) A framework for integration of legal training into the teacher training should be developed.
- iii) Deliberate effort should be made towards establishment of an elaborated framework to develop educational laws as an area of specialization for those in the field of law as a discipline.
- iv) Involvement of education professionals when formulating the laws that affects children and education in general should be given priority.
- v) A policy should be developed to ensure that students are responsible for illegal acts they undertake.

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LIST OF ABBREVIATION

BA	BACHERLOR OF ARTS
BED	BACHELOR OF EDUCATION
BSC	BACHELOR OF SCIENCE
MA	MASTERS OFARTS
MED	MASTERS OF EDUCATION
MSc	MASTERS OF SCIENCE
MOE	MINISTRY OF EDUCATION
PGDE	POST GRADUATE DIPLOMA IN EDUCATION
PhD	DOCTOR OF PHILOSOPHY

CHAPTER ONE

1.0 THE PROBLEM AND ITS CLARIFICATION COMPONENTS.

1.1 Background of study.

The society exists in a state of dynamism. It keeps on changing from time to time in terms of belief, practices and traditions. This state of dynamism creates different demands from its social structures, which include political system, economic system, education system, religion and traditional practices. These changes start from one social structure and systematically spread to other social structures. This is because there is no social structures which exist in isolation. They usually exist in form of interdependent units, i.e. inform of one system.

One of the major social structures is the political system. It mainly entails how people express their views on various issues, and generally how they behave towards one another, state and social institutions.

The changes in the political system have a direct effect on the legal system. The political system will influence the level at which the rule of law is to be observed. The level at which the rule of Law is to be observed creates the basis for social behavior.

Berman (1966) observes that law has a primary role of regulating social action, protection of voluntary and legal concepts and attitudes of society. This means law has the responsibility of maintaining the social equilibrium among the social structures.

Education as social structure heavily relies on the social equilibrium of other social structures so as to gain its own social equilibrium. This is because its primary role is to transform the behavior of society to the desired standards of other social structure. Education as a social structure is organised in form of educational institutions. These institutions perform various tasks with an aim of imparting desired knowledge, skills and attitude to the members of society.

However, in order for these educational institutions to be able to perform their roles effectively. The administrators of these institutions have no choice but to keep abreast with changes in the society, particularly those that determine the stability and dynamism of the society. The best way to keep abreast with these changes in society is by developing professional training packages to respond to the current needs and also with an aim of integrating them to the teacher trainings.

In the recent past, Kenya as a society has experienced dramatic changes in its social political status. The late 1980s and partly 1990s were characterised by high demands for good governance, transparency on operations of public institutions, respect of human rights and need for political pluralism. In addition, there was increase on public awareness on their rights as the citizens of this country, by various civil lobby groups, which had emerged during this period.

These demands created potential grounds for multiple legal problems in the educational institutions, particularly secondary schools. The secondary schools were mainly affected because its students are at a stage of self-discovery (adolescence) and thus they carry all

sorts of practices in larger society for 'self-trials' in schools. Apart from that, this level of education is critical to various careers and thus putting it on the limelight of many civil organizations in the society. This is because it is believed that this is the stage where the principles of justice, transparency and good governance start to bear concrete roots.

This situation has posed a great challenge to secondary school administrators. Having not attended any specific training on the operations of the legal system or having not done any basic course on the law of Kenya, they often find themselves handicapped whenever an issue of law arises in school. This deficiency has led to frequent disruption of learning in secondary schools due lack of legal reasoning. Berman (1966) describe legal reasoning, as that which is adapted to the reaching of decisions for action that is, it is, applied reasoning towards the legal matters. The attainment of the legal reasoning can be gained through basic training in law.

This study was aimed at assessing the actual situation on the ground, on issues of law in schools and recommended a solution to rectify the situation. In doing this, it looked at whether the current situation necessitated the need for specific tailored basic training on the law for teachers. The study also analysed the frequency of legal problems in schools and their basic nature. In general the study focused on finding the best way of imparting the skills for managing legal situations or those that are potentially legal situations in schools to the school administrators, teachers and other education managers.

1.2 Statement of the problem

As mentioned earlier, all teachers training at different levels i.e. certificate, diploma, degree and postgraduate studies do not have any course on the basic knowledge of the law and legal provisions that affect the operations of schools more frequently. The teacher training covers mainly; education foundations (which include philosophy sociology, economics and history of education), teaching methodology, education administration and management and specific academic areas. This leaves the teacher with no basic knowledge of principles of law and operation of the legal system in the country.

However, there has been increase in incidences occurring in schools that are highly potential grounds for legal problems. In the period between 1996 and 1998 for example 40% of the public secondary schools, in Kiambu District alone were closed down following the student unrest¹. These unrests were accompanied by destruction of property worth millions of shillings belonging to both schools and general public.

In other districts in Kenya a number of students were killed and others injured through dormitory infernos. According to Daily Nation correspondent: On 11th July 1997, in Bombolulu Girls High School 40 students died after their dormitories were set on fire at night. On 26th May 1999 four students died and three serious injured after their cubicals were set on fire by their colleagues in Nyeri High school. On 27th March 2001, sixty students were burnt to death after their dormitories were set on fire in Kyanguli secondary school.

There has also been increase in teacher assault by students and other school players, particularly parents. In some cases, these assaults have resulted in serious criminal acts. According to Daily Nation correspondent March 2002 for example, a female teacher was assaulted and raped by male students in a secondary school in Nakuru town. Although, this may have be seen as an act of indiscipline by the students. The act amounted to a criminal offence according to the Penal Code Cap 63 (section 244), Laws of Kenya.

According to Central Province Disciplinary Committee Report (2000), drug abuse among the secondary students in central province is reported to be on increase since the year 1990. In the recent past students have also been implicated in illegal possession of firearms. According to East Africa Standard correspondent March 2003, a student was found ferrying forty rounds of ammunition to Nyandarua district from Kiambu district.

There has been also a great deal of mismanagement of school properties, theft of school properties such as land, accidents in science laboratories during experiments, labour problems, breach of contracts and abuse of office.

In addition, to the above there has been an increase in human rights abuses in particular use of excess powers to force students to conform with school rules despite the amendment of the Education Act(cap 211) by legal notice L.N.56 of 2000 which abolished corporal punishment and enactment of Children Act (2002) which stipulate the rights and freedoms of the child. This follows the ratification of Children Convention and Human Right Convention of United Nations by the Kenyan government.

This situation requires the teachers and the school administrators to be aware of the general principles of law and the operations of legal system in the country. Since search awareness will help in maintaining high standards of human rights, transparency and accountability, good governance and justice when addressing these issues of law in schools as well as improving service delivery.

The awareness of general principles of law and operations of legal system can be achieved through provision of basic knowledge of law to school administrators, in the form of tailored courses or units of law in teacher training programmes. This will ensure that they are equipped with general legal skills, which will enable them to address the legal situations arising in their schools with more confidence and provide an informed decision, advice and choice of the course of action.

This will ensure better service delivery in schools and adjust the schools to the desired level of governance. It will also have a deterrent effect on legal problems.

1.3 Purpose of the study

The purpose of this study was to establish the extent for the need of a para-legal training for school administrators or educators in general. The study also sought to establish major legal provisions that may be included in this paralegal training. Finally the study proposed the general course out-line for this training package.

1.4 Objectives of the study

The specific objectives of this study were:

- To establish the percentage level of the need for paralegal training for school administrators.
- To establish the extent to which the school administrators are conversant with the basic principles of the law
- To establish the extent to which the school administrators are conversant with the legal provisions that affect day-to-day operations of schools.
- To identify the major legal issues in public secondary schools.
- To propose a para-legal course outline for school administrators

1.5 Research questions for the study

The following research questions were raised in the study:

- What is the percentage level of the need for a para-legal training package for the public secondary schools administrators?
- What extent are public secondary schools administrators conversant with the basic principles of the law?
- What extent are public secondary schools administrators conversant with the legal provisions that govern various aspects of the schools?
- What are the major legal issues in public secondary schools?
- What should a Para-legal training for schools administrators entail?

1.6 Significance of the study

Some of the benefits that will be realised, if the results of this study are implemented are:

- School administrators will be able to make informed decisions, when issues of law arise.
- The school administrators will be able to develop measures to deal with the occurrence of legal problems.
- They will be able to contribute in the formulation of legal provisions that are to affect the education sector in the country.
- It will help to cultivate the respect of human rights and the practice of fairness in schools.
- The general service delivery is likely to improve in schools as such training improves the interpersonal skills.

1.7 Limitations of the study

Some of the limitations or handicaps that were experienced by the researcher during the study were:

- The time for the study was limited since the researcher was involved in teaching and other activities in his work station.
- Transport or general communication was also a hindering factor, since some of schools were located in very remote areas with no access to public means of transport and communication which researcher was mainly relying on.

However, efforts were made to reduce their effects on the study.

1.8 Delimitations of the study

In order for the study to be effective, there were some delimitation, which were put in place;

- The study was limited within Kiambu district.
- Approved secondary schools were not involved in the study.
- The schools that do not have a complete secondary cycle from Form One to Form Four were not included in the study.
- The study avoided a detailed examination of the various statutes or cases that were cited.
- The study did not involve the public secondary schools, which were not registered with the Ministry of Education.
- Private secondary were not involved.

1.9.0 Assumptions of the study

The following assumptions were made in the study:

- The study was mainly based on the assumption that the issues of law arising in schools were as a result of the social dynamism, in particular the political changes in the country
- It further assumed that the school administrators or teachers in general are not offered any formal law education in their trainings.
- The study also assumed that the issues of law in schools are training need problems which require training as intervention measure.

1.9.1 Operationalization of variables.

Best and Khan (1989) observed that variables are conditions or characteristic that the researcher manipulates, controls or observes. The main variables of the study were the issues of law in public secondary schools and the need for basic knowledge of law for secondary school administrators. The issues of law in public secondary schools were the independent variable. They were viewed as that force or drive that increase the need for the basic knowledge of the law (which was the dependent variable). The independent variables were considered in the following ways:

- The realisation of the need or importance of the basic knowledge of law by the secondary schools administrators in attending to issues of law in schools.
- Lack of basic knowledge of elements of law and legal provisions that affect the operations of secondary schools most frequently by the school administrators.
- High occurrence of legal problems or issues in secondary schools.
- Lack of other ways of solving legal issues occurring in schools amicably, apart from court of law or legal system.

On the other hand, the dependent variable (the need for basic knowledge of law) was viewed in terms of scores in the instrument. These scores were expressed in form of frequencies and percentages.

1.9.2 Definition of terms

- **Elements of law:** General formation of law and its legal system.
- **Para-legal course:** A tailored course on law for a particular group of people or professionals.
- **Public secondary school:** Secondary schools that receives teaching staff from Teacher Service Commission
- **Secondary schools:** Any post-primary institution offering Kenya Certificate of Secondary Education.
- **School administrators:** The head-teacher or deputy head teacher.
- **Training :** A process for providing employees with specific skills

1.9.3 Organization of the study research

This research is organized in five chapters. Chapter one consists of the background of study, statement of the problem, purpose of study, objectives of study, assumptions of study, significance of study, limitation and delimitation of study, operationalization of variables, definition of terms and research questions.

The chapter two literature reviews consists of; introduction, training, education administration, general overview of law (i.e. definitions of law, sources of law, types of law and their general functions), School administrators and para-legal training and conclusion.

The third chapter looked into the research methodology, which consists of; design of study, target population, sample and sampling procedures, data collection instrument, data collection procedure, data analysis techniques, instrument validity and instrument reliability.

The chapter four contains, details on data analysis and summary of the research analysis. The chapter five contains; summary of the study, summary of the research findings, conclusions of the study, recommendations of the study and suggestions for further research. The research also includes bibliography (references), and a copy of the research instrument (questionnaire) with accompanying instructions and introductory letter.

CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 Introduction

This chapter reviews relevant literatures of the study. The chapter is divided into the following sections: Training, Education Administration, General overview of the law, School Administrators and Para-legal training and conclusion.

2.2 Training

Okumbe (2001) describes training as that process which provides the employees with specific knowledge and skills in order to enable them to perform specific work tasks. They are usually short-term programmes designed for specific or particular group of professionals. Adams (1987) observed that training aims at imparting new knowledge skills and attitudes to handle the changes or new challenges in the organization. It is about improving the competence of the workers.

When training is offered to employees their general quality improves and the value of the organisation also improves. When this happens, the organisation stability increases and most of work related problems and accidents reduce. Thus training act as problem solving tool as well as a strategic measure for handling the anticipated problem i.e. it is a proactive measure to problem solving aspect of management.

Kootz (1993) observes that before training is adopted by an organization. The first and foremost is the identification of the problem that needs to be solved. However,

Asiach et al (1992) explain that it is not only just a matter of identifying the problem but also looking into whether the problem is training or a non-training need. This helps in avoiding the wastage of resources in designing training while the problem could have been solved by a non-training method.

A training needs assessment process follows the problem identification stage. Okumbe (2001) observes that the training needs assessment is that concerned with finding out what training or development employee actually needs and the conditions which are necessary for ensuring that training or development will be practically useful to the organization.

The conditions necessary for the training have a strong relativity towards the professional level of personnel and nature of the job at stake. Bateman and Zeithaml (1990) observed that, although the organisation have discretion of under taking an on-job training method or out-job training method the nature of the job and professional qualification of employee still dictate the training design to be adopted. The nature of the job will determine whether the trainee will have enough time to go for out-of job training or on-job training and whether the job requires technical skills or conceptual skills and attitude change.

On the other hand the professional qualification gives an indication on whether the trainee is having some background knowledge of the training content or it is a new ideology altogether. The other factors that also dictate the training method include; environment, work experience and economic factors.

2.3 Education Administration

Taking into consideration the nature of the job and qualifications of the personnel undertaking the job. The education administration personnel require conceptual skills (general knowledge) of the law in order to handle the legal matters occurring in the schools or education sector as a whole. This is because education administration is a management job thus leaning towards conceptual knowledge more than the technical skill.

Bateman and Zeithaml (1990) describes the managerial job as that which requires general principles of various aspects of the organisation in order to provide leadership or guidance to lower cadre personnel who are more technical oriented towards specific fields in the organisation.

Okumbe (1998) describes education administration as an applied field of study, which involves the applications of management theory and practices in the educational institutions. Being an applied field of study, Education Administration borrows from various disciplines such as psychology, sociology, political science and economics.

This means that the work of the Education Administrators as management personnel is to implement various programmes designed for the school and over see their success.

Olembo et al (1992) have summarised the school Administrative tasks into six categories; curriculum and Instructions, school plant management, staff personnel

management, student personnel management, financial management and control and school community relationship. The activities involved in all these tasks are guided by various roles and regulations which are drawn in accordance with the laws of the land.

This means that for the Education Administrators to be effective they need to be conversant first with these rules and regulations and most important with legal provisions guiding these activities.

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However this has not been the case. As the teacher training at certificate, diploma, and degree level have not been addressing it self to the issue of imparting the principles of the law to the teachers who eventually are promoted to Education Administrators. Despite increase of legal related issues in schools as a result of social dynamism in particular the changes in political system in the country, which have brought about a freedom boom to Kenya as a society.

This raise of legal issues in schools and lack of legal training programmes for teachers (i.e. para-legal training for teachers) presents a complex and critical requirement for introducing the principles of law to school administrators and teachers as a way of equipping them with legal skills to enable them to handle the increasing legal issues in schools. As well as looking into ways of integrating them in to teacher training programmes as proactive measure to handle legal issues which are emerging as one of the most prevalent contemporary issues in schools as well as the society as a whole.

2.4.0 The general overview of the law

2.4.1 Definition of law

People live in groups, which may be referred to as communities. Different communities come together to form a society. The society is based on the various relationships that are established between the individuals, groups and communities within and outside the society.

In order to harmonise these relationships between members of society, certain guidelines, rules and regulations or agreements are usually set. Their purpose being to protect the members of society, enhance their cordial relationships and provide for fairness when resolving various disputes that may have arisen on the course of their duties.

The societies which have a right to elect or appoint the leaders so as to form a self-rule government, that are recognized by other societies of the same and major world bodies such as United Nations Organization. They are referred to as sovereign states.

Tudor (1988) defines the rules and regulations made or adopted by the sovereign states as the laws. He further explains that, they must have mechanism for enforcement. These laws are also known as the laws of the land.

The laws are also defined as the integrated patterns or process of social behavior and ideas for good and equitable, i.e. reason that is not affected by the desire. Berman (1966)

observes that law is a process about what goes on inside courts, legislation, law offices and other places which law making, law enforcing, law administration and interpretations is being carried on together with what goes on inside the mind of people.

Rules and regulations are tool for controlling the behavior of members of society. They act as guidelines for creation of other rules and regulations in the various institutions in the society. These rules and regulations guiding the operations of any institution in a sovereign state must not be seen as to be against the laws of the land. The laws of the land remain superior to all other regulations in society.

2.4.2 Sources of the laws

The laws of the land originate or are drawn from different rules, practices or traditions of the communities forming a given state. They are also drawn from the states that have a relationship, or are historically related to a given state for example all commonwealth countries have a similar form of legal system and most of their laws are similar. Since they were mainly borrowed from their colonial master Britain (English law). In Kenya in particular there are various sources of laws. Some of these sources are; Constitution of Kenya, legislation, English law, African traditions, Islamic law and judicial decisions.

The Constitution of Kenya; This is a formal document i.e. written document, which was adopted on 12th December 1963 and later in 1964 amended so as to establish a Republic with President as Head of State. The constitution gives broad guidelines under which various laws are established. It generally provides for creation of various state

institutions, separation of power (i.e. executive, legislature and judiciary) and establishes various fundamental rights of the citizens of Kenya.

Legislation is another source of laws in Kenya. It creates the laws through enactment of Acts of parliament from time to time. This includes the amendment of the already existing laws. The development of these laws is usually guided by the needs of the nation at that time or foreseen need.

The other source of the laws in Kenya is where the duty of developing certain specific laws in a given field is delegated to certain bodies, for example local authorities, statutory bodies and professional bodies by the parliament. The laws developed here are known as subsidiary legislation. The major reason for this delegation is the technicality involved in some areas of specialisation.

The English law is another source of law in Kenya. In particular the English common law and doctrines of equity as of 12th August 1887 which was adopted as Kenya law. When the colonial government established the legal system in Kenya. These laws were confirmed on the attainment of independence.

Apart from adopting the English law Kenya also developed other laws from African traditions and practices. In particular, the personal laws such as succession law, marriage law has borrowed heavily from African customary law.

Islamic law on marriage and succession law is also adopted to Kenyan law. However, only used when one of the parties is professing the Islamic religion.

The judicial decisions from higher courts also acts as the source of laws in Kenya. The subordinate court may pass a verdict on basis of a decision of higher court on similar matter at stake.

Kenya has also borrowed a lot from the international conventions, treaties and agreements, which she has ratified.

2.4.3 Types of laws and their basic functions

All these sources of laws in Kenya give rise to various types of laws governing various aspects of life. Tudor (1988) states that the law can be divided into two major categories, namely public law and private law.

Public laws refer to those laws that the state has an interest in. They mainly include: constitutional law, criminal law and administrative law. Constitutional laws are laws that provide for the creation of the main organs of government through principle of separation of powers. It also provides for the creation of administrative tribunals for solving various types of disputes. This law also stipulates the fundamental rights of citizens.

Criminal law on the other hand provides or it is the laws that governs the execution of justice for unlawful acts or omissions that are purported to be against the state. These laws are principally found under Penal Code Cap 63 Laws of Kenya.

Administrative laws are those laws that control various activities of the organs of government. These are the laws that co-ordinate the operations of public institutions under various ministries. This means, that public secondary schools are partially co-ordinated by these laws. This is because under the Education Act Cap 211 Laws of Kenya, the Minister of Education appoints the Board of Governors to manage public secondary schools on his behalf. This means he is responsible for control of the operations of these schools.

Private laws refer to those laws that are primarily concerned with rights and duties of persons towards other persons. These laws mainly include; laws of tort, laws of contract, laws of succession, laws of persons, the laws of property and laws of trust.

The law of tort refers to those laws that govern the wrongs done against individuals that are seen not to be criminal in nature. The laws of contract are laws governing the agreements among the natural and legal persons. The law of succession governs the inheritance of estates of deceased person.

The other major type of law is international law. This refers to general treaties and conventions for both by-lateral and multilateral relations between nations that Kenya has ratified. These laws may be either public or private.

2.5 The schools administrators and Para-legal training

Looking into the above sources, types, general functions of the laws in Kenya and the general nature of the law. It is evident that, there is an obligation on every member of the Kenyan society to familiarize themselves with these laws. This is because they guide the citizens day-to-day operations. At least a large percentage of the transactions carried out by various individuals are co-coordinated by the law in one way or the other.

However, this familiarization of law by the members of society will depend on the level or position of the individuals in society. An ordinary citizen will be comfortable once he realises his rights as provided by the law and where to seek redress in case of any grievances. This can be attained through general civil education. On the other hand the judicial professionals who include: advocates, lawyers, judges, arbitrators, attorneys and counsel will require an in-depth knowledge of the law. This is because they are primarily responsible for the administration of justice in the country, apart from developing the tools for its administration.

However, the civil leaders, politician, managers and heads of various institutions and organizations require at least an elaborate basic knowledge of law. This is because they are individuals given the duty for guiding people on the best course of action to undertake in case of a legal situation or non-legal situation arises. They also have a role of advocating for development of laws that match the levels of development in their areas of jurisdiction.

The schools administrators fall under this category in society. This is because they are chief executive officers of their schools. Okumbe (1998) lists six duties of school administrators: staff personnel management, public relations, financial management, plant management, curriculum management and student personnel management.

All these duties are usually subject to various related legal provisions that may be used to provide for justice or fairness when undertaking them. These legal provisions guide the duties of school administrators. They cut across all the broad categories of types of laws. These means that, for the school administrators to understand the legal frame work that guide their work. He need to have an elaborate basic knowledge and skills of the law.

This elaborate knowledge and skills of law can best be provided to the schools administrators through a para-legal training course. According to Jeane (1996) the para-legal course refers to a short tailored intensive course on particular aspects of the law. It mainly addresses the general nature of the law, sources and types of laws, general structure and operations of the legal system and specific laws that frequently affect the field at stake. The para-legal training is not only based on cases from the courts but mainly on relevant current related issues on the field at stake.

These trainings are usually organised in away, which is flexible, and take care of the fact that the learner has no professional knowledge of the law. Thus it is not interested with the 'legal jargons', but general principles of the law. This training usually provokes immediate insight on the perspective of the learner. It helps in immediate response to current problems, although it also sets basis for pro-acting in future.

2.6 Conclusion

The Para-legal training will be the best way to ensure that school administrators and teachers in general have attained knowledge of the basic principles of the law. This training can either be offered as on-job professional training or be integrated into teacher training programmes at different levels. This will ensure a trickle down effect of the respect of rule of the law to the students. Thus will ensure a more legally informed society in the future.

This study seeks to identify to what extent the school administrators appreciated existence of the law. It also identifies the major legal issues in schools as a basis of establishing, the provisions of laws which are to be included in para-legal training for teachers. Finally the study recommends a course outline for the para-legal training for teachers and educational administrators.

CHAPTER THREE

3.0 RESEARCH METHODOLOGY

3.1 Introduction

This chapter outlines the methodology used in the study. The chapter is organized under the following sub-headings: research design, target population, sample and sampling procedure, research instrument, instrument validity, instrument reliability, data collection procedures and data analysis techniques.

3.2 Research design

The design of the study was descriptive in nature. This is because most of the variables of the study were rather specific, although their extents were not known.

Gerald (1985) notes that a descriptive study attempts to make a precise measurement of a dependent variable in a population. It is the study in which major emphasis is on determining the frequency with which an event occurs.

Apart from being descriptive, the study was also a survey in nature. In his book, Nephath and Katheri (1984) identify the need assessment survey as a descriptive educational research since it aims at exploring and describing the extent of a given aspect or need.

This design was selected so as to allow the study to use only probabilistic sample and structured questions. This was to ensure the control of the scope and avoid diversion from

the research intentions. The study was also ex-post-factor, since it looked at some events, which had already occurred.

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3.4 Target population

Kiambu district had a total of one hundred and eleven registered public secondary schools at the time of the study, which had Form One to Form Four classes. This meant that, the total number of head teachers and deputy head teachers were two hundred and twenty two. According to the study this was the total target population. The head teachers and deputy head teachers had been selected because, according to the Code of Regulations of Teachers which is provided for by the Teacher Service Commission Act Cap 212 Laws of Kenya. They are the teachers given the administrative responsibility of schools.

By the nature of their position this group of teachers is the most conversant with the problems affecting schools hence they have a better perspective of legal handicaps that schools experience. This group also has a lot of training opportunities on school management. This will give a better picture of whether the para-legal training is necessary or is already covered under other courses.

3.5 Sampling design and procedures

The study used the stratified sampling design. This is because the population was not homogenous in that public secondary schools could be divided into three major categories, namely: National schools, Provincial schools and District schools. Although legal issues that are experienced by all the categories of schools were similar, some of

schools had unique types of problems. Stratified sampling offered each school a chance to be selected for the study.

Kathuri (1990) observes that the general rule in sampling is to get the largest sample possible. In their 1970 article in educational and psychological measurement Krejcie and Morgan (1970) provide a table for determining needed size of a randomly chosen sample from a given finite population. From this table the possible sample of the study target population, which was 222 administrators, is 140 administrators. This sample proportion is within plus or minus 0.05 of the proportion with 95 percent level of confidence.

Table 3.0

Sampling procedure

Category of school	Total number of administrators	Sample ratio	Sample
National schools	8	0.6306	5
Provincial schools	50	0.63.6	32
District schools	164	0.6306	103
Total	222		140

Note

$$\begin{aligned}
 \text{Sample ratio} &= \frac{\text{Random Sample}}{\text{Target population}} \\
 &= \frac{140}{222} \\
 &= 0.6306
 \end{aligned}$$

$$\text{Sample} = (\text{sample ratio}) \times (\text{total population per category})$$

3.5 Data collection instrument

The instrument for collecting the data in this study was the questionnaire. This is because the school administrators could be able to administer the questions to themselves. The instrument was also selected because the number of individuals involved is fairly large. The questionnaire also ensured that answers given/ data collected was fairly standard for easier analysis. This instrument consisted of four parts:

- Part A:** This was concerned with criteria for analyzing the data collected.
- Part B:** This sought the opinion of the administrators on whether there is need for para-legal training package for them. This part was consisted of eight items, focusing on four major perspectives of the opinions. Two items for each perspective. See Table 3.2.
- Part C:** This focused on the extent to which the school administrators are conversant with legal system in Kenya, elements of law and major provisions of the law that affect secondary schools more frequently. It had a total of four items. See Table 3.2.
- Part D:** This part was concerned with major legal problems/issues in schools and how they are solved or handled. See Table 3.2.

All the items in the instrument had equal weight of maximum of five scores and minimum of one score. The items had both closed and open structured questions. Part A and B were having closed structured questions while Part C and D had opened structured questions. The total number of items was fifteen.

The questions were set on both negative and positive manner. Gerald (1985) stated that items should be stated positively and negatively when using Likert Scale. Since this

approach reduces the tendency of respondent in selecting a choice without pondering each time.

Table 3.2

The table shows summary of the instrument

SECTION	CONTENT
Part A	The criteria for analysis was: <ul style="list-style-type: none"> ▪ Gender ▪ Professional qualifications ▪ Nature of school ▪ Teaching experience
Part B	It was be prove administrators: <ul style="list-style-type: none"> ▪ Realize the importance of law ▪ They lack basic knowledge of law ▪ Para-legal training is the best for them ▪ Their positions requires knowledge of law
Part C	It was showing whether the administrators lack awareness of: <ul style="list-style-type: none"> ▪ Types of law, ▪ Sources of law, Laws of persons ▪ Courts of law ▪ Laws of persons
Part D	It was identifying: <ul style="list-style-type: none"> ▪ Major issues of law in schools ▪ Legal provisions that may be used to address these issues. ▪ Whether there is other adequate methods used to handle legal issues apart from law

3.6 Instrument validity

According to Nachamias (1996) validity is concerned with the question of whether the instrument is measuring what it was intended to measure.

To enhance validity a pilot study was carried out to help the researcher in identification of items which seemed to be ambiguous, thus likely to elicit relevant information. This led to modification of the instrument.

The respondents contacted during the pre-test phase were deliberately excluded during the final administration of the instrument. This was to control the extraneous influence on the research findings due to prior knowledge of the information required by the instrument

3.7 Instrument reliability

The reliability of standardised test is usually expressed as a correlation coefficient, which measures the strength of association between 0.00 to 1.00 with the former showing that there is no reliability, and later shows perfect reliability.

The reliability coefficient shows the extent to which an instrument is free of error variance which may be caused by factors such as ambiguous questions, language, mood of respondent or even the order in which the items are arranged.

To establish the reliability of the instrument a pilot study was conducted. This pilot study involved 10 administrators. The administrators were requested to identify the difficult and ambiguous items. The reliability of the instrument, coefficient of internal consistence was then calculated by splitting the instrument items into two. Placing the odd numbers in one sub-test and all even numbered items in another sub-test.

This was to divide the scores of each individual respondent into two sub-test scores. The scores for the odd number were then computed separately and correlated with then computed even number sub-test. The coefficient correlation was found to be 0.76.

3.8 Data collection procedures

A research permit was obtained from the Ministry of Education head-quarters, Jogoo House, Nairobi. The researcher then reported to Kiambu District Commissioner's offices as directed by the letter of authorisation from the Ministry. The researcher also informed the District Education office on the intended research. Also, before making appointments with respective administrators the researcher first reported to the Divisional officer offices to inform the authority on the intended study. The researcher then distributed the research instrument to the randomly selected sample of administrators. The exercise took three weeks for both delivery and collection of the questionnaires.

3.9 Data analysis techniques

The responses in the research instrument were tabulated, coded and processed both manually and by computer. The descriptive statistics was used to analyse the responses and expressing them in graphical form.

The data was mainly analysed in form of the frequencies and percentages. The bar graphs were also used to express the data in more pictorial form, to enhance conceptualisation of information. In addition to statistical methods were used to analyse data.

The legal issues in schools were listed and grouped, while noting their frequency of occurrence in various instruments. This was to identify the most important aspects of the law that school administrators required.



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The final section of text is also illegible due to fading, likely concluding the analysis or providing a summary.

CHAPTER FOUR

4.0 DATA ANALYSIS AND INTERPRETATION

4.1 Introduction

This chapter focuses on the analysis of the data and information. The frequencies in section A were summed according to the demographic representations and percentages were obtained using the formula below:

$$\% \text{ of Demographic representation} = \frac{\text{Frequency of Demographic representation}}{\text{Sum of the Respondents (110)}} \times 100$$

The Likert Scale was used to allocate the scores for each item in sections B, C and D. The highest score for each item was five and lowest one for the Sections B, C and D of the instrument. The scores for each of these sections were summed up per instrument and made to percentage using the formula below:

$$\% \text{ Score per section} = \frac{\text{Total score in section}}{(\text{Number of items in section}) \times (\text{Maximum score of item})} \times 100$$

The percentage for each section (B, C and D) for all items were further summed together according to demographic representation in section A of the instrument and made to percentages.

4.2 Questionnaire return rate by the administrators

Only one questionnaire was used for both Head teachers and Deputy head teachers. The questionnaires were administered to 140 administrators. This was 63.06 percent of total target population of administrators. However, only 110 questionnaires were returned which represented 78.57 percent of the total sample involved and 49.55 percent of the total target population.

4.3 Demographic information of administrators

The administrators were requested to give information concerning their gender, professional qualifications, teaching experience, type or category of their school and the nature of their schools (boys, girls or mixed) The administrators' gender was tabulated in Table 4.10 below

Table 4.1.0

Administrators' gender

Gender	Frequency	Percentage
Male	49	44.55
Female	61	55.45
Total	110	100.00

The majority of public Secondary School Administrators in Kiambu District were female (55.45percent) compared to the male (44.45percent). Table 4.11 indicate the professional qualifications of administrators.

Table 4.1.1**Administrators professional qualifications**

Professional qualification	Frequency	Percentage
Diploma	18	16.36
Graduate (BED, BA, PGDE)	86	78.18
Post graduate (MA, MED, MSC, PhD)	6	5.45
Total	110	100.00

The majority of public secondary school administrators had a bachelor's degree qualification as their highest qualification (78.18 percent). Those with diploma followed with 16.36 percent. There were very few administrators with master's degree i.e. postgraduate degree (5.45 percent) Table 4.12 indicates the teaching experience of Administrators.

Table 4.1.2**Administrators teaching experience**

Teaching experience	Frequency	Percentage
Six to ten years	40	36.36
Eleven to Fifteen years	52	47.27
Sixteen years and above	18	16.36
TOTAL	110	100.00

The administrators with teaching experience of between eleven and fifteen years were the majority (47.27 percent), followed by those who had teaching experience of between six to ten years (36.36 percent) and finally those who had sixteen years and above were least (16.36 percent). Table 4.13 indicates the school category of the administrators.

Table 4.13

School Category of the administrators

School category	Frequency	Percentage
National school	6	5.45
Provincial school	33	30.00
District school	71	64.55
Total	110	100.00

Among the administrators who participated in the study 5.45 percent were drawn from National schools, 30.00 percent from provincial schools and 64.55 percent from District schools. Table 4.14 indicates the nature of school of the administrator.

Table 4.14

School nature of administrators

School nature	Frequency	Percentage
Boys only	31	28.18
Girls only	18	16.36
Mixed boys & girls	61	55.45
Total	110	100.00

Table 4.14 shows that majority of administrators were drawn mixed schools (55.45 percent, followed by those from boys schools (28.18 percent) and finally from Girl schools (16.36 percent)

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4.4 The percentage levels of the need for Para-legal Training package for public secondary school administrators

In order to obtain the general level of the need for para-legal training package for school administrators. The total scores for Sections B, C and D were summed up and converted to percentages. The percentages were then grouped in accordance to the demographic representation of the administrators. Table 4.20 indicates the percentage levels of the para-legal training need with respect to gender.

Table 4.2.0

Gender percentage levels of need

Gender	Frequency	Percentage
Male	49	76.38
Female	61	73.75

The Table 4.20 indicates that male show higher percentages of needs (76.38 percent) compared to the female (73.75 percent). The Table 4.21 indicates the percentage level of the need for legal training with respect to professional qualification.

Table 4.2.1**Professional qualification percentage levels of need**

Professional qualification	Frequency	Percentage
Diploma	18	76.41
Graduate degree	86	72.17
Post graduate degree	6	71.50

The Table 4.21 indicates that the diploma holders showed highest levels of the training need 76.41percent while postgraduate showed the lowest percentage level of 71.50 percent. The Table 4.22 indicates the percentage level of para-legal training need in respect to the teaching experience of the administrator.

Table 4.2.2**Teaching experience percentage level of the need**

Teaching experience	Frequency	Percentage
6 to 10 years	40	78.08
11 to 15 years	52	75.89
16 years and above	18	72.83

The Table 4.22 indicates that the percentage level of the need for para-legal training is relative to teaching experience. The administrators who had low teaching experience (6 to 10) show higher levels of the need (78.08 percent) compared to those with higher teaching experiences i.e. 16 years and above showed 72.83 percent. The Table 4.23

indicates the percentage levels of para-legal training with respect to the school category of the administrator.

Table 4.2.3

School Category Percentage Level of the Need

School category	Frequency	Percentage
National school	6	75.21
Provincial school	33	75.73
District school	71	77.29

The Table 4.23 indicates that the district school administrators showed higher levels of the needs for para-legal training (77.29) percent compared to their counterparts in the National and Provincial Schools who showed almost equal values i.e. 75.21 percent and 75.73 percent respectively. The Table 4.24 indicates the percentage levels for the para-legal training in respect to the nature of school of the administrator.

Table 4.2.4

Nature of School Percentage Levels of Need.

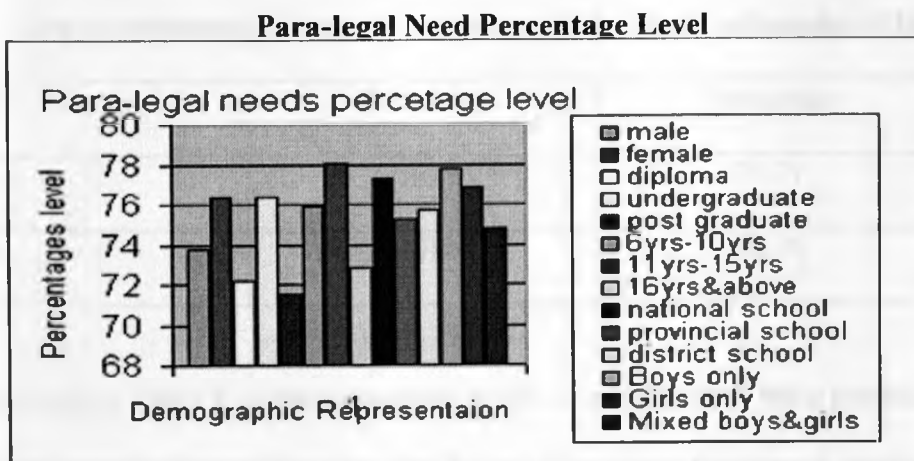
Nature of school	Frequency	Percentage
Boys only	31	77.80
Girls only	18	76.33
Mixed boys & girls	61	74.83

The Table 4.24 indicates that the boys only schools administrators showed higher levels of the para-legal needs (77.80 percent) compared to those from girls only and mixed boys

and girls i.e. 76.33 and 74.83 percent respectively. From the above analysis, it follows that the percentage levels of the para-legal needs for the school administrators are very high, giving a mean score of 72.018 percent. With all demographic representation of the administrators showing percentage need of above 70 percent.

However, it is worth noting that the administrators with Post graduate degree showed lowest levels of the need, 71.50 percent. This may be attributed to their exposure to various policy aspects of education in their different courses at this level. The bar graph 4.1 shows this para-legal need levels in percentages for school administrators, in accordance to demographic representation.

Bar graph 4.1



From Graph 4.1 above it is clearly shown that the school administrators shows high levels of the need for para-legal training course in all demographic representation since in all categories they show a need of more than 70 percent.

4.5 The extent to which the public secondary schools administrators are conversant with the basic principles of the law

The section C of the questionnaire apart from seeking the general need for para-legal training for school administrators it specifically addressed the issue of whether the school administrators aware of basic principles of the law, which included: the general structure of the legal system in the country, broad divisions of the law and sources of the law.

The percentages of the level of awareness of basic principles of law among the secondary school administrators were then tabulated according to various demographic representations. The Table 4.30 indicates percentage levels of awareness of the basic principles of law as per gender representation.

Table 4.3.0

Gender percentage levels of awareness of the basic principles of law

Gender	Frequency	Percentage
Male	49	35.31
Female	61	40.95

According to Table 4.30 the percentage levels of awareness of basic principles of law is far below the average. However, the female administrators showed higher levels of 40.95 percent of awareness compared to their male counterparts who showed the levels of 35.31 percent.

very little time for exposing the student to general aspects of education as a social Science. The graduate degree holders, who form 78.18 percent of the administrators, showed a score of below average in this aspect. The table 4.32 shows the levels of the basic principles of law with respect to the teaching experience of the administrators

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Table 4.3.2

Teaching experience and percentage of basic principles of law.

Teaching experience	Frequency	Percentage
6years to 10 Years	40	33.77
11years to 15years	52	42.86
16 years and above	18	42.71

The Table 4.32 indicates that the administrators with 6 to 10 years of teaching experience had lowest levels of basic principles of law 33.77 percent. This was mainly attributed to their short period in teaching service compared to those with 11 to 15 years, 42.86 percent and 16 years and above, 42.71 percent. The higher level of percentage for those with 16 years and above may be attributed to longer period on service thus exposed to aspects through various on job trainings. The Table 4.33 indicates the levels of basic principles of law in accordance to school category of the administrator.

Table 4.3.3**School category and percentage levels of basic principles of law.**

School category	Frequency	Percentage
National schools	6	39.29
Provincial schools	33	29.74
District schools	71	55.00

From the Table 4.33 above, the administrators from district schools showed highest levels of basic principles of the law i.e. 55.00 percent compared to those from national schools with 39.29 percent and provincial schools with 29.74 percent. These high scores of district schools' administrators may be attributed to high level of interaction with communities. Most of the district schools are day schools, and drawing students from communities around. This means every morning students carry various activities of the community to school exposing the school administration to various social conflicts, which act as an eye opener to various aspects of the law. The Table 4.34 indicates the levels of basic principles of the law in accordance to the nature of the school of the administrator.

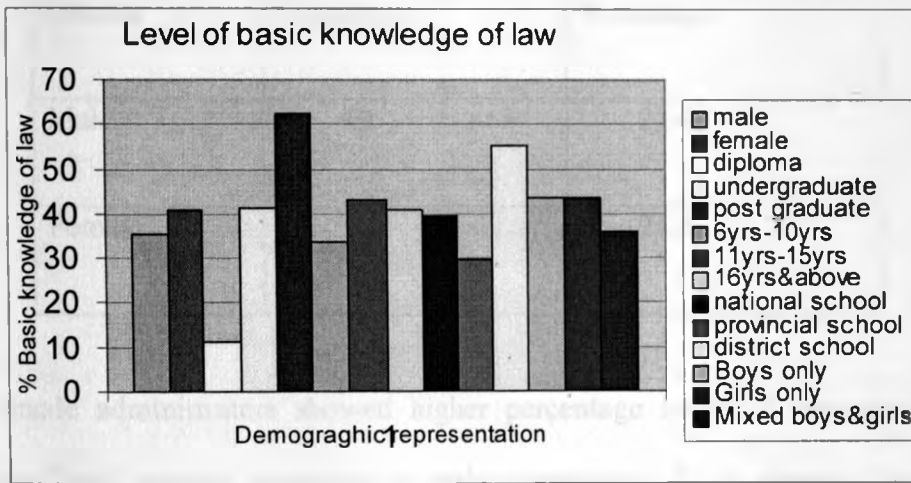
TABLE 4.3.4**Nature of school and percentage levels of basic principles of law.**

Nature of school	Frequency	Percentage
Boys only	31	43.50
Girls only	18	43.33
Mixed boys & girls	61	35.83

Table 4.34 shows that boy schools administrators had the highest percentage level, 43.50 percent, followed closely by girls school administrators with 43.33 percent and lastly mixed schools with 35.83 percent. These high scores of boy schools and girl schools administrators may be attributed to the fact that when people of the same sex are placed together they tend to be more cohesive, hence group action becomes prominent thus poses great challenge to the administrators, exposing them to different aspects of the law.

However, the boys being more aggressive posed higher challenges to administrators by exhibiting more illegal acts compared to their counterparts in girl schools. Mixed schools on the other hand showed lower percentage, which means that they may be less exposed to legal aspects by the activities of their students.

Their attention is likely to be drawn to towards relationships more than illegal activities. However, the general levels among all the administrators here is below average. The Graph below indicates all the above levels of awareness the basic principles of the law of the school administrators.

Bar graph 4.2**The percentage levels of basic principles of law**

According to the Graph 4.2 above majority of the school administrators showed a percentage levels below average levels of awareness of basic principles of Law.

4.6 The extent to which the public secondary schools administrators are conversant with the legal provisions guiding schools operations

The section D of the instrument among other things, it addressed its self to question of the extent to which the school administrators are conversant with legal provisions that affect various aspects of the school. The table 4.40 indicates the percentage levels of extent to which school administrators are conversant with legal provisions in respect to gender.

Table 4.4.0**Gender percentage levels of awareness of legal provisions**

Gender	Frequency	Percentage
Male	49	23.44
Female	61	26.67

The female administrators showed higher percentage levels of awareness of legal provisions 26.67 percent compared to male counterpart, 23.44 percent. This may be attributed their academic areas as described in analysis for table 4.32. Table 4.41 indicates the percentage levels of awareness of legal provision with respect to the professional qualification.

Table 4.4.1**Professional qualification and percentage levels of awareness of legal provisions**

Professional qualification	Frequency	Percentage
Diploma	18	14.88
Graduate degree	86	18.36
Post graduate degree	6	23.36

From Table 4.41 the postgraduate degree holders' administrators showed relatively high levels of 23.36 percent of awareness of legal provisions followed by graduate degree 18.36 percent and diploma holders' 14.88percent. The scoring pattern may be attributed

to the fact that post graduate degree holders are more exposed to educational legal aspects through learning while diploma holders spend most of their training on teaching methodology and academic subject matters. However it is worth noting that in average the percentage levels of legal provisions were very low. Table 4.42 indicates the percentage levels of legal provisions with respect to teaching experience of the administrators.

Table 4.4.2

Teaching experience and percentage levels of awareness of legal provisions

Teaching experience	Frequency	Percentage
6 years to 10years	40	14.88
11years to 15years	52	18.36
16years and above	18	23.67

According to the Table 4.42 administrators with 16 years and above showed higher percentage of 23.67 percent. This can be attributed to long teaching service. Thus exposed to more legal issues compared to their counterparts. The Table 4.43 indicates the percentage levels of legal provisions with respect to the category of the school of the administrator.

Table 4.43

Category of school and percentage levels of awareness of legal provisions

Category of school	Frequency	Percentage
National schools	6	13.43
Provincial schools	33	12.47
District schools	71	20.09

According to the Table 4.43 administrators from the district schools showed relatively higher level of legal provisions 20.09 percent compared to their counterparts in provincial schools 12.47percent and national schools 13.43 percent .The higher scores of the district schools administrators may be attributed to their higher rate of interaction with the communities. Since most of their students are day scholars thus they tend to bring more of communities problems in school, which may be legal related problems. Table 4.4 indicates the levels of legal provisions in respect to the nature of the school of administrator.

Table 4.44

The nature of schools and percentage levels of awareness legal provisions

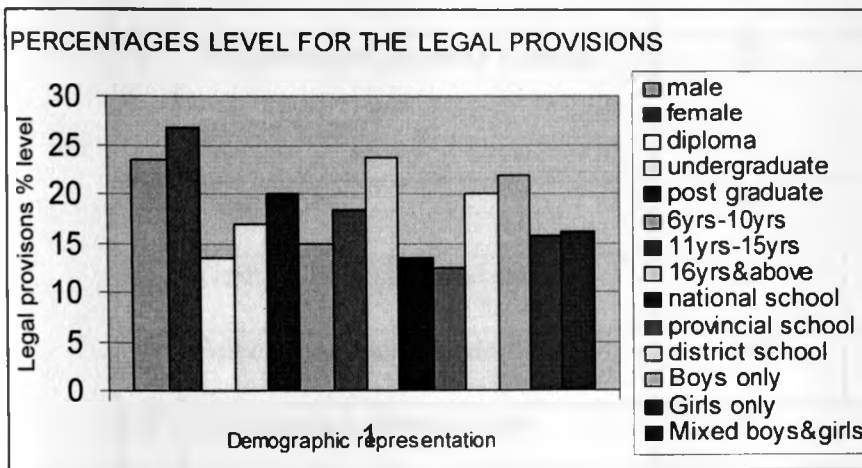
Nature of schools	Frequency	Percentage
Boys only	31	21.80
Girls only	18	16.12
Mixed boys and girls	61	15.67

The Table 4.44 shows that the administrators from boys schools scored relatively higher, 21.8 percent compared to their counterparts in Girls schools 16.12percent and mixed Boys and Girls, 15.67percent. The high score for Boys schools may be attributed to the fact that boys being more aggressive are likely to engage in more illegal activities thus exposing their administrators to more legal provisions as they strive to solve them.

The percentage levels for extent to which the school administrators are conversant with the legal provision governing education is summarized by the Graph 4.3

Bar graph 4.3

PERCENTAGE LEVELS FOR THE LEGAL PROVISIONS



From Graph 4.3 it is clear that the school administrators are not well versed with the legal provisions that guide education in the country. Since their percentage levels were far much below the average. This scoring pattern were even lower by almost 50percent of that of the basic legal knowledge flow

4.7 The major legal issues in schools

The first item in section D of the instrument required the administrators to state a maximum of five legal issues that they had encountered during their service at different stations they have served at any capacity i.e. whether as administrator or ordinary teacher.

Thirteen legal issues were sampled out as the most prevalent among the 110 respondents whose questionnaires were received back by the researcher.

Table 4.5.0

The legal issues in the public secondary school

	Legal issues	Frequency	Percentages
1	Destruction of property through student unrest	82	74.55
2	Drug abuse	74	67.27
3	Theft by both staff and students	65	59.09
4	Bribery on students admission	64	58.18
5	Examination irregularities	60	54.55
6	Labour problems	59	53.64
7	Students Frauds	52	47.27
8	Abortion	43	39.09
9	Accidents related to school activities	41	37.27
10	Human rights violations	33	30.00
11	Arson attacks	27	24.55
12	Breach of contracts	27	24.45
13	Assault of both teachers and students	21	19.09

The table 4.50 indicates the destruction of properties by students' unrest as the leading legal issue with prevalence percentages of 74.55 percent. It is followed closely by drug abuse with 67.27 percent, theft and corruption during admission.

Looking into all major legal issues listed in Table 4.50, they cut across all sections of the law. This means, they require some knowledge of all major and broad categories of the law i.e. Civil, Criminal, Constitutional and International Law. In order to make or give an informed choices seek over them.

However, the knowledge of Administrative law, Labour laws, Constitutional Rights, criminal law of contract and Law of Tort appears to be the most specific in addressing or imparting to administrators the required legal skills to handle the above listed issues. This will be in addition to the basic knowledge of law, which includes sources of law, types of law and the legal system of the country.

4.8 The Para-legal course for the school administrators

In respect to the legal issues in Table 4.50 the par-legal training package for the school Administrators school includes basic knowledge of law and specific legal provisions that affect the operations of the school. These training packages should be divided into three parts

- i) Part one: elements of law
- ii) Part two: administrative laws and criminal law
- iii) Part three: labour laws and law of contract

The contents of the various parts of these training packages should be as illustrated in the course out line shown below.

The para-legal course out-line for school administrators (teachers)

Part I

Elements of law

- 1) Nature and kind of law
 - Definition of law
 - Morality and law
 - Importance of law in schools as a society
 - The roles of school Administrators and the law
 - Different types of law i.e. private, public, civil, constitutional, criminal
- 2) Sources of laws of Kenya
 - Constitution
 - Acts of parliament
 - English law (common law and doctrine of equity)
 - Subsidiary and delegated legislation
 - African Customary law
 - Judicial precedents
 - Islamic law
- 3) Administration of law
 - Judicature Act(Cap 8) of laws of Kenya
 - Structure of courts in Kenya

- Administrative tribunals
 - Attorney General (appointment and function)
 - Chief Justice (appointments and function)
 - Judges and Magistrates (appointments and function)
- 4) Principles of constitutional law
- Rule of law
 - Doctrine of separation of power
 - Supremacy of the constitution
 - Independence of the Judiciary
 - Fundamental rights and freedom of individuals and their enforcement
- 5) Law of persons
- The concept of person (natural) and legal persons
 - Minors, adoptions, Guardianship, marriage, citizenship, Nationality
 - Children Act
 - Law of succession (Cap 160 laws of Kenya)
 -

Part II

Administrative Law and Criminal Law

1. Introduction.

- Definition of Administrative laws
- Role of Administrative laws
- Principles of administrative law
- Scope of administrative law

2. Types of Administrative laws.

3. The Ministry of Education general rules and regulations.

- Specific major and current circulars having direct effect on schools.

4. Specific Regulatory Acts of parliament guiding education in Kenya.

- Education ACT Cap 211 laws of Kenya.
- T.S.C ACT Cap laws of Kenya.
- Teacher Code of regulation
- Public procurement procedure.
- T.S.C Code of Conduct.
- Public service code of ethics.
- K.N.E.C ACT Cap laws of Kenya.
- Health and sanitation Act

5. Law of Tort

- Definition of a Tort
- General defense
- Capacity to be sued on Tort
- Types of Tort and Remedies

6. Criminal Law and Procedures

- Nature of crime
- a. Classification of crime
- b. Qualification to criminal responsibility
- c. Offences against the person

- d. Offences against property
- e. Remedies of criminal acts

Part III

Labour Laws and Law of Contract

1. Introduction

- Historical background of industrial and labour laws
- International labour organization conventions

2. The common law duties of employee

- Duties of employees
- Limitations of employers duties
- Vicarious liability.

UNIVERSITY OF NAIROBI
EAST AFRICANA COLLECTION

3. The Nature of Employment

- Legal relationship in work
- Employment Act Cap 226 of laws of Kenya (Terms and Conditions of employment)
- Employee benefits (N.H.F, NSSF, pension scheme and provident fund)
- Employee dismissals, injunctions and conciliations

4. Associations and Disputes

- Trade unions
- Functions of KNUT and KUPPET
- Trade Dispute Act Cap 234 – laws of Kenya
- Collective Agreements
- The practice pertaining to settlement of labour disputes in Kenya

- Arbitration system prior to Industrial Court
- Registration of collective Agreements

5. The Law of Contract

- The nature of contract
- Terms of contract (capacity to contract)
- Types of contracts
- Methods of discharging a contract
- Remedies for breach of contracts

4.9 Summary of the analysis

About 78.57percent of the total sample that is equivalent to 49.55percent of the total target population had their questionnaires analysed. The scores of various questionnaires were obtained using Likert scale and their frequencies tilled. The scores were further converted into the percentages in accordance to the demographic representation of the administrators.

According to the demographic representation there were more female administrators than male. The graduate degree holders accounted for the largest portion of the administrators followed by diploma holders and postgraduate degree holders respectively. Majority of the secondary school administrators had teaching experience of between 11years and 15years. Most of the public secondary schools were district secondary schools which were mainly mixed followed provincial schools and National schools respectively which were mainly single sex i.e. boys only and girls only.

The analysis of the study showed a very high percentage level of the need of para-legal training for the public secondary school administrators with the mean score of 72.08percent. This indicated how acute the problem of the legal issues was in schools.

The analysis further indicated a very low percentage scores for the levels of basic principles of law and the legal provisions governing school activities with averages of 39.66percent and 18.61percent respectively .The latter showed almost 50 percent drop compared to the first. In addition the scores were highly varied within the same demographic representation. These variations were attributed to areas of academic specialization for gender, level of exposure for the teaching experience, curriculum structure for professional qualification and social demands for both category and nature of schools of the administrators.

The analysis also identified thirteen major legal issues in public secondary schools. These were legal issues, which showed high frequency levels among the school administrators. These legal issues were further grouped and analysed by matching them with various aspects of the law. This helped to draw up a para-legal training course outline for school administrators or teachers. The proposed course out-line consisted of three major parts; Elements of law, Administrative laws and criminal law and labour laws and law of contract.

CHAPTER FIVE

5.0 SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

In this Chapter, a summary of the entire study is given, the main findings of the study are Summarized and Silent conclusions drawn: Recommendations and areas of further research are also pinpointed.

5.2 Summary of Study.

The purpose of this study was to establish the extent for the need of para-legal training for secondary schools administrators, as way of equipping them with necessary skills, knowledge and attitudes to handle the legal issues as they arise in schools. The study established the levels of the needs for para-legal training, the administrators levels of basic knowledge of law and legal provisions that control school activities, identified major legal issues in schools and suggested a para-legal course out-line for school Administrators.

The literature review, which paved the way for this study, provided guidelines and laid down foundation for this research. It generally looked into training as a phenomenon, General overview of the law, education administration and the school Administrator and the para-legal training.

The study was conducted in Kiambu District. The district was selected for study because it portrayed both characteristics of urban and rural characteristics of Kenyan societies.

In terms of methodology, a descriptive survey research design was adopted. This is because the researcher was interested in establishing the position of situation and gathering support for what he believed to be one of the major contemporary Issues in education today

The research involved 140 Administrators out of 222 Administrators in the district public schools, this accounted for 63.06 percentage. These administrators were head teachers and deputy head teachers. However only 110 administrators responded positively, which was 78.57 percentage of samples and 49.55 percentage of total target population.

Due to the large number of the sample self-administering questionnaires was used as research instruments. The validity and reliability of the instrument was taken after pilot study. Reliability was completed using split half techniques. The reliability coefficient of 0.76 administrators has obtained.

The questionnaires were administered through individual visits to schools and then collected on an agreed –upon date. Most of them took about one week to fill.

Data was analysed using description statistics. The research questions were answered. Data analysis results were then interpreted accordingly and conclusions drawn.

5.3 Summary of research findings

According to the demographics information of the study the majority of the school administrators were graduate degree holders. They accounted for 78.18 percent of the total number of the administration who participated on the study and 49.55 percent of all administrators in the district. This meant that for the para-legal training to be of benefit to the administrators of the secondary schools, it must be designed in such away that it favors this group of administrators. In future the undergraduate level of teacher training will be the key stages for integration of this curriculum to secondary school teacher training.

The research finding showed very high levels of para-legal training need a mean score of 78.08 percent among the school administrators. This meant that large percentage of administrators were aware of the importance of the law in society and in solving various issues in schools. The findings also indicated very low percentages level of basic knowledge of existence law and legal provisions that governs various activities of the law, which were 39.66percent and 18.61 percent respectively, with the latter being lower by 50 percent with respect to the first. This could have been an indication that the basic knowledge had a direct effect on the understanding or awareness of the legal provisions guiding education. It was also evident that the school Administrators lacked basic knowledge and skills of handling increasing various legal issues in schools.

The study identified major 13 legal issues in schools with the destruction of properties by students being on the lead (74.55 percent) as shown on the table 4.50

Although the legal issues as indicated on the table 4.50 seemed to be almost cutting across broad types of law, majority of the most frequently experienced legal issues seemed to be based more on; elements of law, administrative and criminal law, labour laws and law of contract. This meant that the education administrators don't require a comprehensive course on law but need awareness on basic principles of law.

Based on the findings the study proposed a para-legal course –out- line for the teachers. This training is divided into three major parts:

Part I; Elements of law

Part II; Administrative law and Criminal law

Part III; Labour law and Law of Contract

This training is to be offered as a job professional training or be integrated into the teacher training programmes of various levels.

5.4 Conclusions of the study

The following conclusions were drawn from the study findings.

- 1) The majority of the public secondary schools administrators are the first degree holders. Thus the undergraduate degree programmes should be the key point for integration of the teachers training and the principles of law.
- 2) The low percentage scores for the levels of basic knowledge of law and legal provisions that guide the education sector indicated knowledge, skills and attitude to handle legal matters arising in schools.

- 3) The high percentage scores on the need for para-legal training indicated on urgent need for development and implementation of the legal training for schoolteachers particularly those in headship positions in the school.
- 4) There is a need to develop preventive measures to reduce occurrence of most frequent legal issues such as destruction of property through students' unrest and drug abuse.
- 5) There should be continuous training programmes for equipping teachers with skills for handling various social-political changes as the society is in a continuous state of dynamism.
- 6) There is a need to create a framework to develop Education law as an area for specialization for the legal professional trainees. This will guarantee a more competent legal redress for the legal issues to education sector

5.5 Recommendations of the study

In view of the foregoing discussion, the following recommendations arose from the study:

- 1) It is recommended that frequent seminars, workshops, in-services and refreshers courses on legal aspects and its impact in schools be availed to schools administrators and teachers in general. These courses may serve to equip administrators and aspiring administrators with necessary knowledge, skills and attitudes to handle over increasing legal issues in schools.
- 2) It is recommended that, a process be started to over see the integration of principles of law and general operation of the legal system in the country into

the teacher training programmes at all levels, as a way of preparing the teacher on challenges of the legal issues in schools and society.

- 3) Deliberate attempts should be made towards establishment of an elaborate framework to develop a section of laws to be referred to as educational laws. This will ensure that the law professionals have an opportunity to specialize on legal matters affecting the education sector. These swift legal remedies to educational matters may be realized.
- 4) It is recommended that when developing laws that are likely to affect education Sector in particular or welfare of children in general, the involvement of the education professionals should be put as a priority before the law is subjected to other interested parties and the legislature. This will ensure that crucial aspects of Education as professional is taken care off. Thus avoiding unnecessary friction.
- 5) It is recommended that a legal framework should be put in places to ensure that the student who commits crimes that are punishable by the law are in away made responsible for their did.

5.6 Suggestions for further research

The following suggestions for further research, arising from the findings and conclusions of the study need to be looked into;

- i. The proposed course out-line for the school Administrators should be subjected to the process of curriculum development so as to identify the best mode of implementation.

- ii. Taking into consideration the large number of public teachers or public school administrators in the country, an economic study needs to be carried out to find the most cost effective method or mode to implement the training.
- iii. Although the study was based on assumption that the legal issues are as a result of social-political changes, there is a need to carry out a study on actual causes of the legal issues. This will act as a basis for creating preventive strategies for the legal issues in learning institutions.
- iv. The situation of the respect for human rights in schools needs to be looked in to particularly those related to students rebellion.
- v. There is a need to replicate the study on purely urban and rural areas and fairly large areas in order to get better picture of the situation

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APPENDIX I

LETTER FOR INTRODUCTION TO SCHOOL ADMINISTRATORS

UNIVERSITY OF NAIROBI
KIKUYU CAMPUS
P.O. BOX 72,
KIKUYU.

Dear Sir/Madam,

Thank you very much for accepting to participate in this study. The purpose of this study is to establish whether there is a need for Para-legal course (that is a basic course on law) for school administrators.

Please read instructions carefully and kindly respond to all the items in questionnaire.

Yours faithfully,

Gachara John,

M.Ed student,

Department of Education Administration and Planning,

University of Nairobi.

APPENDIX II

INSTRUCTIONS

The questionnaire is designed into four sections a, b, c and d. and has a total of 19 items only.

Your response will be completely anonymous and will be used by researcher for the purpose of study only. All information in questionnaires is confidential.

Please do not write your name or the name of your school anywhere on the questionnaire.

QUESTIONNAIRE**1.0 Section A: (tick only one answer)**

1.1 State your gender

- a) Male
- b) Female

1.2 State your high-test professional/academic qualification

- a) Diploma
- b) Under graduate degree (BED, BA, BSC, or PGDE0
- c) Post graduate degree (MED, MA, MSC, or PHD)

1.3 What is your teaching experience?

- a) Between five to ten years
- b) Between ten to fifteen years
- c) Above fifteen years

1.4 State the category of your school

- a) Boarding school
- b) Day school
- c) Day boarding school

1.5 State the nature of your school

- a) Boys school
- b) Girls school
- c) Mixed School

2.0 Section B (Tick only one answer)

2.1 What is the purpose of the law in the society?

- a) To enhance justice for all
- b) For the purpose of governance
- c) For controlling people
- d) For helping judges in courts of law
- e) Not sure

2.2 Is the knowledge of operation of legal system in country necessary for school administrators?

- a) It is very necessary
- b) It is necessary
- c) It may be necessary
- d) I am not sure
- e) It is not necessary.

2.3 In terms of solving most disputes in schools, what is the role of the administrators?

- a) Advisers
- b) Arbitrators
- c) Judges
- d) Witness
- e) None of the above

2.4 Among the school personnel, who are best placed in terms of developing, advocating and reforming the legal provisions affecting the school operations.

- a) Administrators
- b) Ordinary teachers
- c) Board of governor's members
- d) Supportive staff
- e) Students

2.5 In order to solve legal problems that schools encounter. The school demonstrators require:

- a) A short tailored training on basic knowledge of law
- b) Attend various workshops/seminars on legal issues in schools
- c) Degree or Diploma in law
- d) Be of good moral
- e) Not sure

2.6 At what level do the school administrators currently undertake legal training/course

- a) Degree level _____
- b) Diploma level _____
- c) Certificate level _____
- d) On job training _____
- e) None of the above _____

3.0 Part C (Fill in the blanks)

3.1 List any five sources of laws in Kenya

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

3.2 State any five major types or categories of laws

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

3.3 List any five courts of law found in legal system of Kenya?

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

3.4 State any five laws of persons

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

4.0 Part D (fill in the blanks)

4.1 List any five major problems you have encountered as a school administrator that have required a legal redress (at any station that you have ever served)

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

4.2 What are some of the legal provisions that may/could have assisted in redressing the above problems. A part from TSC ACT and EDUCATION ACT

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

4.3 State any other method that you may have applied to solve the above problems.

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

APPENDIX III

OFFICE OF THE PRESIDENT

Form "DISTRICT", Kiambu
 and Kiambu Office 22121,
 22122 and 22123

replying please quote

to O.A.R. 3/9/1962.VY/210
 and date



THE DISTRICT COMMISSIONER
 P.O. Box 32-00900
 KIAMBU


10th September, 1963

All Divisional District Officers,
KIAMBU.

RE: RESEARCH AUTHORIZATION

This is to inform you that Mr. John Gachara of the University of Nairobi has been authorized to conduct research on "Assessment for the Public Secondary Schools Administrators" within the district for a period ending 31st January 2004.

You are therefore hereby asked to accord him the necessary assistance whenever he conducts research in your Division.


 J.K. MUKARA
 For: DISTRICT COMMISSIONER
K I A M B U .






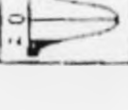
C.C.







The District Education Officer,
KIAMBU.

Mr. John Gachara
 University of Nairobi
 P.O. Box 30197
NAIROBI.

APPENDIX IV

Table B-1 Areas under the normal curve

					
0.50 0.51 0.52 0.53 0.54	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50
0.20 0.21 0.22 0.23 0.24	0.20 0.21 0.22 0.23 0.24	0.20 0.21 0.22 0.23 0.24	0.20 0.21 0.22 0.23 0.24	0.20 0.21 0.22 0.23 0.24	0.20 0.21 0.22 0.23 0.24
0.30 0.31 0.32 0.33 0.34	0.30 0.31 0.32 0.33 0.34	0.30 0.31 0.32 0.33 0.34	0.30 0.31 0.32 0.33 0.34	0.30 0.31 0.32 0.33 0.34	0.30 0.31 0.32 0.33 0.34
0.40 0.41 0.42 0.43 0.44	0.40 0.41 0.42 0.43 0.44	0.40 0.41 0.42 0.43 0.44	0.40 0.41 0.42 0.43 0.44	0.40 0.41 0.42 0.43 0.44	0.40 0.41 0.42 0.43 0.44
0.50 0.51 0.52 0.53 0.54	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50	0.50 0.50 0.50 0.50 0.50

								
	0 - z	z - 0	z	0 - z	z - 0	z	0 - z	z - 0
1.65	.4505	.3495	2.22	.4868	.3132	2.79	.4976	.3024
1.66	.4515	.3485	2.23	.4871	.3129	2.80	.4978	.3022
1.67	.4525	.3475	2.24	.4875	.3125	2.81	.4979	.3021
1.68	.4535	.3465	2.25	.4878	.3122	2.82	.4980	.3020
1.69	.4545	.3455	2.26	.4881	.3119	2.83	.4981	.3019
1.70	.4554	.3446	2.27	.4884	.3116	2.84	.4982	.3018
1.71	.4564	.3436	2.28	.4887	.3113	2.85	.4983	.3017
1.72	.4573	.3427	2.29	.4890	.3110	2.86	.4984	.3016
1.73	.4582	.3418	2.30	.4893	.3107	2.87	.4985	.3015
1.74	.4591	.3408	2.31	.4896	.3104	2.88	.4986	.3014
1.75	.4599	.3401	2.32	.4898	.3102	2.89	.4987	.3013
1.76	.4608	.3392	2.33	.4901	.3099	2.90	.4988	.3012
1.77	.4616	.3384	2.34	.4904	.3096	2.91	.4989	.3011
1.78	.4625	.3375	2.35	.4906	.3094	2.92	.4990	.3010
1.79	.4633	.3367	2.36	.4909	.3091	2.93	.4991	.3009
1.80	.4641	.3359	2.37	.4911	.3089	2.94	.4992	.3008
1.81	.4649	.3351	2.38	.4913	.3087	2.95	.4993	.3007
1.82	.4656	.3344	2.39	.4916	.3084	2.96	.4994	.3006
1.83	.4664	.3336	2.40	.4918	.3082	2.97	.4995	.3005
1.84	.4671	.3329	2.41	.4920	.3080	2.98	.4996	.3004
1.85	.4678	.3322	2.42	.4922	.3078	2.99	.4997	.3003
1.86	.4686	.3314	2.43	.4925	.3075	3.00	.4998	.3002
1.87	.4693	.3307	2.44	.4927	.3073	3.01	.4999	.3001
1.88	.4699	.3301	2.45	.4929	.3071	3.02	.5000	.3000
1.89	.4706	.3294	2.46	.4931	.3069	3.03	.5001	.2999
1.90	.4713	.3287	2.47	.4932	.3068	3.04	.5002	.2998
1.91	.4719	.3281	2.48	.4934	.3066	3.05	.5003	.2997
1.92	.4726	.3274	2.49	.4936	.3064	3.06	.5004	.2996
1.93	.4732	.3268	2.50	.4938	.3062	3.07	.5005	.2995
1.94	.4738	.3262	2.51	.4940	.3060	3.08	.5006	.2994
1.95	.4744	.3256	2.52	.4941	.3059	3.09	.5007	.2993
1.96	.4750	.3250	2.53	.4943	.3057	3.10	.5008	.2992
1.97	.4756	.3244	2.54	.4945	.3055	3.11	.5009	.2991
1.98	.4761	.3239	2.55	.4946	.3054	3.12	.5010	.2990
1.99	.4767	.3233	2.56	.4948	.3052	3.13	.5011	.2989
2.00	.4772	.3228	2.57	.4949	.3051	3.14	.5012	.2988
2.01	.4778	.3222	2.58	.4951	.3049	3.15	.5013	.2987
2.02	.4783	.3217	2.59	.4952	.3048	3.16	.5014	.2986
2.03	.4788	.3212	2.60	.4953	.3047	3.17	.5015	.2985
2.04	.4793	.3207	2.61	.4955	.3045	3.18	.5016	.2984
2.05	.4798	.3202	2.62	.4956	.3044	3.19	.5017	.2983
2.06	.4803	.3197	2.63	.4957	.3043	3.20	.5018	.2982
2.07	.4808	.3192	2.64	.4959	.3041	3.21	.5019	.2981
2.08	.4812	.3188	2.65	.4960	.3040	3.22	.5020	.2980
2.09	.4817	.3183	2.66	.4961	.3039	3.23	.5021	.2979
2.10	.4821	.3179	2.67	.4962	.3038	3.24	.5022	.2978
2.11	.4826	.3174	2.68	.4963	.3037	3.25	.5023	.2977
2.12	.4830	.3170	2.69	.4964	.3036	3.26	.5024	.2976
2.13	.4834	.3166	2.70	.4965	.3035	3.27	.5025	.2975
2.14	.4838	.3162	2.71	.4966	.3034	3.28	.5026	.2974
2.15	.4842	.3158	2.72	.4967	.3033	3.29	.5027	.2973
2.16	.4846	.3154	2.73	.4968	.3032	3.30	.5028	.2972
2.17	.4850	.3150	2.74	.4969	.3031	3.31	.5029	.2971
2.18	.4854	.3146	2.75	.4970	.3030	3.32	.5030	.2970
2.19	.4857	.3143	2.76	.4971	.3029	3.33	.5031	.2969
2.20	.4861	.3139	2.77	.4972	.3028	3.34	.5032	.2968
2.21	.4864	.3136	2.78	.4973	.3027	3.35	.5033	.2967

Source: Richard Rumson and Audrey Hater, *Fundamentals of Behavioral Statistics*, 2nd edition (Reading, Mass.: Addison-Wesley Inc., 1971). Copyright by Random House Inc. Reprinted by permission.

APPENDIX V

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THIS IS TO CERTIFY THAT:

Prof./Dr./Mr./Mrs./Miss JOHN SACHARA

of (Address) UNIVERSITY OF NAIROBI
P.O. BOX 30197, NAIROBI

has been permitted to conduct research in _____

_____ Location,
KIAMBU District,
CENTRAL Province.

on the topic ASSESSMENT FOR THE PUBLIC
SECONDARY SCHOOLS ADMINISTRATORS IN
KIAMBU DISTRICT

for a period ending 31st January, 2004

Research permit No. 13/001/33C.236

Date of issue 8th September, 2003

Fee received Sh. 500



Applicant's
Signature

For:

A. G. KAARIA
Permanent Secretary,
Office of the President
EDUCATION

Ministry
of Education
P. O. Box 30197, Nairobi