



A Threat or Opportunity?

Public-Private Partnerships in Education In Uganda

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INITIATIVE FOR SOCIAL AND ECONOMIC RIGHTS

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LIST OF ACRONYMS

ACHPR	African Charter on Human and Peoples' Rights
ACRWC	African Charter on the Rights and Welfare of the Child
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child
DEO	District Education Official
DIS	District Inspector of Schools
EFA	Education For All
ESSP	Education Sector Strategic Plan
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ISER	Initiative for Social and Economic Rights
MOESTS	Ministry of Education, Science, Technology and Sports
MoU	Memorandum of Understanding
NDP	National Development Plan
PLE	Primary Leaving Examination
PPP	Public Private Partnership
PRDP	Peace, Recovery, and Development Plan
PSID	Private Schools and Institutions Department
SAP	Structural Adjustments Programmes
SEO	Senior Education Officer
SNE	Special Needs Education
UDHR	Universal Declaration of Human Rights
UNEB	Ugandan National Examinations Board
UNESCO	United Nations Educational, Scientific, and Cultural Organization

UPE	Universal Primary Education
UPOLET	Universal Post O-Level Education and Training
UPPET	Universal Post-Primary Education and Training
USE	Universal Secondary Education



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EXECUTIVE SUMMARY

Public Private Partnerships (PPPs) in education have increasingly been implemented by governments around the world as a way of expanding access to quality education while still maintaining affordable expenditure—both for the public and private sector. Uganda had this very goal in mind when, in 2007, the government announced a PPP initiative through its Universal Secondary Education (USE) scheme that would effectively absorb the increasing number of students completing primary school as a result of the country's 1997 Universal Primary Education policy. Specifically, the provision laid out a framework in which the government would pay a per-student capitation grant to private school providers (PPP schools) that agreed to enroll qualifying USE students at no additional charge.

The signed Memorandum of Understanding (MoU) establishes both the basic standards and expectations of service delivery as well as the terms and conditions that constitute the responsibilities of the government and the PPP school proprietors. The study conducted by the Initiative for Social and Economic Rights (ISER) assesses the PPP policy in education in Uganda and its compliance with the human rights standards as well as the right to education for all children. In addition, the study examines issues of regulation and supervision of PPP schools, equitable geographical access to education, access by vulnerable groups, financing and cost-effectiveness, as well as quality of education and value for money.

From a human rights standpoint, Uganda is a signatory to a number of conventions and treaties at both regional and international levels, which guarantee the fulfillment, respect and protection of the right to education. Additionally, at the domestic level there are a number of legal and policy frameworks to ensure that the government upholds its obligations towards the right to education. Further, the UN Special Rapporteur on the right to Education released a report examining PPPs in education, in which he emphasized the need for states to develop an effective regulatory framework and implementation strategies for PPPs in education. He advised that in order to safeguard education as a public good, states should ensure an alignment between their obligations in respect of the right to education as laid down in international human rights conventions and the regulatory frameworks and implementation strategies developed to deliver this right.

Understanding the obligations of the state, the ISER research team utilized various methods to gather data on Ugandan secondary schools currently implementing the PPP program. Collectively, the research team looked at 28 schools across nine districts. The methods implemented include analysis of government documents, annual reports, and other case studies; direct interviews with parents, head teachers, and officials from the Ministry of Education; focus group discussions convened for community members in the study areas; and direct observation to examine the overall status of PPP schools, particularly with regards to physical facilities. The schools under study were selected on the basis of districts with the highest and lowest number of PPP schools countrywide.

The research team found significant evidence, which suggests that the PPP program implemented through Uganda's USE scheme may not be compliant with the human rights standards applicable to the right to education. Data collected illustrates that despite the overall increases in enrollment, equitable geographical access to education has not yet been achieved under the PPP program. Additionally, the data indicates that contrary to the PPP policy, PPP schools also exist in sub-counties in which there are already public schools; notwithstanding the fact that 608 sub-counties are still without a government secondary school.

The evidence further suggests that the PPP initiative has not succeeded in effectively reducing the significant obstacles impeding vulnerable and/or marginalized groups of students from accessing quality education. Moreover, the research team found that the quality of education in many PPP schools is significantly compromised, due in part to what many have deemed an insufficient capitation grant as well as a widespread shortage of resources including but not restricted to learning materials, basic infrastructure, and qualified teachers. Lastly, the data points to significant accountability concerns in many PPP schools: current supervisory and regulatory mechanisms are both unclear and ineffective in many of the PPP schools examined, and a worrying number of PPP schools were found by researchers to be in contravention of their signed Memoranda of Understanding with little evidence of sanction or penalty for said breaches.

In light of the above, the ISER research team provides a list of recommendations—both broad and narrow in focus—for Uganda's improved implementation of the right to education. Recommendations include inter alia: an appeal for poor quality, low-fee PPP schools to be phased out; increased support to be provided to community schools, which should be considered for government grant-aid; not-for-profit schools that meet the required minimum standards should be evaluated for partnership. It is also recommended that government strictly follow the criteria to establish PPP schools only in areas not served or underserved by public schools in order to increase geographical access to Universal Secondary Education.

I.0 General Introduction

Following Uganda's introduction of Universal Primary Education (UPE) in 1997 and the subsequent removal of fees in 2002, and coupled with the introduction of Universal Secondary Education (USE) in 2007, enrollment rates in secondary schools increased rapidly from 3.1 million in 1996 to 7.6 million in 2003.¹ This significant rise in student numbers was not, however, matched by a concomitant increase in state investment in public education. In recent years, Uganda has experienced a decline or stagnation in state investment in public education, attributable in part to the global economic recession and resultant reduction in donor aid committed to developing countries.

This trend is not unique to Uganda: increased enrollments under the free education schemes implemented in many countries have not been matched with corresponding increments in funding. The reduction in investment has resulted in declining standards and quality of education and a growing phenomenon of out-of-school children. In Uganda, basic education is currently characterized by very low literacy and numeracy levels, poor school infrastructure and sanitation, very high teacher to pupil ratios, and very low teacher motivation. This has paved the way for the private sector to become involved in education service-provision, with the expectation that private education service providers would fill the access, financing and quality gaps prevalent in public education.

The World Bank contends that in developing countries, the rationale for PPPs is driven by the demand for access to schooling, and the need to tap private resources when the state cannot afford education for all. PPPs in social service delivery in Africa have also been justified by the shortfalls in public education expenditure, and the deteriorating quality of public education.² Indeed, the literature promoting PPPs puts strong emphasis on the achievement of access to education for all.³

Similar to other developing countries, Uganda is experiencing the growth of private actors in the provision of education supported by the state, international funders, and corporations seeking to make a profit. The private sector is diverse, comprised of individual investors, communities, Civil Society Organizations, international NGOs, and faith-based organizations. The threat of increased growth of the private sector in education is also seen at the international level, for example, through the proposed framework for implementation of the Sustainable Development Goals. In order to meet the Education For All (EFA) goals, Uganda's Ministry of Education, Science, Technology, and Sports (MOESTS) adopted Public Private Partnerships (PPPs) as a policy solution for USE.

The PPP program as part of the USE policy thus came to be implemented in 2008. The policy provides for low cost private schools to be contracted by the government to enroll qualifying students at post-primary level schooling (secondary school and certificate awarding training institutions) in areas not served or underserved by public schools.. This is done at a specified unit cost met by the government.

1 <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/4072.pdf> accessed on 17/05/16

2 Patrinos, H.A., Barrera-Osorio, F., and Guáqueta, J, *The role and impact of public-private partnerships in education* The International Bank for Reconstruction and Development / The World Bank, Washington, (2009) p.20

3 Education International, *Public Private Partnerships in Education* P.15

The government pays for the cost of the private school tuition (47,000 Uganda shillings) for each of the enrolled students per school term, in exchange for which the school educates the enrolled children.

This paper assesses the PPP policy in education and evaluates its compliance with Ugandan human rights standards – specifically those pertaining to the right to education. In addition, this paper examines issues of regulation and supervision of PPP schools, equitable geographical access to education, access by vulnerable groups, financing and cost- effectiveness, as well as value for money and quality of education.

2.0 Background to the Use of PPPs in the Education Sector in Uganda

In 2007, the Government of Uganda began to implement the USE program to consolidate the gains of UPE program that had been running since 1997. The decision was taken in 2005 as a necessary measure: due to the success of the UPE program, particularly in terms of increased enrollment numbers, large numbers of pupils were completing P7 and needed to be provided for at the next level of education. The USE scheme was started in 2007, and is implemented through both government-aided schools⁴ as well as PPP-administered private schools.

PPPs were introduced as a component of USE specifically to “improve efficiency, strengthen partnerships with the private sector, improve targeting of resources to schools that are in particular need of support, and mobilize external resources.”⁵ Uganda liberalized the education sector in 1993 to allow for private actors to supplement government efforts in providing education, in line with the Government White Paper on Education (1992), which encouraged the strengthening of partnerships in education delivery. This constituted part of wider Structural Adjustment Programmes (SAPs), which introduced into policy implementation the notions of privatization, deregulation, and emphasis on the market economy for various economic and social sectors.⁶ The current Constitution also encourages private initiative in order to facilitate rapid and equitable development.⁷ Indeed, one of the objectives of the *Education (Pre-Primary, Primary and Post-Primary) Act* of 2008 is “to promote partnerships with the various stakeholders in providing education services.” Section 6 of the Act lists the categories of recognized education institutions and includes profit and non-profit private institutions, while Part VII has provisions relating to private schools. However, it was not until 2007 that PPPs were formally implemented in the education sector.

The private schools implementing USE are called PPP schools. These schools implement the USE program on behalf of government. They receive a capitation grant for each enrolled student (who achieved scores 4 to 28 from Primary Leaving Examinations-PLE) when they sign a Memorandum of Understanding (MoU) with the Ministry of Education, Science, Technology, and Sports (MOESTS). The MoU that is signed is an agreement of basic standards and expectations of service delivery. The MoU specifies the terms and conditions that constitute the responsibilities of both the government and the respective PPP school proprietors.

There are three types of PPPs implementing the policy: for profit schools, not-for-profit schools, and community schools. However, the majority of the private schools under the PPPs arrangement are for profit.⁸

4 Government-aided under section 2 of the Education Act, 2008 refers to a school which was not founded by the Government but which receives statutory grants in the form of aid from Government and is jointly managed by the foundation body and Government. The majority of schools at secondary level are in this category, and there are very few schools that are purely government founded and funded.

5 World Bank, Project Appraisal Document for Uganda Post Primary Education Training (PAD-UPPET). Adaptable Program Lending (APL) Project (2009)

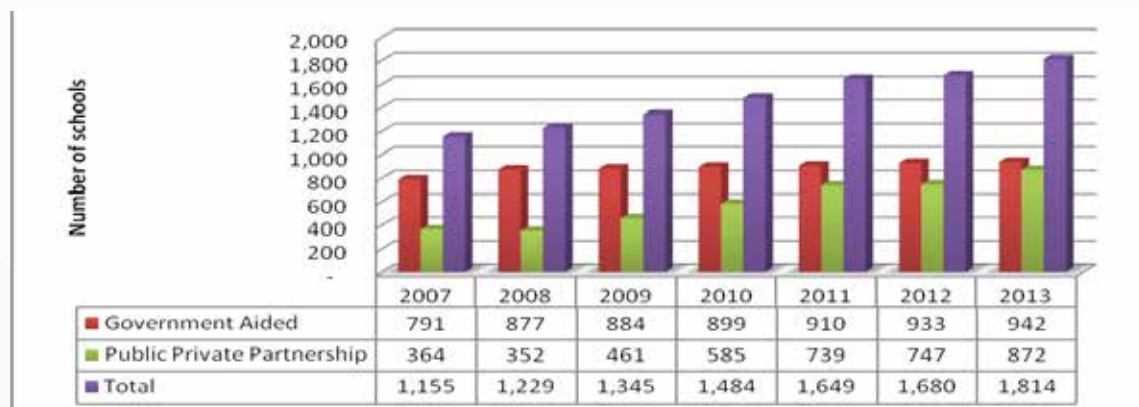
6 Initiative for Social and Economic Rights (ISER) and Global Initiative for Social and Economic Rights (GI-ESCR), Alternative report submitted ahead of the 54th Session of the United Nations Committee on Economic, Social and Cultural Rights, October, 2014. Accessed on 16/05/2016

7 Objective ix of the National Objectives and Directive Principles of State Policy of the Constitution of Uganda, 1995.

8 Promotion of Equality in African Schools (PEAS) is the only known example of a not-for profit player in the PPPs scheme.

The justification for engaging private schools in the USE program was that there were limited places and facilities in government secondary schools, especially considering that there were 314 sub-counties without a government secondary school.⁹ Of the 1,820 schools implementing the USE scheme, 943 (52%) are government-aided, while 852 (48%) are private institutions operating under PPP arrangements.¹⁰ Since the inception of the USE program, the share of government aided schools has remained higher than that of private schools; however, the gap has been narrowing over the years, as illustrated in the table below.

Table 1: USE Schools by Year 2007-2013 and Ownership¹¹



The data presented above clearly highlights this trend: while the number of government-aided USE schools has only increased slightly between 2007 and 2013 (roughly a 20% increase), the number of PPP schools has more than doubled (nearly a 140% increase) during that same period.

Similarly, at the beginning of the USE programme, only 25% of the total numbers of students were enrolled in PPP schools. As of 2014, students enrolled in PPP schools had increased to 45% of USE students. The following table reflects this increase in the number of PPP students. It further shows that student enrolment increases have occurred both in government-aided and PPP schools; however, the increase in PPP schools has proportionately exceeded that of government-aided schools, leading to the increase in the PPP percentage share.

9 Uganda Ministry of Education and Sports, Policy Guidelines for Public – Private Partnership in the Implementation of Universal Post Primary Education and Training, November 2009, page 2.

10 Ministry of Education and Sports USE - UPOLET Head Count Database as at 21st May, 2014.

11 Source: Ministry of Education and Sports USE -UPOLET Headcount, May 2014

Table 2: USE Enrollment by School Ownership Ownership

USE ENROLLMENT BY SCHOOL OWNERSHIP^a								
Year	2007	2008	2009	2010	2011	2012	2013	2014
Government aided	106,582	232,170	313,653	407,953	449,585	462,878	471,726	478,554
Public Private Partnerships	54,972	84,482	137,534	192,375	239,956	291,139	335,266	394,922
Total	161,554	316,652	451,187	600,328	689,541	754,017	806,992	873,476
% PPPs share	34%	27%	30%	32%	35%	39%	42%	45%

To put the above USE enrollment numbers in the context of the entire Uganda education sector, by 2014 – according to MOESTS statistics – at least 66 percent of the 1.4 million secondary school students enrolled in 1,633 USE schools constituted PPP students. This represents 55.4 percent of the total secondary school population.

3.0 Literature Reviewed

Public-Private Partnerships (PPPs) in education are increasingly attracting widespread attention. Much literature has been written about PPPs in education, both from a general perspective as well as more specifically regarding human rights compliance and accountability by private actors under PPPs in education. This study thus examines relevant existing literature, including inter alia books, reports, and policy papers on PPPs in education. The literature reviewed and presented here is concerned not only with PPPs in education but also the legal framework on PPPs in education and PPP policies in education.

As a starting point, Norman LaRocque¹² provides a broad overview of the international experience with PPPs at the basic education level, using extensive examples to look at a variety of forms of PPP initiatives and strategies. These include private philanthropic initiatives, private sector management initiatives, private school funding programs (i.e. subsidies and vouchers), adopt-a-school programs, capacity building initiatives and school infrastructure partnerships. In presenting the wide scope of PPP approaches, LaRocque makes it evident that there is an equally wide range of effects—both positive and negative—that PPPs may have depending on the quality of their design and implementation. Subsequently, the author draws upon existing studies and evaluations to propose a number of lessons for the design and implementation of effective PPPs. In doing so, he notes that while PPPs can in fact bring many benefits to the basic education sector, they can also result in significant harm, as poorly designed and implemented PPP programs lead to both financial and policy risk for the government. While acknowledging that it may be too early to definitively determine whether PPPs have been largely successful, the author does recognize that PPPs can serve as useful tools—if done right—by means of which governments can achieve their educational policy goals. Ultimately, this report is very relevant to the current study in terms of implementation strategies as it lays out a framework for how to most effectively construct and maintain a mutually beneficial partnership between public and private actors in the education sector.

Similarly, Harry Patrinos, Felipe Barrera-Osorio, and Juliana Guáqueta¹³ examine, on behalf of the World Bank, the interactions between private and public actors in the education sector and the impact of various partnerships between the two groups. Presenting both the potential benefits as well as the drawbacks of PPPs in education, the authors illustrate the tension in the existing literature surrounding PPPs in education. According to the authors, PPPs have positive outcomes because they are more flexible than many public sector arrangements, foster competition in the education market, and allow for increased risk sharing between the government and private sector. In contrast, the authors also illustrate how PPPs may lead to many negative consequences, including reduced government control over education through emerging privatization, increased socio-economic segregation due to educational choice, and deteriorating public schools. Looking closely at this debate, the authors then present evidence to illustrate how PPPs—when paired with quality assurance mechanisms and school improvement initiatives—can in fact lead to improvements in both education access and quality, especially for populations and groups who are normally underserved by conventional methods of public service delivery. Lastly, the authors provide guidance on how

12 Public-Private Partnerships in Basic Education: An international review, 2008

13 World Bank. 2009. Patrinos, Harry Anthony, Felipe Barrera-Osorio, and Juliana Guáqueta. The Role and Impact of Public Private Partnerships in Education.

to conduct further research on PPPs in education in order to yield the most robust possible conclusions about the effectiveness of various PPP strategies. This report is very important to the current study as it looks at the strengths of various forms of education contracting, ultimately suggesting that appropriately implemented PPPs can in fact lead to the positive outcomes that governments desire.

María José Romero¹⁴ chooses to look at PPPs through a financial lens, using experiences of PPP implementation in both Tanzania and Peru as case studies for her analysis. Specifically, Romero aims to test the widely raised—and often accepted—justification that PPPs are financially cost-effective. In her research, she concludes that PPPs may not be as cost-effective as many proponents believe. The author argues that several key factors together contribute to PPPs existing not as the most cost-effective or financially feasible method of financing, but instead, often serving as the least cost-effective and subsequently most expensive method of financing available to public institutions. Among these factors, she cites the high levels of risk taken on by public institutions, undermined accountability and low levels of transparency, as well as limited positive impact in terms of development outcomes. Following her challenge of PPP financial cost-effectiveness, Romero provides several recommendations that she believes can shed light on how to reform the partnerships in order to improve cost-effectiveness.

Looking specifically at one example of PPP implementation, Bo-Joe Brans¹⁵ examines the stakeholders' perceptions of the impact of the PPPs policy on the education field as part of the Universal Secondary Education initiative in Uganda. In line with the international conversation described above that portrays PPP initiatives as having unclear effects—either positive or negative—on education, the impact of PPPs in Uganda shows similarly mixed results. Responding to the assertion that a strong PPP model can avoid privatization occurring in the education sector, the author argues that the PPPs in Uganda have indeed led to the occurrence of the aforementioned privatization. He asserts that the PPPs in Uganda have failed to establish a true partnership between the public and private sector in secondary education. Brans suggests that the partnership arrangement between the public and private sector in Uganda exists in name only, as no significant interactions occur beyond the capitation grants. In addition, the Ugandan PPPs lack the quality assurance mechanisms that international PPP proponents deem necessary to prevent the privatization of public education. Thus, the poorly defined partnerships between the private and public sector, together with a lack of quality assurance mechanisms, lead to the education problems in Uganda going largely unaddressed, and the discussion surrounding the impact of PPPs being so varied. Brans sums up the PPPs in Uganda by emphasizing that they display strong policy rhetoric but ultimately weak implementation. It should be noted, however, that although relevant to the current study, the author did not visit PPP schools to investigate whether the provided education meets applicable human rights standards.

¹⁴ Romero, M.J. (2015) What lies beneath? A critical assessment of PPPs and their impact on sustainable development.

¹⁵ Brans, Bo-Joe (2011) PPPs-Public Private Partnerships in Education: Analyzing PPPs as a policy tool for Universal Secondary Education in Uganda 2011

In a similar manner, Prachi Srivastava¹⁶ examines the question of whether or not PPP programs lead to privatization in the education sector. Using the Government of India's proposed PPP initiatives for the education sector as a basis for analysis, the author studies whether, as it claims to, the proposed program actually leads to an expanded role for the state in the education sector and the extent to which it does so. Ultimately, Srivastava concludes that PPP strategies do lead to the privatization of the education sector, and further, that the initiatives actually lead to a diminished state role in all aspects of education, including financing, management, and regulation. Understanding this evaluation is important because it provides comparative evidence to suggest that PPPs may not accomplish the positive outcomes that implementing governments intend. As a result, this study is incredibly relevant to the current study.

In contrast to the more doubtful conclusions brought forward by Brans and Srivastava, Felipe Barrera-Osorio¹⁷ provides a more positive outlook for PPPs through his impact evaluation of the Concession Schools program in Bogotá, Colombia. Started in 1999, the program operated as a partnership between the public and private sector designed to broaden both access to education as well as quality of education. Under this partnership, the state provides private partners with a pre-agreed annual sum per selected student (equivalent to roughly US \$520). In addition, the state provides the infrastructure for the 25 selected concession schools. The concession schools are expected to meet specific performance standards established by the Secretary of Education, but are allowed flexibility with respect to contracting staff and implementing their educational model. In the study, the author uses data to empirically test the effectiveness of the Concession Schools program. He finds significant data that the concession schools demonstrate lower dropout rates as well as higher test scores when compared to public schools. In addition, he argues that the program also has an indirect positive impact on the dropout rates in public schools proximate to the concession schools. Ultimately, this impact evaluation is relevant because it provides a comparative example with which to look at the PPP program in Uganda. It is important to note, however, that the concession schools in Bogotá differ from the Ugandan PPP schools in that the state provides them with both capitation grants (higher than that received by most public schools) and infrastructure. In addition, the author notes that many of the concession schools implement intervention strategies including psychological counseling, home visits for absent students, supplementary nutrition programs, and adult education programs. Through these, the concession schools aim to provide the highest quality education to their students by addressing the many problems facing children in low-income communities.

In a subsequent article, Felipe Barrera-Osorio¹⁸ turns to Uganda to examine the country's PPP program established through the nation's Universal Secondary Education policy studying the impact that PPP implementation has on the performance of participating private schools, Barrera-Osorio reaches a different conclusion than previously described above by Bo-Joe Brans. By comparing the enrollment numbers, students' performance, and input availability of both participating private schools and those that qualify for PPP but are yet to implement the program, the author estimates the causal effect of the program, and his results suggest that success can be attributed to the program.

16 Srivastava, Prachi (2010) Public-Private Partnerships or Privatisation? Questioning the State's Role in Education in India

17 Barrera-Osorio, Felipe (2005) Impact of private provision of public education: Empirical evidence from Bogotá's Concession Schools

18 Barrera-Osorio, Felipe (2015) The impact of Public-Private Partnerships on school performance: Evidence from a Randomized controlled Trial in Uganda

Specifically, he observes an increase not only in enrollment numbers but also students' performance in the participating schools. In other words, not only are there more students in the PPP schools, but they also perform better than the students in the non-participating low-cost private schools. In addition to this, Barrera-Osorio observes that there is increased input availability in the participating private schools, and that the schools have a higher likelihood of school survival. It is important to note that the author's comparison is simply between low-fee private schools that implement the PPP program and other low-fee private schools that have yet to implement the PPP program. Barrera-Osorio's study does not, however, compare school performance in the PPP schools to that of the government-aided schools. For this, the author's impact evaluation is relevant to the current study by illustrating that the PPP schools are able to successfully absorb the additional students. That being said, the study does not provide evidence towards the larger question posed in the current study that looks at comparisons of education quality between the PPP schools and their government-aided counterparts.

Consistent with the findings of Barrera-Osorio, Allah Bakhsh Malik¹⁹ examines PPP strategies implemented in Pakistan aimed at providing quality education for all children in Punjab, concluding that the programs have been largely successful. Further, the author shows that specific policy measures introduced by the Punjab Education Foundation alongside the PPP initiatives, allowed the program to further aid in the provision of quality education for all children. Primary among these policies was the introduction of programs that assist teacher recruitment and development. The author's analysis of the Punjab Education Foundation's success in implementing PPP programs provides evidence that PPPs can indeed be successful as long as the implementing government is careful to introduce policies, such as teacher development initiatives and strong governing authorities that ensure the long-term success of the PPP program. When analyzing the current study, it is important to keep in mind these caveats that the author deems necessary for PPP success.

Acknowledging the unclear evidence on the effectiveness of PPPs, Harold Alderman, Jooseop Kim, and Peter F. Orazem²⁰ present a more nuanced conclusion after studying a pilot program initiated by a provincial government in Pakistan that sought to establish private schools to reach underserved populations. By studying the establishment of private schools in both urban and rural settings, the authors find that the urban schools are both successful and sustainable while the rural schools largely fail. The authors attribute this outcome difference to advantages that urban environments possess: better availability of teachers, larger supplies of students eligible for participation, more educated parents, and experienced individuals serving as school operators. The authors thus conclude that private schools may present themselves as a viable policy option for education provision in urban environments, but they certainly are not a feasible method for expanding education provision in rural settings. This study has profound impact on the current study as it suggests that Uganda's PPP program may have differential effects based on geographic factors.

19 Malik, Allah Bakhsh (2010) *Public-Private Partnerships in Education: Lessons Learned from the Punjab Education Foundation*
20 Harold Alderman, Jooseop Kim, and Peter F. Orazem (2003) *Design, Evaluation, and Sustainability of Private Schools for the Poor: The Pakistan Urban and Rural Fellowship School Experiments*

Recognizing the tension in the literature surrounding the effectiveness of PPP programs, W. Bentley MacLeod and Miguel Urquiola²¹ choose to take a different, more theoretical approach in their analysis. Specifically, the authors use broad economic theory regarding free market efficiency to study the extent to which competition in the education sector, according to theory, should actually lead to higher school productivity. The authors construct a model for consumer choice in the education sector, eventually concluding that the impact of competition is less clear than previously expected. Specifically, MacLeod and Urquiola argue that there is no strong reason to believe that school choice will lead to improved test scores and overall school performance. Further, the authors suggest that certain components of market design may be required in order to guarantee that competition in the education sector boosts school performance. From a policy standpoint, this study is very relevant to the current one because it suggests that simply implementing a PPP strategy will not guarantee educational improvement. Instead, specific policies may be necessary in order to purposefully affect the market and cause improvements in education access and quality.

The literature presented above makes it very clear that the true effect of PPP programs remains inconclusive. Some evidence strongly supports the implementation of PPPs in the education sector, while other evaluations suggest the opposite. In addition to these strongly positive or negative conclusions, some evidence suggests that the effect of PPPs is more nuanced. Some research concludes that certain factors such as geography determine whether or not PPPs will have success, while other research claims that PPPs are conditionally successful as long as certain policy measures are implemented alongside the initiatives. Clearly, there is no definitive conclusion on the effectiveness of PPP implementation in the education sector, what with success contingent on multiple variables. Acknowledging the mixed literature on the subject, the current study looks at PPP implementation through Uganda's Universal Secondary Education policy to see the extent to which the program has achieved its intended outcome.

21 W. Bentley MacLeod and Miguel Urquiola (2013) Competition and Educational Productivity: Incentives Writ Large

4.0 A Legal and Policy Analysis of Public Private Partnerships (PPPs) in Uganda's Education Sector

The UN Special Rapporteur on the right to Education released a report examining public-private partnerships in education, in which he emphasized the need for states to develop an effective regulatory framework and implementation strategies for PPPs in education.²² He advised that the regulatory framework and implementation strategies developed must be in line with state obligations for the right to education as laid down in international human rights conventions and should safe guard education as a public good.²³

Uganda is a signatory to a number of conventions and treaties at both the regional and international level, which guarantee the fulfillment, respect and protection of the right to education. Similarly, at the domestic level Uganda has several legal and policy frameworks in place to ensure that the government upholds its obligations in respect of the right to education. The following section will examine to what extent PPPs in education uphold human right standards in the delivery of education services in Uganda.

4.1 International Legal Framework

Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the right to education has been enshrined in a number of treaties to which Uganda is a party at the international and regional level. The UDHR²⁴ states that “everyone has a right to education,” and this has been reaffirmed in the various international and regional treaties—including the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education²⁵, the International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁶, the Convention on the Rights of the Child (CRC)²⁷, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)²⁸, the African Charter on Human and Peoples’ Rights (ACHPR²⁹), and the African Charter on the Rights and Welfare of the Child (ACRWC)³⁰.

Article 13 of the ICESCR recognizes the right of everyone to free education at the primary level and the progressive introduction of free education at the secondary level. General Comment 13 adopted by the Committee on Economic, Social and Cultural Rights provides the normative content on the right to education. State parties have an obligation to ensure that the right to education conforms to the aims and objectives identified in article 13 (1) of the ICESCR. Education in all its forms must be available, accessible, acceptable, and adaptable.³¹ General Comment 13 further elaborates the obligations of the state—to respect, protect and fulfill.³²

22 Kishore Singh, Report of the UN Special Rapporteur on the Right to Education, issued at the 70th Session in accordance with Human Rights Council Resolutions 8/4, 17/3, and 26/17. Para 80, p.15 (August 2015) <http://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UN%20GA%2070%20SR%20Education%20Report%20EN.pdf> accessed on 02/03/16

23 Ibid

24 Article 26

25 Article 5

26 Article 13 & 14

27 Article 28 & 29

28 Article 10

29 Article 17

30 Article 11

31 CESCR, General Comment 13

32 CESCR, General Comment 13, para 6

The ICESCR allows private actors to establish and direct schools; however it imposes certain obligations on private actors and the State.³³ This liberty is subject to the requirement that these private actors must conform to the minimum standards laid down by the state. Private actors must respect the right to education, and the State must ensure that all private actors who play a role in education provision are held accountable.³⁴

In General Comment 16, the Committee on the Rights of the Child (CRC) clearly emphasizes that “legislation and regulation are essential instruments for ensuring that the activities and operations of business enterprises do not adversely impact or violate the rights of the child.³⁵ States have an obligation to protect against infringements of rights guaranteed under the Convention on the Rights of the Child—by taking all necessary, appropriate and reasonable measures to prevent business enterprises from causing or contributing to abuses of children’s rights.³⁶

Regarding the private sector as a service provider and its role in implementing child rights, the CRC has made a number of recommendations—including that state parties make appropriate legislative measures and establish a permanent monitoring mechanism aimed at ensuring that non-state service providers respect the relevant principles and provisions of the Convention, especially article 4.³⁷

Accordingly, states are obligated to regulate private providers, monitor and evaluate their compliance with human rights standards in education service delivery and educational outcomes, and enforce compliance where necessary.

4.2 National Legal and Policy Framework

At the national level, Uganda has a good legal and policy framework protecting the right to education. Uganda’s laws and policies place the primary responsibility on the state to ensure that the right to education is enjoyed by all. Below is a discussion of the national legal framework on PPPs in education in Uganda.

4.2.1 The 1995 Constitution of the Republic of Uganda as Amended

Article 30 of the Ugandan Constitution affirms that “All persons have a right to education”. Article 34(2) reiterates that “[a] child is entitled to basic education which shall be the responsibility of the State and the parents of the child.” This right is further elaborated in Objective XVIII of the National Objective and Directive Principle of State Policy which provides that: (i) the State shall promote free and compulsory basic education; (ii) the State shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible; (iii) individuals, religious bodies and other nongovernmental organizations shall be free to found and operate educational institutions if they comply with the general educational policy of the country and maintain national standards.

33 Article 13 (3)

34 CESCR, General Comment 13, Para 4

35 CRC, General Comment 16, Para 53

36 CRC, General Comment 16, Para 28

37 CRC, General Comment 16, Para 8

While guaranteeing the right to education, the Constitution also guarantees cross cutting rights such as equality and non-discrimination. It provides that, “All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law – No person shall be discriminated against on grounds of...social and economic standing.”³⁸ In light of the above, where access to PPP schools is based upon the ability to pay tuition and/or non-tuition fees, which are in most cases not affordable for children from low income backgrounds, this falls within the prohibited grounds of discrimination. The Constitution also provides for Affirmative action in favor of marginalized groups³⁹, and caters for special interest groups including Persons with disabilities⁴⁰, Women⁴¹, and minorities.⁴²

The Constitution further affirms that Uganda’s foreign policy shall be based on principles of the respect for international law and treaty obligations. It also reaffirms that Uganda shall continue to be a party to all agreements, treaties and conventions to which it was a party before the coming into force of the 1995 Constitution.⁴³

4.2.2 The Education (Pre-Primary, Primary, and Post-Primary) Act 2008

The Education Act governs the provision of all education in Uganda. It states that “basic education shall be provided and enjoyed as a right by all persons.”⁴⁴ One of the objectives of this Act is “to promote partnerships with the various stakeholders in providing education services.”⁴⁵ Section 6 of the Act lists the categories of recognized education institutions and includes profit and non-profit making private institutions, while Part VII has provisions relating to private schools. However, it was not until 2006 that PPPs were formally implemented as such in the education sector. In 2008, the Private Schools and Institutions Department (PSID) was inaugurated—being charged with the overall coordination, regulation, policy formulation, and guidance on all matters regarding private schools. Its main vision is to foster PPPs in the provision of quality education and sports.⁴⁶

4.2.3 The Local Governments Act 1998 CAP 243

The Local Governments Act provides that the local governments/authorities shall be responsible for the planning, management, supervision as well as monitoring and evaluation of education service delivery within their respective jurisdictions. Local governments shall also monitor the utilization of grants to schools.⁴⁷ Under the Act, education is one of the major functions for which the District council is directly responsible.⁴⁸

38 Article 21 of the 1995 Constitution as Amended

39 Article 32 Of the 1995 Constitution as amended

40 Article 35 of the 1995 Constitution as amended

41 Article 33 of the 1995 Constitution as amended

42 Article 36 of the 1995 Constitution as amended

43 Objective XXVIII and Article 287 of the 1995 Constitution of the republic of Uganda respectively

44 Section 4(2)

45 Section 1 (e)

46 <http://www.education.go.ug/data/smenu/50/Private%20Schools%20and%20Institutions.html> Accessed on the 29/01/2016

47 Part 5 B(18) of the Local Governments Act

48 Section 97 and 98 of the Local Governments Act

4.2.4 The Public-Private Partnership (PPP) Act 2015

The PPP Act seeks to govern the relationship between government and the private entities in PPPs, and it sets out guidelines and procedures for the development of PPP projects. It also regulates methods of procurement and the engagement of the private party partners in PPPs while also outlining the roles and responsibilities of government bodies, project officers, and the private party during the development and implementation of PPP projects. Whereas the Act has a number of progressive provisions, it also has a number of weaknesses.

First, the Act requires an economic cost–benefit analysis prior to the signing of the agreement while also requiring annual project audits by the Auditor General.⁴⁹ However it does not cater for a social impact assessment, which is a critical consideration in public service delivery. Thirdly, the Act only provides for the creation of a Contracting Authority—a government department responsible for accountability under the Act.⁵⁰ There are no checks and balances from the different arms of government thus the system is prone to selfish interest and compromise. Furthermore, under the Act, Parliament plays no role in the PPP development, approval, coordinating, monitoring, or audit process. Government departments develop the PPPs, and the Ministry of Finance approves it. Article 26 of the Act gives all powers of approval to the Cabinet, while the Cabinet is only obligated to lay a copy of the agreement before parliament one month after signing it.⁵¹ Similarly, PPPs have a potential risk of creating future contingent liabilities, and in most cases, they involve implicit financing (i.e. guarantees, subsidies, tax waivers or incentives).⁵² Therefore, approval and scrutiny by Parliament would likely safeguard against such detrimental practices.

4.2.5 Guidelines for Universal Post Primary Education and Training (UPPET) and Universal Post O-level Education and Training (UPOLET) for PPP Schools⁵²

The Ministry of Education has draft guidelines for USE in PPP Schools. The draft guidelines are intended to address the following key aspects: the selection criteria for partnering schools, implementation modalities and conditions for funding, eligible cost centers for the grants, and the management and accountability of grants.

While these guidelines have the potential to ensure that PPPs are in line with the country's national and international obligations on the right to education, they are not binding. They were passed by the Ministry of Education, Science, Technology, and Sports, but they have not yet been gazetted for publication. Implementation of the PPP program as part of the USE policy was undertaken before the formulation process was complete. However, a politically motivated decision was made to immediately implement the policy with the result that private schools that would otherwise have failed to meet the criteria managed to get on the partnership list. Many of these schools lack the basic infrastructure and requisite management ability to effectively deliver the USE program aimed at the provision of quality education⁵³.

49 Section 30 of the PPP Act

50 Section 28 of the PPP Act

51 Section 26 (10) PPP Act

52 2013

53 Public- Private Partnership (PPP) for Universal secondary Education (USE) Program (Uganda):An analysis of policy formulation and management- Not published

4.3 Policy framework for Public –Private Partnerships (PPPs) in Education

Government has put in place a number of policies to guide implementation of PPPs in education. A brief overview of each of these is set out below.

4.3.1 1992 Government White Paper on Education

Uganda's education policies stem from the 1992 Government White Paper on Education. The white paper on education is seen as the foundation of the country's structure,⁵⁴ policy, and programming in education. It aims among other things to promote citizenship; moral, ethical and spiritual values; scientific, technical and cultural knowledge; and skills and attitude. In addition, the policy aims to eradicate illiteracy and equip individuals with basic skills and knowledge and the ability to contribute to the building of an integrated, self-sustaining, and independent national economy.

4.3.2 The National Development Plan II 2015/2016 – 2019/2020 (NDP)

The NDP is a foundational document, which sets out the government policy on all sectors ranging from agriculture and health to the education sector. In this foundational document, the private sector is seen as the engine of growth and development. PPPs are described as an important tool in mobilizing the private sector to serve as “an engine” for development and in encouraging the creation of a “business approach” to improve public service delivery.⁵⁵ The NDP states that, given the scale of development in NDP II, the government will pursue a number of development strategies including strong public-private partnerships and a focus on private sector led growth.

4.3.3 The Education Sector Strategic Plan (ESSP) 2007- 2015

The ESSP is geared towards creating an efficient and effective education sector and sets out strategies to realize the education goals in the National Development Plan. The ESSP responds to policy imperatives of the NDP and other development plans in the sector. This ESSP builds on previous plans with UPE remaining a core objective. Along with other sector priorities, the ESSP focuses on overcoming those constraints that keep the system from functioning at the optimal level and direct resources to those aspects that are critical. Objective 3 of the ESSP report emphasizes that it focuses on creating an effective and efficient education sector, in order to address the goals of the NDP II 2015/2016. Sub- objective 3.1.4 formalizes, build and enhance public – private partnerships in service delivery and capacity building.

4.3.4 National PPP Policy Framework

The Ministry of Finance, Planning, and Economic Development developed a National Public-Private Partnership policy as a tool for the provision of public services and public infrastructure. The policy was approved in March 2010. The Policy provides a framework that enables public and private actors to work together to improve public service delivery by drawing on the capabilities of the private sector in providing public infrastructure and related services.⁵⁶

⁵⁴ See the 1992 Government White Paper on education structure in annex

⁵⁵ National Development Plan II 2015/2016 – 2019/2020

⁵⁶ Ministry of Local Government- Public Private Partnership Guidelines for Local Governments

4.3.5 PPPs in Context of Universal Secondary Education (USE) Policy

The USE plan was adopted in 2006 to realize the presidential promises made in the 2006 elections. The government had introduced Universal Primary Education in 1997 and in 2007 Universal Secondary Education (USE) was introduced to provide post primary education services. In 2007, the Government of Uganda started to implement the Universal Post-primary Education and Training (UPPET) program in order to consolidate the gains of Universal Primary Education (UPE) that had been running since 1997. The decision was taken in 2005 as a necessary measure since the success of the UPE program meant that large numbers of pupils were completing P7 and needed to be provided for at the next schooling level.

5.0 Research Methodology

The research employed qualitative methods of data collection including desk research, key informant interviews, focus group discussions and observation. A purposive sampling technique was applied in the identification of PPP schools, community groups and key informants involved in the documentation process. The participating PPP schools were selected based on districts with the highest and lowest number of PPP schools in the country. The research was primarily conducted through field visits in 28 schools (see annex for list of schools) in the districts of Kampala, Wakiso and Mukono (Central); Mbale, Kween and Kapchorwa (Eastern); and Lira, Kileleshaye and Alebtong (Northern).

5.1 Desk Research

Desk research included a review of laws, policies, reports, articles, papers and case studies relating to the role and impact of PPPs in education service delivery. The desk review also included a review of documents from the Ministry of Education, Sports and Technology relating to PPPs, as well as Annual Sector Performance Reports and the Education Management Information System (EMIS). The research team also analyzed primary statistical data on school performance that was obtained from the Uganda National Examinations Board (UNEB).

5.2 Interview Guide

Key Informant Interviews were held with officials from the Ministry of Education, school inspectors and District Education Officers. Key informant guides were used to establish the level of understanding of the role and impact of PPP schools in the education sector. Key informant guides generally helped to minimize non-responses and rephrasing of questions. Some of the key interviews, particularly those involving policymakers and officials in the education sector, were audio taped and transcribed. In each section, supporting quotations from the interview transcripts were referenced to demonstrate the tone of the discussion.

An interview guide was used with head teachers and parents of the different PPP schools. Face-to-face interviews were conducted with some parents who access services from the selected schools around the areas of study. In-depth interviews were conducted with head teachers of PPP schools that are accessed by the communities under study.

5.3 Focus Group Guide

This tool was used with community members from the study area. The discussions were structured according to a focus-group guide, and there was a note-taker present who recorded the key points during the proceedings. Focus group discussions were held with selected groups of parents from the areas of study with the aim of establishing the role and impact of education PPPs on the right to education. Each focus group discussion had 10 participants in each of the study areas who were randomly selected to attend and participate in the focus group discussions.

5.4 Observation

Intentional observation was used to assess the status of PPP schools, in particular the physical facilities, in some areas of study. The researchers looked directly at what was occurring in the PPP schools to gather more valid and authentic data. This was used to obtain the best possible representation of the issue under discussion and to provide a contextual overview.

6.0 Key Findings

The discussion of the key findings provides a summation of the insights gleaned from an analysis of the data collected in the field. The findings are organized in terms of the key emerging issues, namely: ensuring equitable geographical access to education; access to education for vulnerable groups; financing and cost effectiveness of education; quality of education and value for money; and accountability mechanisms for private actors under PPPs.

6.1 Ensuring Equitable Geographical Access to Education

At the time of starting the PPP program in 2007, there were 271 sub-counties without a Government secondary school. However, the scope of PPP was expanded to include other sub-counties as it was soon realized that the geographical and demographic configurations were more complex than anticipated⁵⁷. The main goal of the PPP policy was to create access in areas and/or sub-counties that did not have a government school.⁵⁸

The PPP program has had mixed results in terms of geographical access to education: in some areas the program has ensured some level of access to education, especially where there was previously no government secondary school. A case in point is Toswo Secondary School, located in Kaptoyoy Sub County in Kween District, which was established by a religious body in 2007 and later joined the PPP scheme in 2009. The area had access problems due to its landscape, so the school was established to ensure children from the community could easily access education. The Head Teacher said: *“There was a lot of ignorance and illiteracy in the area. The majority of the community members are peasant farmers.”*⁵⁹ Similarly, Nagojje Secondary School, located in Nagojje Sub-County in Mukono District, was established to provide access to students from very low-income backgrounds who were not accessing education on account of having to travel long distances to the nearest school and prohibitively high fees at these schools. In an interview with the Deputy Head Teacher, it was discovered that parents in this area were stuck between two extremes. *“There are two government secondary schools in this sub county. One is Namataba S.S, which is about 14kms away, and the other is Mt. St. Mary’s Namagunga, which is very expensive.”*⁶⁰

In contrast, Amugu Secondary School, located in Amugu sub-county in Alebtong District, meets the government’s objective of providing access to education for children in areas that were previously not being served. The school was established in 1997 by the surrounding community and joined the PPP scheme in 2007. According to the Head Teacher, Amugu Secondary School was established because *“there were many PLE leavers but there was no secondary school in the sub-county. The distance to the nearest school was 20Kms.”*⁶¹ ISER established that Amugu Secondary School is to-date the only secondary school in the sub-county. However, the Head Teacher revealed that the school has significant challenges relating to the school’s infrastructure (e.g. classrooms). Therefore, notwithstanding the school’s creation, some children in the community continue to be excluded from accessing secondary education. *“Infrastructure is generally*

57 Interview held on the 14/ 03/16 with the Commissioner Private Schools and Institutions Department

58 Ibid

59 Interview held on the 10/03/16

60 Interview held on the 22/03/16

61 Interview held on 16/03/16

our biggest challenge. We cannot admit more students, yet this is the only school. We are trying to construct, but the work is moving slowly.”⁶²

Generally, PPP schools in rural areas serve to provide geographical educational access to communities that initially were not served. However, the same cannot be said for schools in urban areas/municipalities. The latter often exist alongside government-aided schools and charge exorbitant fees. In some instances, they are not beneficial to the communities in which they are located, because they enforce a boarding facility that is very expensive and thus ends up accommodating children who originate from elsewhere. This is the situation in St. Peter’s Mixed SS, Central View High School, and Fairland High School, all three of which are located in Mukono Municipality, Mukono District.

Access has also been hindered in many schools due to the enforcement of a compulsory boarding facility, which is contrary to the MoU signed. For example, Fr. Aloysious Secondary School, located in Bala sub-county Kileleshwa District, also has very low enrollment rates. The school is registered as a day school but operates a boarding facility that it aggressively enforces, contrary to Section 1(iv) of its MoU. This trend has persisted to the extent that there are now fewer than 20 students in the day section. It is tactics such as these which have led to many children being denied access to education in PPP schools. For those who do enroll, drop-out rates remain high due to the exorbitant boarding fees charged.

In terms of geographical access to education, Kween District is lagging behind all other districts visited. This area has yet to benefit from the government policy of a secondary school per sub-county: here seven sub-counties in the district have neither a government-aided school nor a PPP school. *“Kween is very bad. Some sub-counties do not have schools. For instance, Giriki, Ngenge, Moyok, Kaptun, Kitawoy and Binyiny. Children from Binyiny have to go to Amudat District to access schooling.”⁶³* However, there are some sub-counties with emerging community schools. This information was corroborated by the District Inspector of Schools (DIS), who noted that there is still a big gap in access to education in Kween. The situation in neighboring Kapchorwa is not much different. There is still a big gap in access to education in this district where nine sub-counties do not have schools while only two sub-counties are beneficiaries ⁶⁴.

In Kileleshwa District in northern Uganda, the District Education Officer said that both Bala and Kileleshwa Town Council are without a government-aided secondary school. Children from Kileleshwa Town Council have to move to Aboke sub-county, which is about 7kms away, in order to access education. In neighboring Lira District, Agali sub-county, which was carved from Omach sub-county, doesn’t have a government-aided school or a PPP school.

The seed school is under construction, according to the Deputy DEO. This is in contrast to Mukono District, where the DEO confirmed that only one sub-county (Kimenyende) lacks a government-aided school.

62
63
64

ibid

Interview with the DEO Kween District Cherotich Micheal Kaftekiw on the 11/03/16

Interview held with the DEO Cheptiek Mike Kapchorwa District on 11/03/16

PPPs are mainly concentrated in urban sub-counties, which limit geographical access to education for children from rural and remote sub-counties and increases socio-economic segregation. A MOEST Senior Education Officer said:

“Most of these private actors in education are business people in need of a return on their investment – [they] don’t want to start up schools in rural or very remote areas where parents are poor.”⁶⁵

For urban districts like Lira, Mbale, Kampala and Mukono, there are sub-counties/divisions with more than one government-aided school and PPPs. For example, in Mbale District Industrial Division, there are two PPP schools (Oxford High School and Maluku Secondary School). This is in addition to three government-aided schools (Mbale Secondary School, Nkoma Secondary School and Mbale High School). This highlights the clear and significant disparity in the distribution of both government-aided schools and PPP schools in rural and urban districts.

The study further found that contrary to PPP policy, PPP schools can be found in sub-counties that already have a public school, despite there being 608 sub-counties that are still without a government secondary school. The Commissioner for PSID asserted that when the PPP program was rolled out, the MOESTS realized that some sub-counties were over-populated and needed more than one school. However, the creation of new districts and sub-counties by the central government has further exacerbated the inequity in geographical access to education, and made it even more difficult for MOESTS to achieve equitable access to education.⁶⁶ Commenting on this, one of our key informants stated that:

“From the recent rapid mapping exercise for sub-counties without a government secondary school by MOESTS, 608 were identified. 142 of the 234 sub-counties without a government secondary school (the count before mapping) had PPP schools. Some of the PPP were grant-aided and the rapid mapping indicated 94 sub-counties without government secondary schools as having PPP schools.”⁶⁷

A SEO, PSID emphasized that some sub-counties have more than one school. He added that PPP schools were also necessary because of the over enrollment/crowding in government USE schools, especially in urban centers /municipalities. There is, however, no statistical information to support this claim. Other geographical and demographic factors considered for the establishment of PPPs included:

- a) Sub-counties without a government school implementing USE (e.g. the only government school in a sub-county is a high-income boarding school)
- b) PRDP districts which permitted, on account of affirmative action, all government schools—boarding schools included—to implement USE under special arrangement, and as a result of which government schools became over-enrolled.
- c) Sub-counties with a USE implementing government school but with a demonstrated need for a PPP resulting from:

65 Interview with a Senior Education Officer, MOESTS held on the 23/03/16

66 Interview held on 14/03/16

67 Interview with a Senior Education Officer of MOESTS held on the 11/03/16

- » Large sub-counties with long distances to the only government USE school, undermining efforts to promote girl child education (e.g. Kahongo Seed School in Nakasongola District, Naguru Seed School in Namayumba, and St. Edward Kalango)
- » Sub-counties with over-subscribed government USE schools, (e.g. Bombo Army S.S, Kijabwemi S.S., and Kapchorwa S.S.)
- » Inability of available government schools in a given sub-county to implement double-shift due to weather and terrain, for example, in mountainous districts of Kapchorwa, Kween, Bududa, and Bundibugyo among others.

As discussed above, while some sub-counties have more than one PPP school, other sub-counties do not have at all. For example, in Lira District, ISER identified two schools on the PPP program in Lira sub-county. In contrast, not a single government-aided, private, or PPP school was found in Alebtong's three sub-counties of Akura, Abia and Awei. According to the DIS of Alebtong, the students in those sub-counties have to look for schools elsewhere.⁶⁸

While there is indeed some evidence that the PPP program through USE has worked to ensure equitable geographical access to education, the above analysis makes it clear that the result has not been uniform. There are many sub-counties that do not have a single government-aided, private, or PPP school (e.g. districts such as Kween and Alebtong) while other sub-counties have multiple government-aided schools along with multiple PPP schools (e.g. urban districts such as Lira, Mbale, Kampala and Mukono). In addition, equity in geographical access to education is further hindered in many schools due to exorbitant fees or the enforcement of compulsory boarding facilities. Equitable geographical access to education has therefore not been reached through PPP adoption.

6.2 Access to Education for Vulnerable Groups

Children from poor backgrounds - Generally, the PPP program has improved access to secondary education and or enrollment of students from poor backgrounds. All of the schools visited indicated that a significant proportion of the PPP student population was from poor households that could not afford education in purely private or government-aided schools. One of the key informants explained that:

“Before the USE program and its implementation in PPP schools, pupils from low-income households were not [proceeding] to secondary school because their parents could not afford the cost of secondary education. However, with the rolling out of the program, many students [have] managed to continue to the next level!”⁶⁹

At Toswo Secondary School in Kween District, Mr. Bushendich noted that most of the parents who send children to the school are from very low-income communities, which are vulnerable to and greatly affected by the Karamajong's cattle-rustling.⁷⁰

68 Interview with the DIS of Alebtong district held on 16/03/16

69 Interview with the Commissioner, Private Schools and Institutions Department held on the 14/03/2016

70 Interview held on the 10/03/16 at Toswo Secondary School, Kaptony sub-county in Kween district

The socio-economic standing of parents is similar in the northern Ugandan district of Alebtong, where head teacher of Amugu Secondary School noted that most of the parents who enroll students in Amugu Secondary School are peasant farmers.⁷¹

However, the gains attained in educational access for vulnerable groups have largely been eroded due to the charging of extra fees. In all of the schools visited, access to education for the very poor is still a significant challenge because many families cannot afford the extra fees, in the form of non-tuition and other requirements, charged by the schools. As a result, many students end up dropping out or simply never enrolling in school. One respondent explained that:

“Some children who may not afford the additional school fees plus the school requirements are left out. [He also noted that] children with disabilities have difficulty in moving around the school.” His counterpart the DEO said: “extremely vulnerable children cannot afford the extra fees and still fail to have access. The dropout rate for girls is very high too.”⁷²

Table 3: Fees Structure for Eastern and Northern Uganda

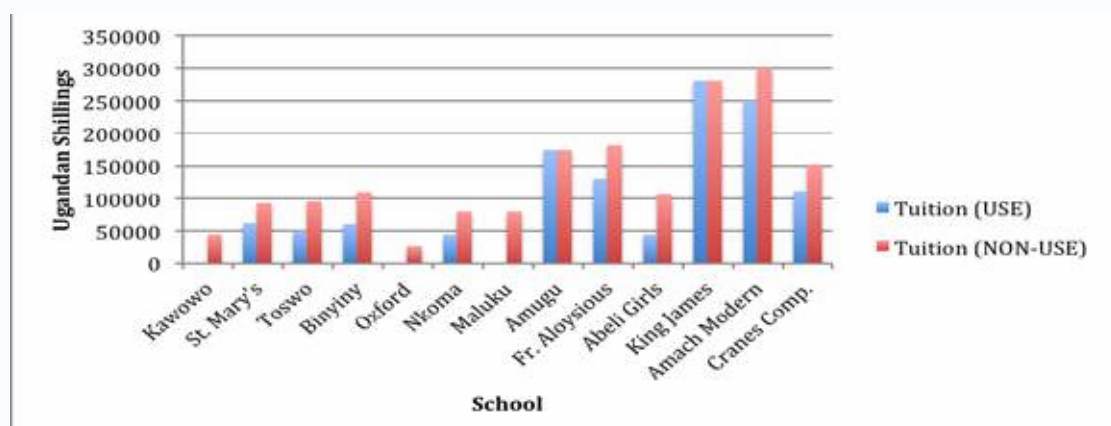
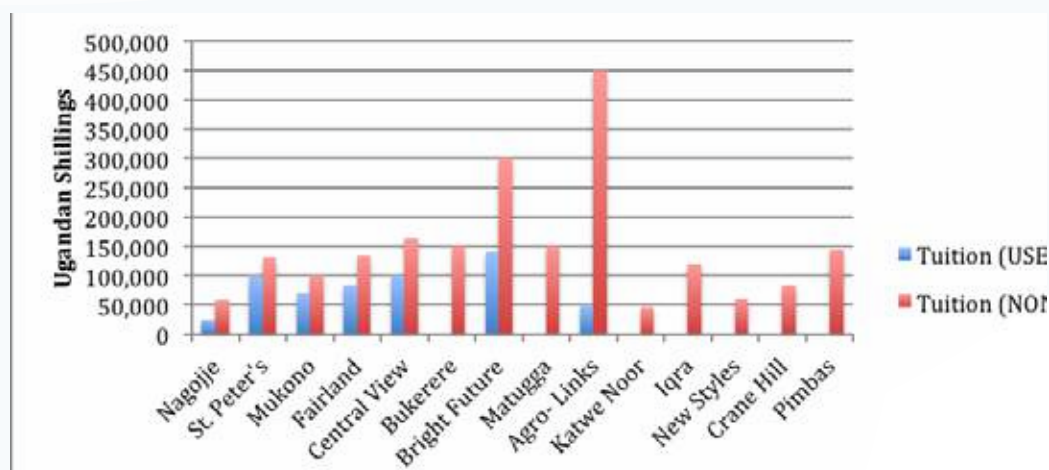


Table 4: Fees Structure from Central Region



71 Interview held on 16/03/16 at Amugu Secondary School, Amugu sub- county in Alebtong district

72 Interview with the DIS -Kween

The two tables above depict the fees charged at the schools visited by the research team, both for USE students and non-USE students. The data illustrates how USE students at many PPP schools are required to pay significant fees in order to remain in school. In some of the schools, the USE fees rival the tuition fees that the non-USE students pay. This occurs despite the signed Memorandum of Understanding that forbids additional charges for USE students in PPP schools. For many of these students, the extra fees levied by the school become excessive compelling them to drop out.

Additionally, all of the PPP schools visited in the study required their students to pay non-tuition fees in the form of school development fees, scholastic material, school uniforms and examination fees as a way of making up for the low tuition per capita provided by the government, which currently stands at **47,000** US\$ (Approx. \$12 per term). Consequently, the total cost of these additional requirements is not affordable for children from the poorest backgrounds. Therefore, while PPP schools are seen to be increasing access to secondary education in the country, there is likely to be little or no benefit for children from the poorest families who cannot afford the additional costs levied upon them and thus are not in a position to remain in school. Ultimately, many children are forced to drop out due to non-payment of fees.

Table 5: Additional Fees charged at each school visited

Additional Fees Charged at Each Visited School: Eastern Region							
(\$\$ = monetary fee K = in kind fee P = private arrangement by parents)							
District	Sub-County	School	Dev.	Lunch	Uniform	Others	T o t a l Monetary
Kapchorwa	Kawowo	Kawowo SS	\$\$	K	P		10,000shs
Kapchorwa	Kapteret	St. Mary's SS Kaptanya	\$\$		P		18,000shs
Kween	Kaptoyoy	Toswo SS			P		0
Kween	Binyiny T C	Binyiny SS	\$\$		P		10,000shs
Mbale	Industrial Div.	Oxford High Sch.		\$\$	\$\$		40,000shs
Mbale	Northern Div.	Nkoma High Sch.		\$\$	P		15,000shs
Mbale	Industrial Div.	Maluku SS		\$\$	\$\$		80,000shs

Table 6: Additional fees charged at each school visited

Additional Fees Charged at Each Visited School: Northern Region							
(\$\$ = monetary fee K = in kind fee P = private arrangement by parents)							
District	S u b - County	School	Dev.	Lunch	Uniform	Others \$\$	Total Monetary
Alebtong	Amugo	Amugu SS		K	\$\$		45,000shs
Kole	Bala	Fr.Aloysious SS Bala		K	P	\$\$	15,000shs
Kole	Akalo	Abeli Girls		\$\$	P	\$\$	43,000shs
Lira	Lira	St. James Comprehensive SS			\$\$		60,000shs
Lira	Amach	Amach Modern SS			P		0
Lira	Barr	C r a n e s s Comprehensive SS		K	\$\$	\$\$	63,000shs

Table 7: Additional fees charged at each school visited

Additional Fees Charged at Each Visited School: Central Region							
(\$\$ = monetary fee K = in kind fee P = private arrangement by parents)							
District	Sub-County	School	Dev.	Lunch	Uniform	Others \$\$	Total Monetary \$\$
Mukono	Nagojje	Nagojje SS			\$\$	\$\$	46,500shs
Mukono	Central Division	St. Peter's Mixed SS			\$\$	\$\$	70,000shs
Mukono	Central Division	Mukono SS	\$\$	\$\$	\$\$	\$\$	110,000shs
Mukono	Central Division	Fairland High Sch.		\$\$	\$\$	\$\$	270,000shs
Mukono	Goma Division	Central View High Sch.			\$\$	\$\$	115,000shs
Mukono	Goma Division	B u k e r e r e College Sch.		\$\$	\$\$	\$\$	103,000shs

The tables above provide a breakdown of the various additional fees that are charged in PPP schools. Fees are for various purposes, including among others development, lunch, uniforms, school materials, etc. While some of these fees are monetary, others are payments made in kind. The final column in the table shows how these additional fees can, when taken collectively, result in significant monetary burden placed upon the families of students attending PPP schools. For example, *Shadrack Chemutia* from Kween District is 16 years old, he has stayed away from school for one year because he has no money for school feeding. He dropped out because of UGX 50,000. Government pays UGX 47,000 for his tuition but his school has levied an additional UGX 50,000. He also cannot afford UGX 30,000 school uniform and other expenses. Shadrack is trying to raise money for school but has not yet succeeded.

Girl children - Regarding female students, PPPs have largely reduced the distance walked by students to and from schools and thereby supported girl-child education.⁷³ The DIS Kapchorwa said that PPP schools have improved access for the girl-child because of the schools' proximity to nearby communities. This reduction in distance ultimately benefits female students, the demographic most at risk in transit to and from school.

Both girls and boys have an equal opportunity to join PPP schools. In fact, there is not a significant discrepancy in the number of girls and boys in all PPP schools. This has been attributed to the demographics of the different areas and innovative programs introduced in some schools to encourage the enrollment of girls. One school director stated: *"We have community outreach programs where we meet girls and parents and discuss the importance of educating a girl child... [what has] also [been helpful is] the fact that the entry point for girls is relaxed."*⁷⁴

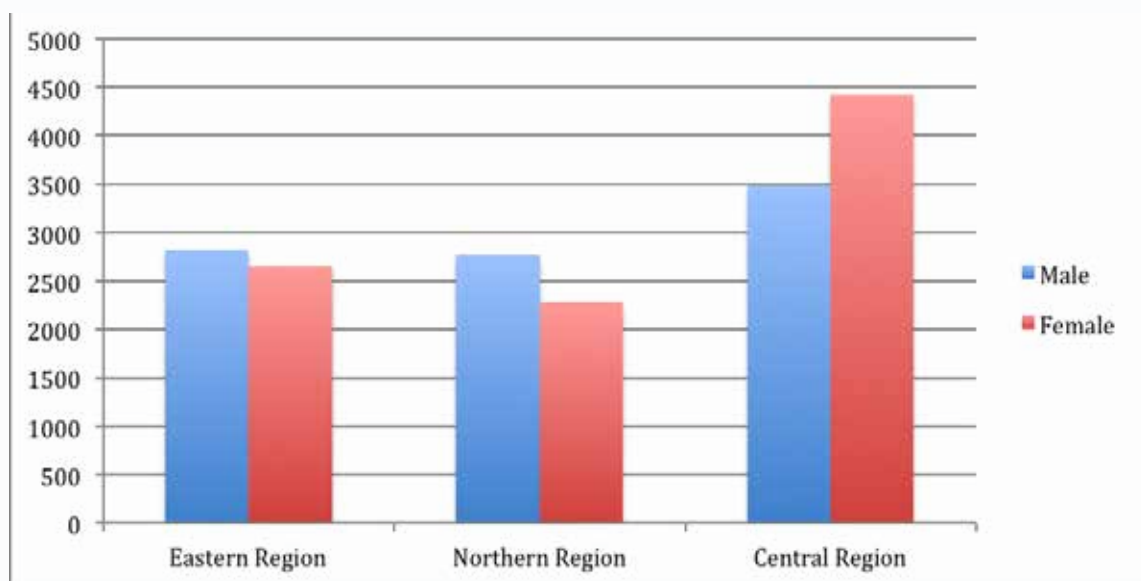
Table 8: Gender breakdown of students' enrollment at schools visited

Gender Breakdown of Enrollment at Each Visited School					
District	Sub County	School	Males	Females	Total
Kapchorwa	Kawowo	Kawowo SS	228	243	471
Kapchorwa	Kapteret	St. Marys Kaptany	143	156	299
Kween	Kaptoyoy	Toswo SS	153	184	337
Kween	Binyiny T C	Binyiny SS	279	223	502
Mbale	Industrial Div.	Oxford High sch.	1,102	1,070	2,172
Mbale	Northern Div.	Nkoma High Sch.	271	252	524
Mbale	Industrial Div.	Maluku SS	640	527	1,117
Alebtong	Amugo	Amugo SS	322	204	526
Kole	Bala	Fr.Aloysious SS	115	116	231
Kole	Akalo	Abeli Girls	80	161	241
Lira	Lira	St. James Comprehensive SS	802	750	1,552
Lira	Amach	Amach Modern SS	800	728	1,528
Lira	Barr	The Cranes Comprehensive SS	650	326	976
Mukono	Nagojje	Nagojje SS	136	190	328
Mukono	Central Div.	St. Peter's Mixed SS	400	600	1000
Mukono	Central Div.	Mukono SS	103	154	257
Mukono	Central Div.	Fairland High School	156	175	331
Mukono	Goma Div.	Central View High Sch.	170	280	450
Mukono	Goma Div.	Bukerere College Sch.	19	24	43
Wakiso	Central	Bright Future Voc. SSS	450	429	879
Wakiso	Nangabo	Matugga mixed SS	386	496	882
Wakiso	Makindye	Agro- Links SSS	343	470	813
Wakiso	Makindye	Katwe Noor SS	248	237	485
Wakiso	Nangabo	Iqra High School	215	392	607
Kampala	Rubaga	New styles SS	141	156	297
Kampala	Central	Crane Hill SS	461	522	983
Kampala	Central	Pimbass SSS	258	298	556

73 Interview with a Senior Education Officer held on 11/03/2016

74 Interview held with the director- New Styles Secondary School on 18/03/16

Table 9: Gender breakdown of Enrollment at schools Visited in Each Region



The two tables above depict the gender breakdown of enrollment at the PPP schools visited by the research team. The data illustrates that enrollment for boys and girls is roughly equivalent; suggesting that access to education for girls in PPP schools is almost equal to that of boys. In some of the schools visited, enrollment numbers show that there are more female students than male students.

Looking specifically at Toswo Secondary School, located in Kaptony sub-county in Kween District, the study finds no significant difference between the enrollment of girls and boys. The elimination of FGM is another major factor for the increased school enrollment of girls. According to one head teacher, “There is massive sensitization on the need to educate the girl child. We tell [parents] of girls who have excelled without being cut. Girls are encouraged to enroll in this school due to mass sensitization in the communities after [the] clampdown on FGM.”⁷⁵

However, there is an observed reduction in the number of girls enrolled in the upper classes of secondary school. One respondent notes: “There is a high dropout rate of girls especially from S.4 onwards and this is because most of these PPP schools are in slum areas and girls get lured into sex and marriage by bodaboda and taxi touts.”⁷⁶ This is merely one factor contributing to the high dropout rate of girls in PPP Schools.

Children with disabilities - In relation to students with disabilities, the evidence from the field indicates that there is no reasonable accommodation for students with disabilities in PPP schools despite the government’s promotion of inclusive education. In most of the schools visited, buildings are not physically accessible. The reason behind this lack of accessibility—despite the government’s call for inclusion—may be due to the fact that construction is done by the proprietors of the schools using their own finances since capitation grants are not supposed to be used for construction.

⁷⁵ Interview held on the 10/03/16 at Toswo Secondary School, Kaptony sub-county in Kween district
⁷⁶ Interview with the head teacher of Bright future Vocational SSS held on 10/03/16

As a result, most of the PPP schools do not follow the minimum standards. This is in stark contrast to what occurs in government-aided schools. One key informant noted, *“Disability is not taken seriously because construction plans are not approved by the district. District engineers only supervise government-funded structures.”*⁷⁷

Another respondent added: *“Facilities do not have access for disabled children because construction of buildings does not follow guidelines [such as including] ramps for [wheelchair] access and...latrines for students with disabilities. Of late, government-aided schools constructed by government are disability friendly.”*⁷⁸

At Toswo Secondary School, for instance, there was a disabled student in Senior 4 in 2015. The school's infrastructure allowed him to access the classrooms but not the latrines. Clearly, this was a problem since the state of most of the latrines is inhumane and degrading such that no student should have to crawl in them. As a result, many disabled students like the one described above end up dropping out of school. The Head Teacher noted, *“At the 2015 annual general meeting, access for disabled children was discussed and the Board of Governors was very supportive but the money received from parents was too little to allow for construction.”*⁷⁹

In addition, all of the schools visited did not have a single special needs teacher. Kawowo Secondary School in Kapchorwa district has three disabled children enrolled. One is deaf and two are physically disabled. The school has no provision for sign language teachers to assist the deaf student. The head teacher stated: *“The deaf student is in Senior Two and is always among the worst performers. We just want to take him through the system. The one with a lame hand, teachers give him more time.”*⁸⁰ The school has not had students enrolled with a serious physical disability or handicap, but the school is planning to establish access points.

At Binyiny Secondary School, located in Binyiny Town Council in Kween District, the school has one enrolled student with occasional visual impairment. According to the Head Teacher, *“Our structures are not disability friendly, and we wouldn't take on deaf children because we have no capacity to employ sign language teachers. The government should come in and build disability friendly structures.”*⁸¹

In response to issues of access for children with disabilities, a SEO noted that PPP schools have provided access to some physically disabled children, especially those who cannot walk long distances. That being said, however, the limited availability of Special Needs Education (SNE) facilities in most PPP schools—especially in rural and remote areas—severely limits access to education for many children with disabilities.⁸²

When looking broadly at how the PPP program has affected educational access for vulnerable groups, the study makes it clear that the results have been mixed, at best. While it is true that the PPP program has led to significant increases in education access for vulnerable groups (e.g. students from low-income backgrounds, female students, etc.), the increases have not been witnessed universally for vulnerable groups.

77 Interview with the DEO Kile district held on 17/03/16

78 Interview with the DEO Mukono held on 23/03/16

79 Interview held on 10/03/16

80 Interview held on 09/03/16

81 Interview held on 10/03/16

82 Interview held on 11/03/16

As described above, students with disabilities still face many obstacles and experience significant challenges despite the government's promotion of inclusive education. In addition, children from extremely poor backgrounds still can't afford the costs of attending PPP schools: much of the increase in educational access for poor families has in fact been negated by the non-tuition fees charged by PPP schools for school uniforms, scholastic materials, etc., which has had the unfortunate result of causing enrollment in secondary education to become too costly for parents of poor and vulnerable students. Many of the factors described above ultimately contribute to poor educational outcomes for many vulnerable students, calling into question the extent to which the PPP program wholly increases educational access for this group of learners.

6.3 Financing and Cost-Effectiveness

Government makes a capitation grant contribution of forty seven thousand Uganda shillings (47,000UGX) per term for each student enrolled in a PPP school. However, this monetary value was set back at the start of the program in 2007. Due to inflation, this grant contribution is insufficient to meet the actual cost of education. All the head teachers interviewed decried the low funding of PPP schools. They concurred that the current USE capitation grant of 47,000shs per child is too low to deliver quality education. All the schools displayed a high teacher turnover rate due to low remuneration.⁸³ In addition, all the schools visited, especially those in rural areas, desperately requested that the capitation grant be increased to at least 100,000shs, or preferably 200,000shs. Further, the head teachers requested that the government assume responsibility for the payment of teacher's salaries or at least provide financial support towards the same.

One key respondent stated: *"What is happening is that we are teaching public students using private resources because government contribution is too low, and so we have to use money paid by private students to top up and subsidize those supported by government."*⁸⁴ As a result of this financial constraint, many PPP schools find themselves forced to charge parents for extra fees, contrary to the MoU.⁸⁵

The Commissioner for PSID noted that the MOESTS acknowledges that 47,000shs is insufficient and has repeatedly proposed to the Ministry of Finance Planning and Economic Development to increase the capitation grant to at least 100,000shs. However, this proposal has been categorized as an unfunded priority in all recent budgets.⁸⁶ The impact of having this as an unfunded priority is greatly affecting the quality of education [provided]... by PPP schools.⁸⁷

The research has also revealed that although PPPs appear to be more affordable than government-aided and purely private schools, in reality they are a very expensive model and one which does not in fact facilitate government's delivery of education effectively and efficiently. The Commissioner for PSID noted that: *"It is very expensive for the government to run this program and ensure quality because the parent is not participating and its sustainability is a big challenge"*

83 Interviews held between 09th -24th of March 2016

84 Interview with the head teacher of Katwe Noor Secondary School on 09/03/16

85 Ibid

86 Interview held on 14/03/16

87 Ibid

To make matters worse, public funds are misused in many schools, and the proprietors of PPP schools are not using the funds as laid out by the MOU⁸⁸. Some respondents stated:

“The government should construct seed schools in areas that are underserved or explore the possibility of expanding existing government-aided schools instead of giving money to PPP schools. [PPP schools provide]....no value for money.”⁸⁹

Similarly, the Kole DEO expressed disappointment that proprietors of PPP schools are not using funds according to guidelines. *“There is no educational quality, and teaching materials are not provided adequately. The government should instead construct seed schools completely managed by government. There we shall see value for money.”⁹⁰*

The DEO of Mukono district was equally concerned that PPP schools have not prioritized value in respect of teaching instruction and quality outcomes of education more broadly. *“They have administrative issues, proprietors are greedy, and in some schools enrollments are going down. There is no value for money. If you look at performance, it is wanting. Private schools that are not supported by the government are doing better. Money for PPPs should be used to revamp facilities in government-aided schools and to construct more facilities.”⁹¹*

A SEO, PSID, offered a different perspective: *“PPPs are cheaper in the short-term in cases where there is a need to urgently provide access to education. Even in terms of cost-effectiveness, although National Assessment of Progress in Education (NAPE) reports indicate that S2 students in PPP schools score least across school categories in learning achievements in Biology, Mathematics and English...the gap is minimal compared to the wide disparity in funding between USE in PPP schools and USE in Government schools.”⁹²*

This notwithstanding, all of the head teachers interviewed revealed that sometimes there is delayed disbursement of the capitation grants to the PPP schools, which puts the schools under severe financial pressure, which understandably affects education service delivery. One head teacher commented that *“[r]unning these schools is very hard. The capitation is way below the cost of education amidst the high levels of inflation. This is worsened by the fact that sometimes the capitation grants come late.”⁹³* This affects school operation in the short term and the sustainability of the program in the long-term.

The status quo has prompted some schools to unilaterally negotiate better capitation grants for their schools. However, this has the potential to create problems of inequality among PPP schools. Take for example, the Promoting Equality in African Schools (PEAS) in Uganda. PEAS is a UK based charity/social enterprise that has operated in Uganda since 2000, and signed a Memorandum of Understanding with the Government in 2010, entering into a secondary education public-private partnership. Under the agreement, PEAS receives a per-pupil per term capitation grant enabling them to eliminate tuition fees for eligible students.

88 Section 3(iv) of the Memorandum of Understanding
89 Interview with the DEOs of Kole, Lira and Mukono
90 Ibid
91 Ibid
92 Ibid
93 Interview held on the 09/03/16 with a head teacher of Katwe Noor SSS

However, students in the different PEAS schools pay other fees ranging from USHs. 80.000 to 250.000 (approx. \$35 to \$100) per school term to cater for expenses such as lunch or boarding fees. To date, the PEAS project runs 24 schools in Uganda, and plans to open more secondary schools. While the project is seen to be increasing access to secondary education in the country, it may create a negative impact as it has proposed a memorandum of understanding with the Government whereby PEAS schools would be given a capitation grant per pupil of approximately 211,000 USHs (approx. \$85)⁹⁴, which is much higher than the Ushs 47,000 (approx. \$19) capitation grant received by other PPP schools. Such a move would invariably prejudice students not enrolled in PEAS schools, who would not be as well resourced as their PEAS counterparts – a discriminatory PPP system the government would be hard-pressed to justify.

6.4 Quality of Education and Value for Money

PPPs were intended to ensure improvements in the quality of education available in Uganda. However, stakeholders have raised concerns about the quality of education and value for money offered by PPPs schools. In December 2013, the President of Uganda complained about what he called **‘squandering of Government money’** in reference to the 53 billion Ugandan Shillings spent to support private schools under PPPs. He argued that this money could be saved to build – in about 3 years at a rate of 88 schools per annum – secondary schools in the 243 sub-counties without a government secondary school. He therefore proposed a class-by-class phase out of schools under PPPs.⁹⁵ In response to the president’s concern, the administration proposed, among other things, that instead of relying on private for-profit schools to implement the USE programme, the government should encourage private not-for-profit schools to take over the PPP arrangement as a policy alternative. However, as indicated earlier, the private not-for-profit schools in Uganda also charge fees that are not affordable to the poorest families.

In addition to the concerns articulated by the president, the research revealed that the quality of education in PPP schools is poor in comparison to both private schools not supported by the government as well as government-aided schools. A key policy maker acknowledged that most of the PPP schools are of poor quality and lack basic infrastructure as well as important instructional inputs such as science laboratories and libraries.⁹⁶

As evidence of this inability to provide basic infrastructure and inputs, it should be noted that due to the inadequate facilities and absence of qualified teachers, Kawowo Secondary School only managed to acquire a UNEB Centre in 2015 even though the school was established in 2002. In the previous years, students were sitting examinations from Kaserem S.S, Nabong S.S in Bulambuli, St. Peter Clever Bulambuli, and Mbale Progressive in Mbale District. Students are required to pay additional charges, ranging from 120,000shs to 130,000shs, depending on the Centre. Even USE students have to pay this fee, often referred to as a handling charge, by the schools with Centre numbers. The money, which is allegedly used to buy chemicals and apparatus as well as to organize laboratory practicals, is worryingly not receipted.

94 Proposed MOU in Relation to a Public Private Partnership to Facilitate the Management of PEAS-Built Secondary Schools between Ministry of Education and Sports in Uganda and PEAS Uganda Ltd, 2013.

95 Ministry of Education and Sports Presentation, An Appraisal of the Possible Implications of the Policy Reversal on Public Private Partnership for USE/UPOLET, July 2014.

96 Interview held on the 14/03/16

Further, Kawowo Secondary School has only four permanent classrooms and two semi-permanent classrooms (mud and wattle). The school has two girls' latrines with two stances, four boys' latrines with two stances, and two teachers' latrines with two stances. The library is semi-permanent with walls constructed using mud and wattle, and the floor is not cemented. The government provided two consignments of textbooks for compulsory subjects. The school has no staff quarters. Regarding the general condition of the school, the DEO stated: *"The quality of education is very low and the results are very poor. There is use of temporary toilet structures, which is a disincentive and scares children away. The capitation is very low too"*⁹⁷

Regarding school quality more broadly, the DEO further stated that although the program has improved access to education in some areas, the quality of education in PPP schools is wanting and has been greatly compromised. According to him, schools lack the basic necessities required to enable learning (e.g. laboratories, libraries, furniture—all of which affect the quality of education). This widespread lack of laboratories and other science materials is greatly affecting the government's program on the promotion of science education because PPP schools are ill-equipped which greatly affects the performance outcomes.

Expressing common sentiments, the head teacher Amugu Senior Secondary School stated that despite improving access to education in the sub-county, Amugu Secondary School faces challenges of infrastructure, thus not all children in the community are able to access the school. *"Infrastructure is generally our biggest challenge. We cannot admit more students, yet this is the only school around. We are trying to construct facilities, but the work is moving slowly. Other challenges are within school control."*⁹⁸

The Commissioner for PSID summarized much of the frustration described by the school officials, noting that *the enrollment numbers for secondary education are growing every day, and yet there is no accompanying growth in infrastructure, making quality education in PPP schools essentially a wild goose chase.*⁹⁹

In addition to insufficient infrastructure and materials, the quality of education has further been compromised by the recruitment of unqualified teachers. One key informant commented that: *"Teachers in PPP schools are not qualified. They use Senior Six leavers and Diploma holders. Generally there is poor service delivery."*¹⁰⁰ In general, qualified teachers are very expensive for PPP schools to maintain, and even for those schools that attempt to recruit qualified teachers, there is great difficulty in retaining them. This is especially true for science teachers. A teacher at Kawowo Secondary School lamented that teacher's salary are so low, which is demotivating for teachers. *"Teachers are paid an average of 120,000shs while the head teacher is paid 160,000shs. This leads to absenteeism as teachers get involved in economic activities like farming."*¹⁰¹

Similar to Kawowo Secondary School, St. Marys Secondary School in Kaptanya is struggling with quality issues. Paying teachers is a big challenge. *"That is why we have applied to the government to take over the school as a government-aided school and put teachers on government pay roll. We need more structures because the school has no library or laboratory."*

97 Interview with the DEO Kween District- Mr Cherotich Micheal Kaftekiw

98 Interview held on the 16/03/16

99 Interview held with Commissioner PSID on 14/03/16

100 Interview held with deputy DEO Lira district- Mr. Abura Jasper on 18/03/16

101 Interview held on the 09/03/16 – Kawowo SSS

We only have a science room used for practical lessons.”¹⁰² In terms of quality, Binyiny Secondary School is not any different from the other PPP schools in Kapchorwa and Kween. Factors ranging from low motivation among staff to poor infrastructure are cited as the contributing factors to the low quality of education. “The head teacher earns 270,000shs and teachers 170,000shs. There is no fully-fledged laboratory even though government is encouraging science subjects,” said the head teacher.

All schools visited have a high science teacher turnover, due both to the shortage of qualified science teachers and the low levels of remuneration available. When ISER interacted with senior three students in Binyiny Secondary school, we learned that they had never conducted a science practical. The head teacher said: “There is a time I got a science teacher, a fresh graduate from Makerere but when I told him the payment he laughed at me and said bye.” This has negatively affected the performance of science subjects in these schools.

Table 10: O’ Level science subjects failure rate in Uganda National Leaving Examinations Board (UNEB) 2011 – 2015.

NAME OF SCHOOL	YEARS				
	2011	2012	2013	2014	2015
Agrolinks Academy	81	71	71	78	78
Amach Modern Secondary School	72	62	63	64	56
Amugu Secondary School	41	22	31	30	40
Binyiny Secondary School	77	54	60	74	73
Bright Future Vocational Ss, Kawempe	80	79	66	74	73
Bukerere College School	75	80	65	72	69
Bulluge Comprehensive High School	67	53	16	34	26
Central View High School, Mukono	57	56	64	70	66
Crane Hill Secondary School, Makerere	69	63	56	68	57
Fairland High School, Mukono	60	63	63	69	68
Fr. Aloysious Secondary School, Bala-Lira	68	62	54	54	52
Iqra High School	61	69	57	67	60
Katwe Noor Secondary School	62	64	54	45	58
King James Comp. Secondary School, Lira	38	38	48	47	46
Maluku Secondary School, Mbale	65	61	70	68	59
Nagojie Secondary School	46	52	53	72	52
New Styles Secondary School, Bwaise	64	56	45	63	67
Nkoma High School	71	70	77	72	71
Pimbasa Secondary School	58	58	47	47	35
Oxford High School, Mbale	70	67	74	75	71
St. Peter's Mixed Secondary School, Mukono	74	69	58	64	53
The Crane Comprehensive Ss, Lira	69	63	66	62	59

SOURCE: Table generated by ISER from certified UNEB performance Statistics of 2011-2015

From the table above, one can discern the alarming levels of the average failure rate in science subjects (Biology, Physics, Chemistry and Mathematics) in most of the PPP schools visited. While a few schools have marginally improved their performance, the majority of schools experienced declining performances year on. This implies that most of the PPP schools are not paying enough attention to science education as promoted by government. The worst performer in the schools observed was Agrolinks Academy which over the past five years experienced an average science subject failure rate of **76%**.

¹⁰² Interview with the head teacher Mr. Hamza Babu held on 09/03/16

An additional factor that contributes to the poor quality of education in PPP schools is an overall poor learning environment. One respondent remarked: *“It is not conducive. Classrooms are dusty, there is no safe drinking water, and the schools lack the required toilet stance ratio. In addition, toilets are constructed with dangerous materials. Sometimes, there are not enough teachers. The resources are not enough to enable the schools to upgrade and meet the minimum requirements.”*¹⁰³ Another respondent added that poor learning is not surprising given the large classes. In one instance, a single class housed 122 students simply due to a lack of structures, which made it hard to divide students into streams.¹⁰⁴ It should be noted, however, that this widespread lack of basic infrastructure occurs despite the fact that the MoU explicitly requires schools seeking to partner with the government for USE implementation to meet the Basic Requirements and Minimum Standards (BRMS) for education institutions. These standards relate to basic infrastructure, teaching staff, safety and security.

Table 11: Physical facilities in PPP schools in Kapchorwa, Kween and Mbale Districts

Physical Facilities Present at Visited Schools in Kapchorwa, Kween, and Mbale Districts							
School:	St. Mary's	Kawowo	Toswo	Binyiny	Oxford	Maluku	Nkoma
# of Classrooms (PERM):	4	4	0	4	15	4	5
# of Classrooms (TEMP):	0	0	5	1	8	6	0
# of Latrine Stances (M):	6	3	5	6	11	6	2
# of Latrine Stances (F):	6	3	5	6	11	6	0
# of Laboratories:	1	1	1	1	2	1	1
Library?	No	Yes	Yes	Yes	Yes	Yes	No
Comp. Lab?	No	No	No	No	Yes	No	Yes
Sports Field?	No	No	No	No	No	No	No
SNE Facilities?	No	No	No	No	No	No	No

The above table depicts the physical facilities present at schools visited by the research team. The data shows that some of the schools lack basic infrastructure such as a library or a sufficient number of permanent classrooms. In addition, none of the schools depicted above have SNE facilities or a sports field. Further, only two of the schools have a computer lab for students. Taken as a whole, the table displays an unsettling reality, illustrating that many of these schools may not possess sufficient funds to meet their basic infrastructure needs.

Furthermore, the insufficiency of the capitation grant value has also compromised the quality of education in PPP schools. One respondent stated: *“Schools cannot recruit, motivate and retain teachers because they lack the financial muscle. Teachers keep on moving, which affects the students.”*¹⁰⁵ Again, this occurs despite the fact that the MoU requires proprietors of PPP schools to ensure that the school employs qualified teaching staff, including a qualified head teacher. This requirement is described as necessary for effective learning in PPP schools.

¹⁰³ Interview held with the DIS Kapchorwa district on 10/03/16

¹⁰⁴ Interview with the Head teacher Kawowo SSS held on the 09/03/16

¹⁰⁵ Interview held with the DEO Kapchorwa District

In addition, some respondents suggested that the poor academic performance of PPP schools can also be attributed to the admission criteria for USE students. The government requires that all students who score an aggregate between 4 and 28 are eligible for USE enrollment. One respondent suggested that this may be the true underlying cause of poor academic performance in PPP schools: *“It should be a minimum of a credit six (C6). Schools are blamed for poor performance, but it is because we admit weak students.”*¹⁰⁶

However, a Senior Education Officer believes that it is primarily the lack of infrastructure and materials that leads to poor quality education, stating *“[t]here is no homogeneity of failure or success in meeting Basic Requirements and Minimum Standards (BRMS). On average, however, most PPPs, like most low-cost secondary schools (including government ones), are not meeting BRMS. They lack qualified teachers, laboratory facilities, SNE facilities, effective teaching/learning supervision, etc.”* When asked whether there is value for money in PPP schools, the officer responded *“given the very low capitation grant, there is value for that kind of money.”*

While there is mixed evidence as to the extent to which there may be value for money in PPP schools or the extent to which the initiative may merely be squandering government money, the above discussion makes one thing very clear. The evidence collected and testimonials provided in the PPP schools illustrate clearly that the PPP schools are not providing the high quality education that was both promised through the initiative as well as agreed upon through each school’s MoU with the government.

6.5 Accountability Mechanisms for Private Actors

This section looks at accountability in terms of financial accountability, staff recruitment, welfare and dismissal, as well as social accountability to the school users.

Financial accountability - In terms of financial accountability, the study revealed that all PPP schools are required to ensure proper accountability for all disbursed funds. Generally, when the school submits documents of accountability to the Ministry, they are issued with a certificate of accountability, which makes them eligible to receive the next *tranche* of funds. Though the MoU signed between the government and PPP schools states that monies received should specifically be used for teaching and learning purposes, many schools do not follow this guideline—as confirmed by one of the key respondents. *“Funds are not utilized accordingly. The administrators should be sensitized on the guidelines, but most of them do not know. If they know, then they ignore the guidelines.”*¹⁰⁷

Similarly, the Deputy DEO for Lira said that maintaining accountability and transparency is a challenge. *“PPPs are not accountable to the local government, yet the district is supposed to report to the ministry how funds are spent, but schools do not open up. They just take [forms of] accountability to the ministry and do not submit to the district.”*¹⁰⁸

The study further revealed that there is substantial confusion regarding where to file accountability for the capitation received. Whereas some head teachers were submitting their accountability to the MOESTS and receiving a certificate of accountability, others were submitting to the district local government department of education but receiving no certificate or documentation as acknowledgement of receipt of accountability documents. For example, one of the head teachers stated that: *“We submit the accountability to the MOESTS whereupon we receive a certificate of accountability. However, some of our colleagues from other schools submit to the district.”*¹⁰⁹ This was confirmed by another respondent who stated that they submit their documents of

106 Interview held with the head teacher of St. Marys Secondary School held on 09/03/16

107 Interview with the DEO Kole district held on 17/03/16

108 Interview with the DEO Lira held on 18/06/16

109 Interview with the head teacher of Iqra High school held on 09/03/16

accountability to the district since the district inspects the schools.¹¹⁰

This confusion is worsened by the fact that while some PPP schools submit accountability for the capitation received, others do not – yet the latter still receive subsequent funding. One respondent insisted that: *“Accountability for the capitation received is not mandatory- It is a matter of choice for the head teacher. You will just find another release on the school account as long as the head count was done.”*¹¹¹ Again, this occurs despite the fact that the MOU requires the proprietors of the private schools to ensure proper accountability of all disbursed funds.¹¹²

Similarly in Mukono District, PPP schools are also displaying a lack of consistent accountability. The DEO for Mukono explained that PPP schools are required to submit data (e.g. examination results, etc.) to the district, but they are very reluctant to do so. *“They place loyalty to the center other than the district. They feel more accountable to the ministry. When the district sends auditors, they receive very little cooperation. Engagement with the ministry on these issues has been futile”.*¹¹³

Staff recruitment, management and dismissal - The power to hire and dismiss staff, including teachers’, resides with school directors. As such, job security for staff in PPP schools is not guaranteed and results in significant staff turnover that impact negatively on overall student performance.

Social accountability – Accountability to the users of the schools is essentially through the Board of Governors, and the Annual General Meeting. According to the MoU, participating private schools must institute a Board of Governors that makes decisions concerning budgets and expenses. To ensure effective regulation, schools are also required to have this Board of Governors approved by the Ministry of Education¹¹⁴. Their role is to oversee the running of the schools. However, ISER’s research reveals that most of the PPP schools do not, in fact, have a functional Board of Governors – some respondents could not recall when last their Board of Governors had held a meeting. The Directors/Proprietors technically run the schools with head teachers possessing very limited jurisdiction and powers. For example, at Omach Modern Secondary School in Lira District, the Director is at school fulltime, and the head teacher allegedly acts as his secretary, as attested by the organization of the respective offices.

The DEO of Mukono expressed a similar concern, stating that the roles of the Board of Directors, Board of Governors and head teacher appear not to be correlated to the traditional functions of the respective designations. *“The head teacher must be a technical person running the school, but most times he/she is just a figure as the directors usurp the powers his/her power. You will for example find cases of the head teacher requisitioning from the director money for the day to day running of the school, which money is either released reluctantly or the head teacher endures some form of punitive action as a consequent.”*¹¹⁵

110 Interview with the head teacher of Bright Future Vocational SSS held on 11/03/16

111 Interview held on the 09/03/16- Katwe Noor SSS

112 Section 3 (ii) of the Memorandum of Understanding

113 Interview held on the 23/03/16

114 Section 2 of the Memorandum of Understanding

115 Interview held on the 23/03/16

The above discussion makes it apparent that there is significant concern regarding accountability and transparency in the PPP scheme. Despite the framework for accountability and transparency contained throughout the MoU, PPP schools still display a lack of coherence or consistency in their relationship with—and accountability to—the various supervisory bodies.

6.6 Regulation and Supervision

In Uganda, PPP implementation preceded the finalization of the overarching legal and policy framework intended for the operationalization of PPPs. The specific law regulating PPPs was only passed by Parliament in July 2015; yet PPPs in education have existed since 2007. One respondent stated that:

“One of the big problems we have as a Ministry regarding PPPs is that we started implementing the program without legal and policy direction. We are now working retrospectively.”¹¹⁶

Currently, the Ministry of Education, Sports and Technology (MoEST) Directorate of Education Standards (DES) is responsible for inspecting Public Private Partnership (PPP) schools to ensure general compliance with Basic Requirements and Minimum Standards (BRMS). The PSID is also responsible for routine monitoring through support supervision of PPP schools; however, coverage and frequency is often very limited.

Ultimately, the routine inspection and supervision performed by government is implemented to ensure the quality of education in PPP schools. However, the issue of school regulation and supervision remains a problem due to the lack of both financial means and human resources. As a result, the quality of education in many PPP schools is actually compromised, especially in remote and hard-to-reach areas.¹¹⁷

In addition to DES and PSID monitoring, District Inspectors of Schools (DIS), District Education Officers (DEO), and Division/Town Council/ Sub-County Inspectors of schools are also responsible for the supervision and inspection of schools. For all of the schools visited in terms of this study, this was found to be done on average once per term. According to the District Education Officer of Kileleshwa in northern Uganda, “supervision is done to make sure that the schools meet the basic requirements and minimum standards set by the Ministry.”¹¹⁸ He confirmed that supervision is done termly but added that due to inadequate transportation, they do not reach every private school.

In performing their role of supervision, some DEOs raised the concern of political interference as a major hindrance in terms of both support supervision and monitoring for compliance with minimum standards. The Deputy DEO for Lira cited the example of King James Comprehensive School: “[t]hey enroll [more] students [than they can accommodate in] the facilities they have and students share beds in an illegal boarding facility. But whenever you try to do your job, the politicians interfere.” Indeed, ISER’s study confirmed that the boarding facility of this school lacked the minimum safety and security standards.

¹¹⁶ Interview with the Commissioner, Private Schools and Institutions Department, MOESTS held on the 14/03/16

¹¹⁷ *ibid*

¹¹⁸ Interview held on 17/03/16

Officially, the Memorandum of Understanding (MoU) signed between the proprietors of PPP schools and the Ministry spells out the agreed cost centers for expenditure of USE funds. The MoU, however, does possess weaknesses, especially with regard to penalties for non-compliance. Interestingly, during interviews with head teachers, many revealed for example, that they used capitation grants for construction, something that is explicitly prohibited by the MoU. The Inspectors of Schools were aware of this anomaly. This confirms that while supervision is done in the schools regulation measures are clearly not effective. The DEO of Kapchorwa District said they regularly review school budgets to make sure they conform to the guidelines of the MoU and follow this process with a routine inspection.

The MoU agreement provides that it is not acceptable for the proprietor/head teacher to expel or discontinue any student for non-payment of fees without due consultation with the Ministry for Education and Sports. However, in practice, this is one area where regulation has failed terribly. Neither the Ministry nor the district has control over the fees charged by PPP schools and as a result a number of students are dropping out of school due to an inability to provide both tuition and non-tuition fees. The DEO of Kileleshwa said: “[t]hese are private institutions. They charge fees any how without looking into what the government is providing as capitation. Children from poor family backgrounds join and drop out mainly due to fees. The government should have control over the fees these PPP schools charge. It has lost meaning.”¹¹⁹

In a similar manner, the government is also failing in its mandate of supervision to determine the number of students that should benefit from the government bursary. In most of the schools visited, the enrollment figures stated by head teachers were not comparable to the number of students in school. Head teachers claimed that since it was the beginning of term, children were still due to report to school.

The above discussion makes it evident that the government has greatly failed in the regulation and supervision of PPP schools and this is greatly affecting the provision of quality education and performance outcomes.

7.0 Conclusion and Recommendations

As discussed, while Uganda has a number of legal and policy frameworks to govern the right to education – including regulation of PPPs in education- most of this remains on paper. The government needs to invest in effective and efficient implementation of the policy to ensure that the right to education meets human rights standards and is protected from violation including by private actors.

The study revealed that PPP adoption has not resulted in equitable geographical access to education and that in fact there remains a great deal that to be done to accomplish the objective of significantly increasing education access, particularly for vulnerable groups such as children from low income backgrounds, the girl child, and students with disabilities.

The study further revealed that PPP schools are not providing the high quality of education that was promised through the program and agreed upon through each school's MoU with government. PPP schools lack basic infrastructure, instructional materials and laboratory inputs to facilitate learning, which has an adverse effect on the quality of education schools are able to provide.

Another key finding of the study was that the current capitation grant is insufficient to effectively meet school's operational costs, as a result of which most PPP schools are experiencing high turn-over of teachers especially for science subjects. Most of the rural PPP schools were desperately requesting grant aid and/or for government to take-over the payment of teacher's salaries. In the same vein, the study further reveals that there is substantial confusion regarding whether and where to file accountability for capitation received.

Finally, the study revealed that government is failing in its mandate of regulating and supervising PPP schools, which has greatly affected the provision of quality education and performance outcomes.

It is therefore **recommended** that:

The Government of Uganda

- » Should phase out poor quality, low-fee, PPP schools; provide community schools with more support to meet the minimum standards; and encourage partnerships between PPP, community and not-for profit schools.
- » Must regulate fees (tuition and non-tuition) and any other financial charges by PPP schools, such as enforced compulsory boarding fees; sanctions for non-compliance should be strictly implemented.
- » There is need for a comprehensive policy on PPPs in education that ensures adherence to human rights standards by both the government and private actors at all stages of the PPP relationship. This will also call for strengthening of the national PPP law to include human rights safeguards at all stages.

- » Should introduce Social impact Assessments of PPP schools prior to government entering into partnership with private education providers, to ensure that the schools will be beneficial to the communities in which they are established.
- » Should enforce public participation at all stages of implementation of PPPs. This should include institutionalization of social accountability mechanisms such as social audits.
- » Should conduct a census before entering into partnership with private schools to ensure that there is equitable geographical distribution of schools in order to guarantee access to all and avert socio- economic segregation especially in terms of the rural-urban divide,
- » Should revise the capitation grant given to each student per term from 47,000 Uganda shillings to an amount that suits the prevailing economic circumstances. There should be a plan for the adjustment of the grant to cater for inflation in subsequent years.
- » Strengthen the monitoring and supervision of PPP schools to ensure that they are operating within the confines of the Memorandum of Understanding and the terms of the partnership.

The Private actors

- » Should ensure that their existing and new infrastructure meets the minimum disability standards to ensure inclusive education of persons with disabilities in PPP schools.
- » Desist from enforcing a compulsory boarding facility contrary to the Memorandum of Understanding.
- » The roles of the Board of Directors, Board of Governors and Head teachers should clearly delineated and strictly enforced; roles should not be subsumed or contested
- » Should have functional Board of Governors and General Parent's meetings to oversee the running of the PPP schools. Private actors should also accommodate other social accountability measures such as social audits.

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Annex I: LIST OF SCHOOLS VISITED

No.	School	Sub County	District
1	Kawowo SS	Kawowo	Kapchorwa
2	St. Marys Kaptany	Kapteret	Kapchorwa
3	Toswo SS	Kaptoyoy	Kween
4	Binyiny SS	Binyiny T C	Kween
5	Oxford High sch.	Industrial Div.	Mbale
6	Nkoma High Sch.	Northern Div.	Mbale
7	Maluku SS	Industrial Div.	Mbale
8	Amugu SS	Amugo	Alebtong
9	Fr.Aloysious SS	Bala	Kole
10	Abeli Girls	Akalo	Kole
11	St. James Comprehensive SS	Lira	Lira
12	Amach Modern SS	Amach	Lira
13	TheCranes Comprehensive SS	Barr	Lira
14	Nagojje SS	Nagojje	Mukono
15	St. Peter's Mixed SS	Central Div.	Mukono
16	Mukono SS	Central Div.	Mukono
17	Fairland High School	Central Div.	Mukono
18	Central View High Sch.	Goma Div.	Mukono
19	Bukerere College Sch.	Goma Div.	Mukono
20	Bright Future Voc. SSS	Central	Wakiso
21	Matugga mixed SS	Nangabo	Wakiso
22	Agro- Links SSS	Makindye	Wakiso
23	Katwe Noor SS	Makindye	Wakiso
24	Iqra High School	Nangabo	Wakiso
25	New styles SS	Rubaga	Kampala
26	Crane Hill SS	Central	Kampala
27	Pimbas SSS	Central	Kampala
28	Dynamic SSS	Municipal	Mukono

Notes

This image shows a blank sheet of white paper with horizontal dashed lines for writing. The lines are evenly spaced and run across the width of the page. In the bottom-left corner, there is a light blue triangular shape, which appears to be part of a larger graphic or design element. The rest of the page is plain white.



About the Initiative for Social and Economic Rights - Uganda

ISER is a registered national Non - Governmental Organisation (NGO) in Uganda founded in February 2012 to ensure full recognition , accountability and realization of social and economic rights primarily in Uganda but also within the East African region.

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