

Low Cost Private Schools: School Choice for the poor at the expense of Quality?



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This report was developed by:

- **The East African centre for Human Rights (EACHRights)**. Which is a regional Non-governmental organization which promotes the realization of economic social and cultural rights

Being supported by the following organisations

- **The Open Society foundations (OSF)**

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Acknowledgements

The East African Centre for Human Rights (also known as EACHRights), is a non-partisan, regional Non-Governmental Organisation that seeks to promote, protect and enhance human rights in East Africa with an emphasis on economic and social rights among vulnerable and marginalised groups. The data for this report was collected in 2016 by EACHRights team led by Mr. Abraham Ochieng and supported by Ms. Margaret Wawira.

We acknowledge Mr. Ken Oyier for his assistance in the data collection and for mobilizing the various participants involved in the research.

We thank all the policy makers, parents, pupils and teachers that took part in this research. Indeed, without their participation this research would not have been possible.

We are extremely grateful to Open Society foundations (OSF) for their technical and financial support towards the research.

The findings and recommendations herein do not necessarily represent the views of any of these partners.

All the data used in the report is drawn from the data collected in 2016.



Cleophas Maragia
Chief Executive Officer
The East African Centre for Human Rights

Executive Summary:

Key Issues Addressed in The Report

This report is titled *Low Cost Private Schools: School Choice for the poor at the expense of Quality?* It addresses the existence and operation of low cost private schools in Kenya. The research was conducted in Homa Bay County, Ndhiwa Sub- County where 11 schools were sampled for the research and over 131 interviews conducted. The interviewees comprised of policy makers, School manager's/Head teachers, teachers, Parents and Pupils. The research sought to determine the existence, operation and legal status of low- cost private schools in a rural setting. It set to look into the various aspects of their operation including how they are managed, the kind of curriculum they use, the number and qualification of teachers employed, the fees charged and how affordable it is to the target community, school infrastructure, the schools' relationship with the government, and how regularly they are monitored and regulated. Seven facts were deducted from the research as follows:

Fact 1, Affordability: More than two thirds of parents with children in Low-cost private schools can barely afford to pay fees and often have to forego some basic needs in the quest of ensuring their children receive Quality Education.

Fact 2, Teachers qualification and Teacher to Pupil ratio: 90% of teachers in public schools are TSC certified whereas 90% of teachers in Low-Cost Private Schools are not TSC certified.

Fact 3, Accessibility: Pupils have to walk long distances to access public schools.

Fact 4: School Infrastructure is poor in both public and low-cost private schools.

Fact 5: School management: 90% of schools visited do not have Parents-Teachers Associations and are in the process of establishing Boards of Management.

Fact 6: Most of the Schools visited were not Registered

Fact 7: Monitoring and Regulation of Low-Fee Private Schools in Homa Bay County is poor.

Fact 8: The Community Perceives the quality of education in Low-Fee Private Schools as higher than that in public schools.

Recommendations

- i. *Put in place a strong monitoring system for the National and County Governments to be able to monitor and regulate private schools.*
- ii. *Establishment and Activation of Parents- Teachers' Associations to enhance engagement of parents in the day to day running of the schools to ensure that they are involved in decisions affecting their children.*
- iii. *Strengthening of Boards of Management to effectively execute their mandate effectively.*
- iv. *Increase Budgetary Allocation by the National Government to the Quality Assurance and Standards department to enhance monitoring and regulation of private schools and public schools.*
- v. *Take all necessary measures, to avoid any direct or indirect harmful impact of the private educational sector and to ensure that the private sector contributes to the fulfilment of the right to education for all in Kenyans, and review and amend if necessary its laws and policies governing private education providers to ensure the enjoyment of the right to education without any discrimination.*
- vi. *Implementation of the APBET policy under the National Basic Education act and the development of private education in the last ten years, in the light of its obligations to ensure that private education supplements but does not replace public education and does not foster discrimination.*
- vii. *Regular data collection by the government and on the operation of Low Cost private schools to inform planning.*
- viii. *Implement performance contracts to enhance supervision of teachers in public schools.*
- ix. *The Government to review its current public-private partnership policy in the education sector, and redistribute funds to develop free quality public education as a matter of priority.*

Disclaimer

All the information contained in this report was collected from interviews with relevant participants and is presented as it was given as of February 2016 and the situation could have changed since then. EACHRights had no way of verifying how true or false the information provided was.

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Acronyms

APBET Guidelines	Alternative Provision of Basic Education and Training Guidelines
APBET Policy	Alternative Provision of Basic Education and Training Guidelines
CDE	County director for Education
CQASO	County Quality Assurance and Standards officer
CS	Cabinet Secretary
DEB	District Education Board
DFID	UK Department for International Development
EACHRights	The East African Centre for Human Rights
ECD	Early Childhood Development
EMIS	Education Management Information System
KICD	Kenya Institute for Curriculum Development
LCPS	Low Cost Private Schools
MoEST	Ministry of Education Science and technology
OSF	Open Society Foundation
SAPs	Structural Adjustment Programmes
TSC	Teachers service Commission

Introduction

Prior to 1990, the number of private schools in Kenya was negligible. The 1980s was however characterized by dwindling participation in formal schools, which was aggravated by the structural adjustment programmes (SAPs) that were designed to achieve accelerated economic growth. One of the visible outcomes of the SAPs in the education sector was reduced public expenditure on education. As a result, cost sharing in education was introduced. This resulted in many disadvantaged children, especially girls, from the rural communities, the urban poor and children with disabilities, not accessing formal education due to prohibitive costs associated with schooling. This was also an era characterized by widening social and economic disparities that evidenced increasing levels of poverty.

Despite the fact that education is now recognized in Kenya's constitution as a human right, privatization of education has been growing at an alarming rate without the corresponding monitoring and regulation by the State. In fact, the State has encouraged the growth of private schools through enactment of favourable policies. The growth of private actors in education is leading to inequalities and segregation in Kenya's society.

Privatization in education is a growing global phenomenon threatening the right to education in many countries. An increasing body of research is examining the impact of these developments on human rights and social justice.

The role of private actors in education in Kenya on the realization of the right to education has come into sharp focus, especially its impact on access to education in non-formal settlements, its effect on the freedom to choose quality education, adequacy of regulatory framework for private schools, and on segregation and discrimination. However, data on private basic education sector in Kenya – as in many countries in East Africa – is largely unavailable or unreliable, particularly recent data corresponding to the rapid growth in the sector.

In a bid to delve deeper, EACHRights with the support of the Open Society Foundation decided to conduct research in Homa Bay County with the objective of mapping out the role and impact of private actors in education in a rural setting. The research was aimed at investigating the existence of low cost private schools in Homa Bay county, its operations and the impact of the said schools in a rural setting. Over 135 participants were interviewed including policy makers, school manager's/head teachers, Teachers, Parents, and pupils.

Privatization in Education in Kenya

As mentioned above, there has been a tremendous growth in the numbers of private actors in providing education in Kenya over the years. However, while the development of private schools in the 1980s-1990s was propagated by the cost sharing policy that followed the structural adjustment plans pushed by the World Bank, forcing many students out of the formal school system due to cost factors, a more tremendous growth of private schools has been observed since the introduction of the free primary education (FPE) program in 2003. This massive increase in development of private schools has been mostly attributed to the influx of

students into public schools and resultant deterioration in quality due to overstretched facilities.¹

The high escalation in number of private schools has most severely been felt in informal settlements where there is exceptionally high use of private schools. Kenya's urban informal settlements experience severe shortage in supply of basic services. Government schools are not sufficiently available, the few available schools are found only at the periphery of these areas, making them inadequately available and inaccessible by most children. Failure by the State to provide sufficient number of public primary schools has led to tremendous growth of private low cost schools which have developed to fill in the demand gap.² Since the introduction of free primary education, more children from urban informal settlements have been attending private primary schools. In urban areas such as Nairobi, Eldoret and Mombasa, more than 50% of children attend so called "low-fee" private schools.³

A research conducted in 2003 in Kibera, the largest informal settlement in Kenya, recorded a total of 76 private primary and secondary schools.⁴ These total figures should be compared to a mere total of only five government schools serving the area, and which are all located on the peripheries of the slum. A further study of the area by the researchers four years later revealed that the number of private schools had increased substantially to a total of 116 in 2007, which is an increase of about 52.6% in a span of 4 years.⁵ During the same period, no new public schools were built in the area by the state.

Numbers, of primary school institutions, both public and private, between 1998 and 2013

Year	Number of public schools	Number of private schools	Percentage of private schools
1998	16971	385	2%
1999	17054	569	3%
2000	17381	1236	7%
2001	17544	1357	7%
2002	17683	1441	8%

¹ Allavida Kenya, 2012, Access to and Quality of basic education in Kibera

² James Tooley et al, (2008) Impact of free primary education in kenya, a case study of private schools in kibera,

³ APHRC, Quality and Access to Education in urban informal Settlements in Kenya, October 2013, <http://aphrc.org/publications/quality-and-access-to-education-in-urban-informal-settlements-in-kenya>

⁴ James Tooley et al, (2008) Impact of free primary education in kenya, a case study of private schools in kibera,

⁵ Dixon and Tooley; 2007, a case study of private schools in kibera.

2003	17697	5857	25%
2004	17804	6839	28%
2005	17807	7547	30%
2006	17964	7983	31%
2007	18063	8041	31%
2008	18130	8076	31%
2009	18543	8124	30%
2010	19059	8434	31%
2011	19848	8719	31%
2012	20307	8824	30%
2013	21205	8917	30%

Source: Kenya Economic Surveys from 2002 - 2014

From the above data gathered from various Kenya Economic Surveys from 2002 to 2014, it is evident that the private actors in education have increased from about 2% in 1998 to about 30% in 2013. However, it is worth noting that these statistics do not account for private informal schools, including in particular the “low-cost private schools”

Low-Cost Private Schools at a glance

Low-cost private schools is a term used to refer to schools that target relatively poor households by offering education at a low cost, but also in most cases, often low quality. Low-cost private schools have developed as a response to the demands of the immediate situation for a functional or compensatory education rather than as a projected deliberate educational planning. They have played an increasing role, and for instance, it is estimated that at least 52% of children in Kibera informal settlement in Nairobi attend private low-cost private schools.⁶ There could be about 2,000 non-formal schools in Kenya, with over 500,000 pupils, who are not counted in statistics. The proportion of private education is thus probably much higher than the official statistics show.⁷

⁶ Allavida Kenya, 2012, access to and quality of basic education in Kibera.

⁷ <https://mtaaniinsight.wordpress.com/2014/09/03/kenyas-education-sector-marred-by-muddles/>

The Legal Framework on Education in Kenya

i. The Constitution of Kenya 2010

Basic education in Kenya is recognised as a human right in article 43(1) (f) of the Constitution of Kenya 2010 which acknowledges that every person has the right to education. Every child's right to free and compulsory basic education is entrenched in article 53 (1), and is not subject to progressive realisation – contrary to article 43.

Article 2 (6) of the Constitution recognises that “any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution”. Kenya has ratified the African Charter on Human and Peoples' Rights (Banjul Charter) in 1992, the International Covenant on Economic, Social and Cultural Rights ratified in 1972, Convention on the Rights of the Child, ratified in 1990 - all of which protect the right to basic education and now form part of the laws of Kenya, legally binding on the State.

However, the protection and enforcement of this right cannot be achieved by providing for it in the Constitution alone. It is also necessary to enact supporting legislation to further expound on this right and set out the specific procedures that will facilitate its realization, along with the administrative structures that will enforce the processes.

ii. The 2009 Kenya Policy on Alternative Provision of Basic Education and Training

The 2009 Kenya Policy on Alternative Provision of Basic Education and Training (APBET Policy) was enacted before the 2010 Constitution and is still the policy in force guiding provision of alternative basic education in Kenya. The Policy has not been reviewed to align with the 2010 Constitution and therefore should not be relied on fully. This situation is aggravated by the fact that no specific legislation has been enacted to operationalize the policy and it was not comprehensively incorporated into the Basic Education Act 2013.

Nonetheless, according to then Minister for Education, Professor Sam Onger, the APBET Policy was intended to “provide the necessary guidelines to streamline the development and management of alternative channels that provide education and training to needy Kenyans.” The Policy acknowledges that non-formal education programmes should maintain links to the formal education system or else it may degenerate into a parallel, inferior system for disadvantaged learners. Ideally therefore, non-formal schools should follow the official primary school curriculum leading to national examinations and should be regulated closely to ensure the right quality and standards of education are maintained. Towards this end, the Policy declares that the Ministry of Education (MoEST) should take measures to protect children from exploitation through provision of sub-standard education and services, by ensuring that all institutions meet minimum quality standards. The Government is therefore aware of the danger of leaving non-profit schools insufficiently regulated and should do more to effectively regulate these schools.

The APBET Policy defines basic education as ‘a wide range of educational activities offered in formal, informal and non-formal settings.’ The policy does not provide a definition for informal education, but describes non-formal education as ‘any organized, systematic and quality education and training programs, outside the formal school system, that are consciously aimed at meeting specific learning needs of children...’ This provision creates ambiguity on what then is informal education and how does this differ- if at all – from non-formal education. The APBET

Policy also provides that ‘non-formal schools’ are institutions that resemble formal schools in that they aim at transmitting a formalised curriculum leading to formal school examinations. They however differ in school practices, management, financing, staffing conditions, registration, operating environment and school structures.

The policy also addresses ‘alternative provision’ of basic education, which seeks to provide an option/choice that is responsive and relevant to the needs of the targeted population; ‘these options must have parity of esteem and convey comparable chances.’ On the other hand, it also creates ‘complimentary provision’ of education which is that which adds on or complements education. The Policy further explains that complementary education seeks to integrate the school with community and social realities. In practice, there has been confusion among institutions on what school’s amount to non-formal, informal or complementary. The fragmentation in the sector is a reflection of the confusion in the legal structure.

The guiding principles for APBET institutions are:

- a) Access to education
- b) Inclusion
- c) Equity of provision
- d) Alternative education provisions (providing formal education to those excluded)
- e) Safe, friendly, protective learning environments
- f) Quality education

The APBET Policy provides that all the APBET institutions must be registered with the Ministry of Education. Registration is only granted upon evidence of need and the learning institution should meet the accepted minimum standards of quality as stipulated by law. However, special guidelines are to be developed for non-formal education institutions in urban areas that take into account acreage limitations. This is the foundation for the Registration Guidelines for Alternative Provision of Basic Education and Training, issued in March 2015.

For an institution providing alternative basic education and/or training, registration or attachment to a registered institution is a prerequisite for benefiting from resource allocation from the government, although the policy also supports public-private partnerships, encouraging the private sector to contribute to alternative learning institutions within the limits of the policy framework. It calls upon communities, organizations, the government and other partners to work together for resource mobilization, and adds that any alternative institution financed by the government shall not charge levies without approval as per guidelines enacted by the Ministry of Education.

These institutions may use borrowed or rented space provided it meets acceptable standards of size, quality, safety, sanitation and play facilities. Further, all alternative provisions shall be staffed by trained teachers and the Ministry of Education is to facilitate further teacher training. In practice many of these guidelines have not been complied with but the Government is not doing much to enforce compliance. In the meantime, the right to free, quality basic education is violated.

The issue of quality assurance and standards is addressed briefly in the APBET Policy which provides that this function should include supervision of curriculum implementation and monitoring educational institutions and facilitators. This process should entail:

- (a) Assessing all the institutions offering alternative education, including those not registered under the Ministry of Education
- (b) Reviewing the learning and teaching materials
- (c) Advising on the curriculum evaluation
- (d) Designing in-service training for teachers in alternative education institutions
- (e) Supervision of curriculum delivery

iii. The Basic Education Act, No. 14 of 2013

The Basic Education Act, 2013 repealed the Education Act, enacted in 1980 (last revised in 2012). The Basic Education Act sought to streamline the provision of education in institutions of basic education, in line with the 2010 Constitution. The Act applies to all institutions of basic education, whether public or private. According to the Act, private schools are those established, owned or operated by private individuals, entrepreneurs and institutions, under this definition therefore, institutions offering APBET may be classified as 'private schools'.

The Act does not mention APBET expressly, but defines non-formal education as any organized educational activity taking place outside the framework of the formal education system and targets specific groups/categories of persons with life skills, values and attitudes for personal and community development. This definition elaborates on the definition for non-formal schools given in the APBET Policy which was in more general terms.

The Act goes on to set out very elaborate guiding principles for the provision of basic education, starting with the right of every child to free and compulsory basic education. The guiding principles also include:

- a) the importance of quality and relevance,
- b) equitable access for the youth to basic education
- c) accountability and democratic decision making within the institutions of basic education;
- d) protection of every child against discrimination within or by an education department or education institution on any ground whatsoever;
- e) protection of the right of every child in a public school to equal standards of education including the medium of instructions used in schools for all children of the same educational level,
- f) promotion of good governance, participation and inclusiveness of parents, communities, private sector in the development and management of basic education,
- g) transparency and cost effective use of educational resources and sustainable implementation of educational services;
- h) non-discrimination, encouragement and protection of the marginalized,

i) provision of appropriate human resource, funds, equipment, infrastructure and related resources that meet the needs of every child in basic education.

The Act provides for ‘sponsors’ who are person or institution making a significant contribution and impact on the academic, financial, infrastructural and spiritual development of an institution of basic education, and their role under Section 27 includes offering financial and infrastructural support, participating in reviewing the syllabus, curriculum, and so forth. It therefore appears that provision of financial support as is done by the World Bank for Bridge International Academies is approved under this provision. However, the Basic Education (Amendment) Bill 2014 seeks to redefine the term sponsor to mean a person or institution that owns land or property on which an institution of basic education is instituted, and who provides foundational objectives to the institution and ensures that the educational and non-curricular objectives of the institution of basic education are met. Under this definition, entities that contribute to the school only through financial donations would no longer be considered sponsors.

Section 28 of the Act reaffirms the right of every child to free and compulsory basic education, and towards the realisation of this right the Cabinet Secretary for Education is mandated to establish primary schools within a reasonably accessible distance within a county. The State’s failure to establish a sufficient number of schools within the Mathare area is therefore contradiction of this provision.

Public schools are prohibited from charging tuition fees; however other charges may be imposed by the schools with the approval of the Cabinet Secretary in charge of education. Regardless of the proviso stating that no child should be prohibited from attending school because of failure to pay these added charges, this calls into question whether basic education is actually ‘free’ in Kenya when the State allows imposition of prohibitive costs. The responsibility of the Government is further highlighted in Section 39 of the Act. The Cabinet Secretary has the duty to provide free and compulsory basic education to every child and also, importantly, the State is obliged to “ensure that children belonging to marginalized, vulnerable or disadvantaged groups are not discriminated against and prevented from pursuing and completing basic education.” The under-regulated low-fee private schools have been found to perpetuate discrimination and segregation in the society, primarily in children from the urban slums, who are already considered vulnerable and marginalized.

The standards and quality of basic education institutions is to be established by the Cabinet Secretary in consultation with stakeholders, and monitored and enforced by the Education Standards and Quality Assurance Council established in Section 64 of the Act.

Section 76 of the Basic Education Act of 2013 provides that a person shall not offer basic education in Kenya unless that person is accredited and registered as provided for under the Act. This would exclude APBET institutions from validity because many of them are not run by accredited, registered persons.

Section 95 (3)(i) and (j) provides that the Cabinet Secretary, upon consultation with the National Education Board, may prescribe regulations on how schools shall be classified, and make different provisions with respect to different classes or kinds of schools, impose conditions and make exemptions. Pursuant to this power, the Cabinet Secretary drafted the

Basic Education Regulations in April 2015 and the Registration Guidelines for APBET institutions.

iv. The Basic Education Regulations, 2015

The Basic Education Regulations gazetted on 4th April 2015 by the Cabinet Secretary for Education, Science and Technology apply to both public and private institutions drawing from the provision on application in the parent Act. The issue of teacher training is addressed under Regulation 49 which provides that all persons deployed to teach in basic education institutions of learning and training shall be required to have undertaken a training program approved or recognized by the Cabinet Secretary (CS) and be registered by the Teachers Service Commission (TSC). The regulations define 'institution of basic education and training' broadly to include pre-primary, primary and secondary school. Therefore, alternative institutions of education should also ensure they have teachers who have undergone the appropriate training.

With regard to the curricula, Regulation 54(1) mandates the management in both public and private schools to ensure that the curriculum and instructional materials used in their institution have been either developed or approved by the Kenya Institute of Curriculum Development (KICD). However, Regulation 55 seems to override regulation 54 and permits institutions, in consultation with the respective parent's associations to recommend supplementary instructional materials for the pupils. There is no provision requiring the approval of KICD for this supplementary instructional materials and this may compromise the standards of education the children receive.

The mandatory facilities to be required in every institution of basic education and training are set out in Regulation 64. These include:

- (a) outdoor playing facilities and equipment, both for outdoors and indoors with provisions for persons with disabilities;
- (b) administrative offices;
- (c) sanitary facilities segregated by gender and age;
- (d) kitchen and dining room;
- (e) standard classrooms measuring 7m x 8m for 50 learners for primary school or 45 learners for secondary schools or standard classrooms measuring 7m x 6m for 25 learners for pre-primary learners;
- (f) store rooms; and
- (g) a science room or other rooms for specialized subjects.

Drawing from the APBET Policy, APBET schools may be allowed to share the facilities of other institutions subject to their approval.

Alternative provision of basic education and training is dealt with expressly in Part V of the Regulations; this is despite there being no mention of APBET institutions in the parent Act. In Regulation 68, APBET institutions are permitted to utilize facilities of other institutions upon request, and only curricula approved by the KICD shall be offered in all APBET institutions.

With regard to financial grants, Regulation 69 provides that “learners under the age of eighteen in (APBET institutions) shall be eligible for capitation grants under the free and compulsory education programme.” Further, under Regulation 75, institutions of alternative basic education shall be provided with grants for infrastructure improvement by the national government through the relevant Ministries. This is the justification

The regulations also refer to public institutions of alternative basic adult and continuing education, and provide that they may charge such levies as may be approved by the CS in consultation with the County Education Board.

v. Registration Guidelines for Alternative Provision of Basic Education and Training, March 2015

The APBET Registration Guidelines 2015 were developed with the intention of formally substituting the notion of non-formal schools with that of APBET institutions, this contradicts the position in the Basic Education Act which only refers to non-formal schools in limited terms and does not mention APBET institutions.

According to the Guidelines, APBETs are intended to supplement/compliment the government’s efforts to provide education and training for all. They express the hope that registration of APBET institutions will enhance accuracy of Education Management Information System (EMIS) data, which is important for national planning, and will also assist in enhancing the provision and coordination of support to the institutions.

The guidelines give a clearer definition of APBET as “an organised form of learning set up to deliver basic education and training to the disadvantaged persons who due to various circumstances cannot access formal schools.” It also provides that non-formal education is a component within APBET while non-formal education centres are institutions outside the formal education framework where specific categories of children, youth and adult learners acquire relevant knowledge, skills and attitudes.

A registered APBET institution can be de-registered for non-compliance with Basic Education Act, 2013 and any other applicable existing legal provisions, regulations and guidelines provided by the Ministry of Education, or if a petition before a court of law has been heard and determined against the institution.

Regarding curriculum, the registration guidelines require APBET institutions to avail copies of the approved syllabi, and adhere to timetabling guidelines, only departing from these with the approval of the County Director of Education or the sub-county education office. The institutions are further mandated to provide a variety of co-curricular and entertainment activities to enhance holistic development. The learners in these institutions should sit for prescribed national examinations as provided for under the Basic Education Act and the Kenya National Examinations Council (KNEC) Act 2012.

The teachers in APBET schools must meet the minimum entry requirements for teaching training for the level he/she will be teaching. However, at least one third of the teachers at the institution should have the relevant teacher training certificate from a recognised training institution and the rest of the teachers who have not received this certification must be undertaking a three year recognised in-service training. This is not the case in many non-formal

schools where the teachers have not undergone any training and are not enrolled in in-service training.

With respect to quality, the Education Standards and Quality Assurance Council (ESQAC) is mandated to carry out standards assessments, quality assure, monitor, evaluate and oversee the implementation of the APBET programmes for quality education. Despite being created in early 2015 the impact of ESQAC is yet to be felt.

APBET institutions which receive funds from the government are to be managed by a Board of Management, guided by the provisions of the Basic Education Act 2013 on governance and management of basic education and training.

With reference to physical facilities, APBET institutions may have classrooms, libraries, and other facilities that are smaller than the standard set for public schools, but shall maintain a spacing of at least 0.3 metre aisles in schools, and comply with the guidelines on health and safety for all learners as per the School Safety Manual published by the education Ministry.

Research Design and Methodology

Description of the Study Area

The Research was conducted in Ndhiwa Constituency in Homa Bay County. Homa Bay is a county in the former Nyanza Province of Kenya. The county has a population of 963,794 (2009 census) and an area of 3,154.7 km². Homa Bay County has a child rich population, where 0-14 year olds constitute 48% of the total population. This is attributed to high fertility rates among women as shown by the highest percentage household size of 4-6 members at 43%.

A total of 63% of Homa Bay County residents have a primary level of education only. A total of 20% of Homa Bay county residents have no formal education. Ndhiwa constituency has the highest share of residents with no formal education at 22%. This is 4 percentage points above Karachuonyo constituency, which has the lowest share of residents with no formal education. Ndhiwa constituency is 2 percentage points above the county average. Two wards, Kwabwai and Kabuoch/Pala, have the highest percentage of residents with no formal education at 24% each. This is 9 percentage points above Kendu Bay Town ward, which has the lowest percentage of residents with no formal education. Kwabwai and Kabuoch/Pala are 4 percentage points above the county average.

Homa Bay County has 1,183 Early Childhood Development (ECD) centers served by 1,326 ECD teachers and 905 primary schools served by 5,385 teachers. At the tertiary level, the county hosts one public Teacher Training Colleges at Asumbi and one public Technical Training Institute at Mawego. Ndhiwa Sub-county is host to 152 primary schools being served by 1140 teacher. Already, from the figures there is a shortfall of 240 teachers.

Data Collection Instruments

This research utilized the qualitative approach to find answers for the objectives and major related issues. Both primary and secondary methods of data collection were used in this research. Under primary data method information was collected by conducting focus group

discussion with pupils and parents from both public and low-cost private schools. On top of this, interviews were conducted with the Key informants, teachers and head teacher's/School managers.

Well-structured Interview guidelines were developed for the interviews and focus group Discussions.

Under secondary data method, Literature review was used and focused on past reports on the right to education and the impact of private actors in education at national, regional, national and at the county area levels.

Observational Study was also used in the research.

Research Sample

The research had targeted key informants, School managers/owners, head teachers, teachers, parents and pupils. The research was done in 12 primary schools. The schools were a mixture of public, registered low cost private schools and non-registered low cost private schools distributed all over Ndhiwa. The following table consist of a list of the schools involved in the research.

Table 1.0 Study sites

NDHIWA SUB-COUNTY		
NO	Name of school	Type of school
1.	Ongeng primary school	Public primary schools
2.	Ogango primary school	Public primary schools
3.	Langi primary school	Public primary schools
4.	Miranga primary school	Public primary schools
5.	Opapo friends Academy	Registered low cost private school
6.	Bahati academy	Registered low cost private school
7.	Okok Bethel Academy	Registered low cost private school
8.	Excel academy	Non-registered low-cost private school
9.	Bridge International Academy	Non-registered low-cost private school
10.	Hopeland Mission Academy	Non-registered low-cost private school
11.	St. Mary's Nyarongi Academy	Registered Low-Cost Private School

The following table highlights the list of respondents

Table 2.0: Respondents

NO.	CATEGORY OF RESPONDENTS	DETAILS
1.	Government Officials	1. Member of Parliament-Ndhiwa Constituency 2. CEC Education Homa Bay County 3. The Director of Education Homa Bay County 4. Teachers Service Commission (TSC) Director Homa Bay County 5. Homa Bay County Quality Assurance and Standards Officer
2.	Head Teachers, School Owners and School Managers	4 Head teachers 6 School Managers 1 Bridge International Academies Regional Manager for Homa Bay county.
3.	Teachers	26 Teachers
4.	Parents	24 parents
5.	Pupils	65 pupils

Key Findings

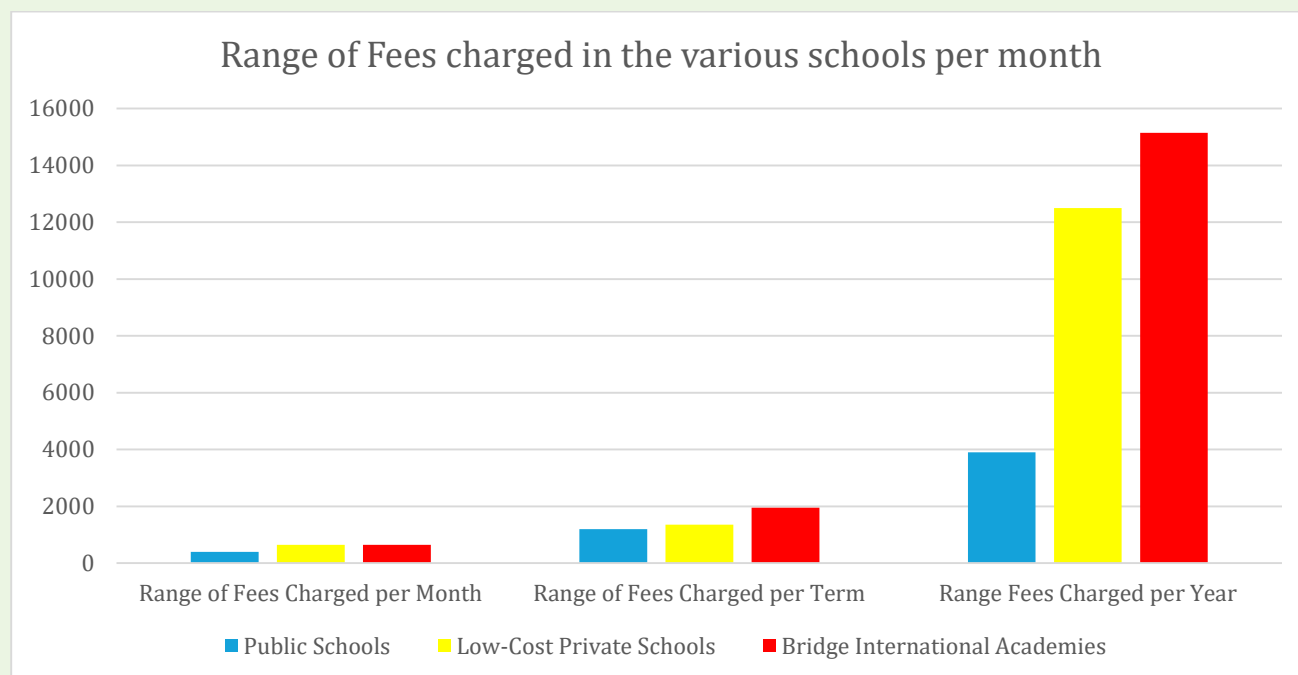
Table 1: Summary of Findings

School	Registered	Year open	Number of Pupils	Number of teachers	TSC certified teachers	Tuition Fees range per month	Lunch	Annual D.E. B	Others	Total Fees Per year
LOW- COST PRIVATE SCHOOLS (LCPS)										
School 1	No	2009	185	7	0	Kshs. 650	Kshs. 200	Kshs. 150	N/A	Kshs. 10,350
School 2	Yes	2006	286	13	6	Kshs. 2,400	N/A	Kshs. 150	N/A	Kshs. 28,950
School 3	No	2014	158	11	11	Kshs. 650		Kshs. 150	School uniform: Kshs. 900 Lunch per day: Kshs. 30	Kshs. 15,150
School 4	Yes	2002	264	13	13	1,800	Kshs. 30	Kshs. 150	-	Kshs. 22,000
School 5	No			12	0	Kshs. 1800	-	Kshs. 150	-	Kshs. 21750
School 6	No	2007	320	11	2	Kshs. 600		Kshs.150		Kshs. 7,350
School 7	Yes	2002		11	0	Kshs. 600			Exam fees per Term: Kshs. 200	Kshs. 7800
PUBLIC SCHOOLS										
School 8	Yes	1958	404	7	7	-	-	Kshs.150	Exam Fees per term: Kshs. 400 Activity fees per term: Kshs. 180	Kshs. 1740
School 9	Yes	1921	275	10	7	-	-	Kshs.150	Teachers Salary per term: Kshs. 250 Exam Fees per term: Kshs. 600	Kshs. 12,000
School 10	Yes	1985	292	8	8	Kshs. 290	-	Kshs.150	-	Kshs. 1020
School 11	Yes	1973	430	9	7	-	-	Kshs.150	Exam Fees Per term: Kshs. 180	Kshs. 690

All the Low-Cost private schools visited use the KICD approved 8-4-4 curriculum except for Bridge International Academies whose curriculum hasn't been approved yet.

Fact 1, Affordability: More than two thirds of parents with children in Low-Cost Private Schools can barely afford to pay fees and often have to forego some basic needs in the quest of ensuring their children receive “Quality Education”

Most of the schools visited charge a monthly fee that includes: Tuition, Lunch fee, School Uniform, DEB fee, activity fee and exam fees. The fees charged vary for different schools. The range of fees charged varies from a minimum of Kshs. 400 per month to a maximum of Kshs. 2,400. The following table projects a range of fees paid to public schools, Low- Cost private schools and Bridge International Academies.



Low-Cost private schools do not receive any form of support from the government and have to rely on fees paid by pupils to sustain the school.

Some of the children attending the schools are from extremely poor backgrounds and are often unable to raise the monthly fees. The schools rely on that money for the day to day running of the schools and to pay teachers and is therefore forced to send pupils unable to pay fees away until they raise fees. Some pupils confirmed having stayed home for weeks because their parents were unable pay their fees and therefore resulting to missing classes and remaining behind in class work.

Some Schools confirmed that they accept commodities such as farm produce, as fees.

Fact 2, Teachers qualification and Teacher to Pupil ratio: 90% of teachers in public schools are whereas 90% of teachers in Low-Cost Private Schools are not certified.

According to the TSC Director in Homa Bay, the county has a total of 6,788 teachers who are employed by the Teachers Service Commission and serve a total of 878 registered schools. Out of the total number of teachers mentioned above, 1,140 serve the 152 schools located in Ndhiwa sub-county. Further, she stated that as per the TSC Act, 2012, 1 teacher is expected to serve a class of about 40 -45 pupils and that each school must have 1 teacher per class in addition to the Head teacher. Therefore, a school of 8 classes (Class 1 to 8) should have 9 teachers. However, this is not the case in Ndhiwa Sub-county as most schools that were visited had an average of 6 teachers per school which means that there is a shortfall of 240 teachers in Ndhiwa Sub-County alone. The irony is that there are very many qualified teachers registered by the commission but the government cannot employ them due to financial constraints. In such instances, the head teachers together with the School Management Committees are forced to hire other teachers to bridge the gap and in most cases, the cost of hiring the teachers is usually transferred to the parents.

The TSC Act, 2012 provides guidance for the employment of teachers which indicates that all teachers should be registered by TSC regardless of whether they are teaching a private or public school. However, majority of the teachers in Low-Cost schools are not registered with the TSC. According to the TSC director, the department many unemployed teachers and therefore, the private schools that are failing to employ TSC certified teachers have no excuse not to employ qualified teachers.

“I like the way our teachers teach. They are friendly and are patient when explaining something we don’t understand.”

A pupil from a low cost Private school

Fact 3, Accessibility: Pupils have to walk long distances to access public schools.

Due to the shortfall in both number of public schools and teachers, this has an effect on the quality of education. The schools are not enough and therefore, the school going aged children in Homa Bay county have to walk long distances to access schools. The research also identified that out of all the Public and Low- Cost Private Schools visited, none of them had facilities for accessibility by children living with disabilities. In addition to physical access, none of the schools visited had a special needs unit and therefore, children who requires special attention are forced to learn with other students. This, in most cases, has caused the students to drop out of school as they are not well catered for and eventually affects their performance in class. The schools also lack trained special needs teachers who are supposed to cater for the students who have special education needs.

Fact 4, School Infrastructure: Both public and private schools have poor infrastructure.

Infrastructure is an integral part of the learning process. A school, according to the Ministry of Education must meet a certain criterion when it comes to infrastructure. However, as was identified in the course of the research, the infrastructure in all the schools fall short of the required standards. In most of the schools visited, the classrooms were poorly built, there are no playgrounds for children, the desks are uncomfortable for children to sit on all day. Some of the schools do not have enough classes and some students are forced to share classes for different lessons.



Picture of two classes in one at a Low-Cost Private School in Homa Bay county

The picture above is that of a class room at a Low-Cost private school. As is clearly visible, the room holds two different classes at one time. One side is class 3 and the other side is class 4. The

classrooms are poorly constructed and the classes do not have windows. The desks are in poor condition and uncomfortable for pupils. It was noted that most classroom floors are of loose soil and therefore a leading cause of respiratory illnesses that are faced by the students.

Sanitation facilities are a requirement for every school. In the case of most schools visited, there are only four latrines for pupils, that is, one pit latrine is for girls and one pit latrine for boys, and the other two for the teachers. The number of latrines in the schools is not sufficient as it was established that the schools have an average of 100 pupils per school.

In public schools, the infrastructure is relatively good compared to low cost private schools. However, the infrastructure of the schools, the classes and the desks especially at the very grassroots of Ndhiwa Sub-county are in bad condition.



Picture of a public primary School in Ndhiwa sub-county.

The above picture shows a public primary school in Ndhiwa sub-county. The physical buildings in most of the schools are made of mud and most are in very dilapidated conditions. The classrooms do not have windows or even doors which is a health hazard. The floors are of loose soil and some classes do not have roofs that are leak proof. The children are sometimes forced to fetch water from the nearby water sources to sprinkle on the floor to reduce the amount of dust coming from the floors. At the time of the visit to the school, it had been raining and because of the leaking rooftops the learning was distracted for the rest of the day.



An overcrowded class 2 at a low cost private school

Fact 5, School management: 90% of schools visited do not have Parents-Teachers Associations and are in the process of establishing Boards of Management.

The management of most schools visited is a responsibility of the head teachers and the school owners. 90% of the schools visited either did not have a Parents- Teachers Association or it was inactive. The guidelines of public school management require that a School Management Committee be established to oversee the management of the school affairs. From the research, it was established that in most public schools, the SMCs exist and have been playing their role as is expected though some are not active. In such cases, the management is left solely to the head teacher and the other teachers.

On the contrary, as mentioned above, most of the low cost private schools visited do not have in place the Parents-Teachers Associations. The research found out that parents are only involved in disciplinary cases or when the performance of their children is deemed to be below the expectation of the teachers. Some of the parents interviewed said that the only time they engage with the school is when their children are sent home for failure to pay school fees and they need to negotiate with the head teachers.

As a result of this, parents do not participate in crucial decisions involving the schools and in most cases, this results to a direct impact on their children's education.

Fact 6, Legal status: Most of the Schools visited were not Registered

Of all the Low-Cost private schools visited during the research 90% were not registered. For a school to be registered, the following items/documents are required in order to facilitate the processing of the registration: -

- I. Duly Completed and signed application forms for the institution.
- II. Duly Completed and signed application forms for the Manager of the institution.
- III. A recent Full School Inspection Report from the DEO's/MEO'S or PDE's Office (stamped & signed)
- IV. A detailed recent Public health/Sanitary Inspection Report (stamped and signed)
- V. Title/Deed/Allotment letter or a valid Lease Agreement covering a period of not less than 8 years.
- VI. Certified copies of professional and academic certificates of all teachers/Manager
- VII. Certified copies of registration certificates of the teachers with T.S.C.
- VIII. Supporting D.E.B minutes or Extract from the D.E.B minutes signed by the Secretary and Chairman
- IX. Site/Plan/Sketches of the institution showing the existing facilities and future development or extension plans.
- X. A copy of the Registration of the institution's Business Name under the Business Names Act or A certified copy of the registration of the organization as a Society or Limited Company and a copy of the Memorandum of Association.
- XI. Registration fees (Bankers Cheque made to the Permanent Secretary, Ministry of Education, Science and Technology). Money/Postal orders are NOT ACCEPTED

Most of the non-registered private schools do not meet the above outlined requirements and therefore have refrained from registering the schools with the ministry of education.

Fact 7, Monitoring and Regulation: Monitoring and Regulation of Low-Fee Private Schools in Homa Bay County is poor.

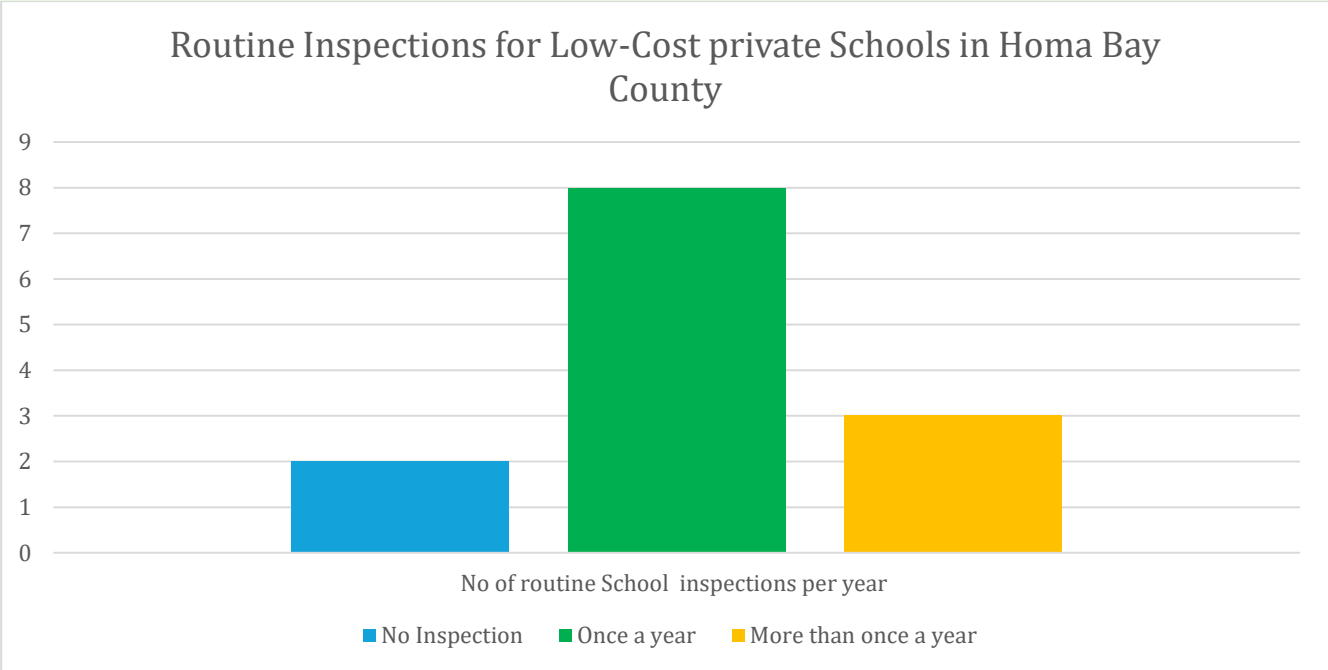
Regulations and guidelines that are put in place must be enforced and monitored to ensure that they attain the very purpose that they were established. The findings from the research has identified that there is poor monitoring and regulation of both public and private schools in Ndhiwa sub-county which is attributed to various factors.

The Department of Quality Assurance and Standards is responsible for the monitoring and regulation of schools in Homa Bay County. The department works hand in hand with the County Education Board which is responsible for the registration of schools in the county. The Department of Quality Assurance and Standards mandate includes all aspects of quality assurance and quality assessment. However, according to the head of quality assurance in the county, the department is under-resourced and ineffective. There are three quality assurance officers in the county expected to cover over 1,000 schools serving the county. This means that routine inspections are very minimal which provides leeway for unregistered schools to operate in the county. In most cases inspections are conducted based on complaints. Further, one of the major factors that has also contributed to the poor regulation and monitoring of schools in the county includes: an embargo on the recruitment of quality assurance officers since 2008.

The relevant policy makers in Homa Bay at the time of research were not privy to the APBET guidelines. However, they realize and acknowledge the need to regulate low cost private schools in the county which were said to be growing at an alarming rate.

All Low- cost private schools offer the KICD approved 8-4-4 curriculum except Bridge International Academies which were not conforming with monitoring.

A higher percentage of the Low-Cost private schools in Homa Bay County are not registered. Most of them are referred to as non-coaching centres and are allowed to operate as early childhood centres offering classes up to class 3.



Of the Schools visited during the research, most of them were inspected once a year. There are schools which have never been inspected at all and some that were inspected more than once. The inspections involved inspection of the following items:

- I. Registration certificate
- II. Number of teachers and qualifications
- III. Hygiene and sanitation
- IV. Teaching and learning environment
- V. Physical infrastructure

Of the inspections that were conducted, the inspector gives feedback after the inspection and offers recommendations to the schools on areas of improvement. Due to the constraints in the staff for quality assurance, the recommendations are often never followed through by the department.

Fact 8, Community Perceptions: The Community Perceives the quality of education in Low-Fee Private Schools as higher than that in public schools.

Quality of education can be measured from a number of perspectives that are not limited to: school infrastructure; teacher to student ratio; teacher qualification; sanitation facilities; and curriculum used. During the research, it was identified that the low cost private schools are more appealing to parents as opposed to the public schools. Some of the parents believe that their children receive personal care, that the teacher to pupil ratio is good compared to public schools, that the public schools are free and therefore quality cannot be guaranteed since the introduction of Free Primary Education in 2003. Overall, parents believe that their children will receive quality education in private schools.

The quality of education in public schools is perceived as low and the parents believe for the quality to be improved, the government needs to invest more in the education. This perception has made most parents with children in public schools to take them there as a result of having no other option. Most of the parents said that if they had the ability they would take their children to private schools.



Public Primary School in Homa Bay County in Nairobi

The picture above depicts one of the best public primary schools in Homa Bay County.

Challenges Faced by Public Primary Schools

1. FPE money is sent late.
2. Resources allocated are not enough
3. Teachers to pupil ratio is bad as there are insufficient teachers
4. Infrastructure in the school is insufficient

Directly from the pupils

I wish our school would be well fenced

- Pupil from a Bridge International Academy

The teachers are nice and patient and explain things we don't understand.

Pupil from a low-cost private school

I would like for us to have a playground for us to play over break time.

Pupil from a Low-Cost Private School

I don't like being in this school because we are caned and punished severely when we haven't finished homework, or when we are late to school.

- Pupil from a public School

We are punished by being caned, going to the farm and slashing grass. They are required to bring pangas (Machetes) and slashers from home and if they don't they are further punished and forced to use sticks to farm. We are also punished by being asked to collect firewood.

Pupil from a public School

I don't want to go to a public school because children perform poorly and are not taught well.

Pupil from a Low-Cost Private School

Conclusion and Recommendations:

Education is typically seen as a means of improving people's welfare. Studies indicate that inequality declines as the average level of educational attainment increases, with secondary education producing the greatest payoff, especially for women. There is considerable evidence that even in settings where people are deprived of other essential services like sanitation or clean water, children of educated mothers have much better prospects of survival than do the children of uneducated mothers. Education is therefore typically viewed as a powerful factor in levelling the field of opportunity as it provides individuals with the capacity to obtain a higher income and standard of living. By learning to read and write and acquiring technical or professional skills, people increase their chances of obtaining decent, better-paying jobs.

Education however can also represent a medium through which the worst forms of social stratification and segmentation are created. Inequalities in quality and access to education often translate into differentials in employment, occupation, income, residence and social class. These disparities are prevalent and tend to be determined by socio-economic and family background. Because such disparities are typically transmitted from generation to generation, access to educational and employment opportunities are to a certain degree inherited, with segments of the population systematically suffering exclusion. The importance of equal access to a well-functioning education system, particularly in relation to reducing inequalities, cannot be overemphasized.

Recommendations

- i. Put in place a strong monitoring system for the National and County Governments to be able to monitor and regulate private schools.
- ii. Establishment and Activation of Parents- Teachers' Associations to enhance engagement of parents in the day to day running of the schools to ensure that they are involved in decisions affecting their children.
- iii. Strengthening of Boards of Management to effectively execute their mandate effectively.
- iv. Increase Budgetary Allocation by the National Government to the Quality Assurance and Standards department to enhance monitoring and regulation of private schools and public schools.
- v. Take all necessary measures, to avoid any direct or indirect harmful impact of the private educational sector and to ensure that the private sector contributes to the fulfilment of the right to education for all in Kenyans, and review and amend if necessary its laws and policies governing private education providers to ensure the enjoyment of the right to education without any discrimination.
- vi. Implementation of the APBET policy under the National Basic Education act and the development of private education in the last ten years, in the light of its obligations to

ensure that private education supplements but does not replace public education and does not foster discrimination.

- vii. Regular data collection by the government and on the operation of Low Cost private schools to inform planning.
- viii. Implement performance contracts to enhance supervision of teachers in public schools.
- ix. The Government to review its current public-private partnership policy in the education sector, and redistribute funds to develop free quality public education as a matter of priority.

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