

KENYA CIVIL SOCIETY JOINT SUBMISSION FOR THE RIGHT TO EDUCATION FOR KENYA'S 4TH UNIVERSAL PERIODIC REVIEW (49TH SESSION OF HUMAN RIGHTS COUNCIL FOR UPR)



Organizations submitting the report

1. This report has been developed and submitted by 21 civil society organizations from Nairobi, Western, and Coastal regions. The CSOs include Non-Government Organizations, Community Based Organizations and Faith-Based Organizations all of which form part of a membership of UPR Kenya, a coalition that brings together over 300 CSOs all of which are divided into different thematic clusters.
2. The organizations under this joint submission include; The East African Centre for Human Rights, Akili Dada, Center For Resilience and Sustainable Africa (CEFRESA), Centre for Innovative Community Advocacy and Development, Collaborative Centre for Gender and Development, Counter Human Trafficking Trust -East Africa, Global Initiative for Economic, Social & Cultural Rights, Florics of Hope Africa, Forum for African Women Educationists - Kenya Chapter, Haki Jamii, Jesuit Hakimani Centre, Juhudi Centre, Kaka Amua Group, Kenya Human Rights Commission, Kilifi Youth On The Move, Rural Agency for Community Empowerment & Sustainability (RACES) – Africa, RefuSHE, The Safenest organization, Socially Organized Educative Team, The CRADLE, The Children Foundation, The East African Centre for Human Rights
3. **Keywords:** quality education, competency-based curriculum, special needs learners, mobility, health, nutrition, free primary Education (FPE) Free Day Secondary Education (FDSE), Junior Secondary School (JSS), Education Budget, Recurrent expenditure, Capitation, Sanitary pads, Teenage girls, Disability-friendly, EduAfya, National Education Management and Information Systems, Bursary scheme, Funding model, Education Assessment, Presidential Working Party on Education, and Distance and e-learning.

Executive summary

4. Kenya is due for review in the fourth cycle of UPR in 2025. The Kenya Civil Society Organization

thematic cluster on Education for the UPR has monitored the period under review (2020-2025) and found the following gaps: (i) Inadequate Budget Allocation for Education in Kenya: Low capitation for learners; Inadequate budget for school health, nutrition and meals; Inadequate budget allocation and coordination of sanitary towels distribution in schools; Inadequate funds for development of infrastructure in public and special needs schools; Lack of funding for student medical insurance (EduAfya); Inadequate funds to employ more teachers in Junior Secondary Schools and Special Needs Education; Conflict of interest in the management and utilization of education funds; Lack of access to higher education through the new funding model. (ii) Inadequate assessment personnel for special needs learners at the Education Assessment and Resource Centres (EARCs) (iii) Poor Implementation of the Competency-Based Curriculum. (iv) Lack of the operationalization of the open learning policy, (v) Poor Enforcement of Educational Policies.

5. The Kenya Civil Society Organization thematic cluster on Education for the Universal Periodic Review makes recommendations in the report for the adoption and implementation of relevant policy and institutional reforms that the State should undertake after the UPR review in April 2025.

Methodology

6. This report has been prepared by the Kenya Civil Society Stakeholders' thematic cluster on Education for the Universal Periodic Review (UPR) comprising civil society organizations working at National and Sub-national on issues that directly affect human rights and development. The Coalition was convened by The East African Centre for Human Rights and Forum for African Women Educationists - Kenya Chapter. The coalition held several meetings which included a capacity-building workshop facilitated by the East African Centre for Human Rights to the thematic group members. Furthermore, thematic clusters from different regions held drafting workshops where they identified issues that informed the drafting of the zero Report. A small team from the thematic cluster held three different working meetings to compile the submissions from various regions in Nairobi, Western and Coastal Region into one final report which was validated on 10th September 2024.

Issue 1: Inadequate Budget Allocation for Education in Kenya

Sub-issue: Inadequate capitation for learners

7. Inadequate capitation negatively affects the implementation of quality education in Kenya. The Government of Kenya continues to implement Free Primary Education (FPE) and Free Day Secondary Education through an allocation of the capitation grant per learner as follows: Ksh.1,420 for primary, Ksh.15,000 for Junior Secondary, Ksh.22,240 for Secondary, Ksh. 3,500 for special needs in primary and Ksh. 35000 for special needs in boarding secondary respectively. Generally, there has been an increase in the education budget over the years from 460.4 billion in FY 2018/19 to 544.4 billion in FY 2021/2022 and 628.5 billion in FY 2022/2023ⁱ. However, this allocation largely goes to recurrent expenditure leaving capitation per learner at the same rate and unable to meet learners' needs. The cost of living has increased whereas capitation remains the same thus forcing schools to resort to collecting illegal levies from parents to keep learning on course. The disbursement of capitation is not done on time by the treasury and finally, not all the allocated amount of capitation per learner in ratio of 50:30:20 by the Ministry of Education is

issued to schools. This hinders the implementation of planned activities that contribute to quality education.

Sub-issue: Insufficient funds for school health, nutrition and meals

8. The provision of feeding programmes in schools is provided for in the National School Meals and Nutrition Strategy 2017 -2022ⁱⁱ. The commitment was to provide school meals at national and sub-national levels to strengthen the National School Meals and Nutrition Programme to ensure that all children in pre-primary and primary schools receive at least one nutritious meal per school dayⁱⁱⁱ. The budget allocation for the school health, nutrition and meals programme in the FY 2022/23, FY 23/24 and FY 24/25 was Ksh 3,926,693,389, Ksh 6,033,400,000 and Ksh 3,000,000,000 respectively, showing a reduction of allocation to the program. The entire budget allocation is disbursed to the National Council for Nomadic Education in Kenya (NACONEK), limiting the beneficiaries to learners in ASAL areas only. There is a lack of transparency in the breakdown of the funds between the administration of NACONEK and the actual feeding of the learners^{iv}. The majority of learners, especially those in arid, semi-arid and urban informal settlements rely on school meals for survival, however, focusing the budget on ASAL areas leaves out learners in urban informal settlements and rural areas with high poverty rates. Lack of meals adversely affects school access, retention, performance and education outcomes. (Data on retention)

Sub-issue: Insufficient funding and poor coordination of sanitary towels distribution in schools

9. Sanitary towels play an important role in menstrual hygiene for teenage girls. The provision of the towels guarantees girls' presence in school throughout the school period. It also ensures dignity and confidence for the girls to learn, thus reducing the barriers to accessing education. However, there is inadequate provision of sanitary towels due to budget cuts and lack of coordination on the same. Data from the Ministry of Education indicates that a girl is absent from school for 4 days in 28 days, losing 13 learning days, equivalent to two weeks of learning in every school term^v. The 2021/2022 Auditor General's report revealed that the Ministry of Education received only 56.3% of the total budget allocation towards sanitary pads distribution, which resulted in the provision of 7 packets per teenage girl as opposed to 9 packets that were initially targeted per girl^{vi}. Moreover, the allocation is only limited to the 9 months of the school calendar. During the holidays, the girls are left susceptible to transactional activities in exchange for sanitary pads.
10. The sanitary towels distribution programme only targets girls in public primary schools. This leaves out girls in public secondary schools and girls in private primary and secondary schools. This is a violation of the rights of girls to equal treatment as envisioned in articles 43 (1) and 53 (1) of the Constitution of Kenya 2010.
11. The lack of clear guidelines for the distribution of sanitary pads to primary schools by the Ministry of Education causes poor coordination and inconsistency in terms of the management of sanitary pads distribution. Currently, the budget allocated for the sanitary towels programme is domiciled in the Ministry of Gender, Culture, the Arts and Heritage whereas the coordination functions are with Ministry of Education.

Sub-issue: Inadequate funds for development of infrastructure in public and special needs schools

12. An inadequate budget for education affects the provision of adequate physical infrastructure especially in the new transition to competency-based curriculum. There are inadequate classrooms including laboratories in Junior secondary schools. Additionally, many special needs schools lack disability-friendly classrooms, specialized learning and teaching materials and equipment such as braille machines, hearing aids and adapted computers.
13. Many public schools lack trained and certified/licensed medical personnel to provide adequate care to students who fall sick or adequately manage WASH and OSH programmes (occupational health and safety)/security/arsons and fires.

Sub-issue: Lack of funding for student medical insurance (EduAfya)

14. In December 2023, the Ministry of Health terminated the EduAfya programme due to lack of budget allocation by the Ministry of Education^{vii}. EduAfya is a scheme that offers comprehensive medical insurance cover including outpatient and inpatient services, day surgical services, local road ambulance and emergency air rescue services to students in public secondary schools registered under the National Education Management Information System. Termination of the programme is a high risk to students, especially those in boarding schools, where parents are not able to immediately attend to them in cases of emergencies. On such occasions, the EduAfya cover came in handy. At the moment, in the absence of EduAfya, the schools may not be able to respond to the needs of students which may lead to death. The EduAfya insurance was limited to students in secondary schools leaving those in primary school vulnerable and exposed to high risks of lacking medical care.
15. However, as of 17th September 2024, Issue NO. 11 of 2024, the government promises that as it transitions into the League of Nations with Universal Health Coverage, EDU AFYA will be broadened to encompass all school-going children extending beyond its current focus on secondary school students.

Sub-issue: Inadequate funds to employ more teachers in Junior Secondary Schools and Special Needs Education.

16. Kenya has made progress in the provision of Free Compulsory basic education in primary and secondary schools. The commitment includes the allocation of budgets for the recruitment of adequate teachers at all levels. In the financial year 2022/23, the Teacher Service Commission recruited 13,000 teachers against a target of 15,695 teachers and posted 1,222 newly recruited teachers to schools with high shortages^{viii}. Currently, the disproportionate ratio of teachers - to - learners is a significant concern, particularly in Junior Secondary Schools (JSS) and Special Needs Education institutions. This ratio varies widely between urban and rural areas with some schools having a teacher-student ratio as high as 1:70, often resulting in overcrowded classrooms and strained resources. This is contrary to the recommended ratio by UNESCO for the teacher to learners which is 1:25^{ix}. The Teachers Service Commission admitted that Junior Secondary Schools are grappling with teacher shortages of 42,117 where schools require 99,045 teachers against the current number of 56,928^x.

17. Most teachers are burdened by the workload because of the low numbers, while others are forced to teach learning areas, they are not specialized in. This is contrary to the JSS guidelines which provide that each teacher should handle at least 2 learning areas^{xi}. To curb the deficit, in the FY 2022/2023 TSC hired 22,000 intern teachers^{xii} who were neither adequately compensated nor employed on temporary contracts. This forced them to go on strike which paralyzed learning in Junior secondary schools across the country in 2024.
18. Shortage of teachers is also experienced in special needs education which compromises the delivery of quality education and hinders the promotion of inclusion of learners with disabilities in the mainstream schools. The lack of specialized teachers in handling learners with distinct disability conditions e.g. visual impairment, autism, down syndrome, and hearing impairment among others leads to low enrolment, retention and transition in integrated public schools^{xiii} contrary to the provision under Article 44 of the Basic Education Act No 14 of 2013^{xiv}.

Recommendations

The Government should:

19. Through the treasury, ensure that capitation per learner is increased as follows; pre-primary 1,170, primary from Ksh. 1430 to Ksh. 2,238, Junior from Ksh. 15,000 to Ksh.15,043, senior secondary from Ksh. 22,440 to Ksh. 22,527, for special needs as follows; pre-primary Ksh. 604, Primary Ksh. 3624, Junior secondary Ksh. 10,000 and Senior secondary Ksh. 35,000 as suggested in the Presidential Working Party Report of Reforming Education 2023^{xv}.
20. Through the Ministry of Education ensure school enrolment aligns with the National Education Management Information Systems (NEMIS) to guarantee all learners enrolled in school receive capitation.
21. Through the Ministry of Education ensure timely and full disbursement of the capitation per learner to all schools at the start of each term.
22. Through the Ministry of Education allocate sufficient and mandatory funds towards school feeding programs in all arid, semi-arid, rural and urban informal settlements areas to enable learners to access and be retained in schools.
23. Through the Ministry of Education fully implement the National School Health Policy 2018 to address health and safety issues in schools and review the National School Meals and Nutrition Strategy to guide the provision of school meals at national and sub-national levels.
24. Ensure that it has budgeted for sanitary towels for all school-going teenage girls in both public and private primary and secondary schools.
25. Ensure that the management and distribution functions of sanitary towels in schools are domiciled at the Ministry of Education.
26. Develop policy guidelines on the management of the Sanitary Towels Program.
27. Ensure increased funding and resourcing for special needs education centres and integrated education institutions by equipping them with relevant instructional learning materials and disability-friendly infrastructure.
28. Through the Ministry of Education develop a monitoring mechanism to ensure the education development budget allocated per financial year is fully utilized to ease the challenge of poor infrastructure.
29. Immediately restore student insurance (Edu Afya) to include all learners from public primary, junior secondary and senior secondary schools.

30. Employ/ redeploy more qualified teachers in Junior Secondary Schools and special needs education centres to handle learners with distinct disability conditions such as; visual impairment, autism, down syndrome, and hearing impairment among others as per the UNESCO recommended ratio of 1:25.

Issue 2: Inadequate assessment personnel for special needs learners at the Education Assessment and Resource Centres (EARCs)

31. Inclusive education requires that children with disabilities be included at all levels of education. For this to happen, the Education Assessment and Resource Centre (EARC) is a very critical institution. The EARC Coordinators and Assessors are equally a key human resource tasked to identify, assess, refer or place children with disabilities in appropriate learning institutions. Unfortunately, the current EARCs are facing numerous challenges that have made the institution dysfunctional and on the verge of collapse in most of the counties. Lack of personnel is the biggest challenge affecting effective service delivery in the centres^{xvi}. The 282 Coordinators country-wide currently serving in the EARCs are designated as Curriculum Support Officers for Special Needs Education (CSO-SNE) formerly referred to as TAC (Teachers Advisory Centre) tutors. Their mandates are to ensure teachers comply with the set teaching standards, advise on career progression and professional development for teachers, monitor the conduct and performance of teachers, collect and maintain teacher management data as well as carry out the functional assessment roles of an EARC officer. This does not give them adequate time to carry out assessments and other core services of an EARC office. The coordinators are supposed to work with a team of Functional Assessment Officers who are also very few because most of them have retired and have not been replaced. Therefore, the 282 CSO-SNE serving the entire country who double as Assessment Officers are unable to manage the needs of assessments, considering that for effective assessment, children with special needs are to be assessed at a younger stage and appropriately placed. This challenge denies the opportunity for placement for children with special needs in appropriate institutions.

Recommendations

The government should:

32. Urgently prioritize the allocation and disbursement of financial resources to revitalize the EARC services across the country to address the human resource constraint, refurbishing the dilapidated physical infrastructure in the EARCs, training the assessors on functional assessment and equipping them with modern assessment tools.
33. Work with non-state actors to create awareness of special needs conditions and schools to scale up the assessment and placement of learners with special needs at an early age.

Issue 3: Poor Implementation of the Competency-Based Curriculum.

34. Kenya rolled out the Competency-Based Curriculum (CBC) in 2017 under the Competency-Based Curriculum Framework as part of the ongoing education reforms. This came as a result of the findings presented in the task force report by Professor Douglas Odhiambo “A Globally Competitive Quality Education for Sustainable Development (2012)^{xvii} which was meant to realign the Education Sector to the Constitution of Kenya 2010. Additionally, Professor Fatuma

Chege's Report (2020)^{xviii} on education reforms particularly on Competency-Based Education (CBC) aims to enhance Access, Relevance, Transition, Equity and Quality for Effective Curriculum Reform Implementation. In 2023, the Ministry of Education enrolled the first cohort of learners in Junior Secondary Schools, marking a big step in the implementation of CBC. The State Department for Basic Education has further trained 474 interactive digital content developers, through Kenya Institute for Curriculum Development developed 3 handbooks for Kenya Sign Language, 12 handbooks for stage-based pre-vocational level, and 1 handbook for braille Grade 7-9 as well as rationalized learning areas for junior secondary schools from 14 to 9 as recommended in the Presidential Working Party report 2023.

35. Despite the progress made in the implementation of CBC, there are myriad challenges hindering access and quality in the implementation of CBC. Among them include:
- i. Low level of awareness of CBC among stakeholders including teachers, parents and education officers; this affects adequate participation and support to learners in CBC.
 - ii. Inadequate teacher capacity to implement the curriculum; the Ministry of Education continues to train and capacity-build teachers to implement the Competency-based curriculum through retooling, however, many teachers across the different levels are yet to be retooled and trained. The lack of capacity for teachers how to interpret and contextualize learning areas in CBC with the locally available resources has made the curriculum very expensive to parents.
 - iii. The CBC model enrolls learners through the National Education Management Information System (NEMIS). The system excludes learners, especially those who have dropped out of school and those without a birth certificate denying them access to government capitation. The system also has no re-entry pathway for learners who might want to rejoin after dropping out of school for several years. In the case of adults who may want to enrol to acquire basic literacy, numeracy and arithmetic skills, the CBC does not have an option for them since it's based on age and stage at each level.
 - iv. Insufficient infrastructure leads to poor uptake of Digital Learning Programs and hinders education quality and learning outcomes. There is a huge disparity between learners in the rural and urban areas. Those in rural areas are unable to follow the curriculum due to the inequitable distribution of digital learning equipment/materials, lack of electricity, and insufficient internet connectivity as compared to those in urban areas making it difficult for them to upload assessment reports and records. Additionally, teachers lack ICT skills to use and instruct learners on ICT which hinders the quality of education in CBC. Furthermore, there is poor inclusion of learners with disabilities and a lack of disability-friendly digital equipment and infrastructure as well as assistive devices for learning in many public schools.

Recommendations

The Government of Kenya should:

36. Through the Ministry of Education engage non-state actors to enhance sensitization efforts for parents to understand and support the implementation of the Competency-Based Curriculum.
37. Through the Ministry of Education accelerate the retooling and capacity building of teachers in competency-based curriculum and ICT for proper implementation of the curriculum and also engage non-state actors to develop ICT infrastructure for institutionalizing CBC.
38. Through the Ministry of Education review Adult and Continuing Education (ACE) Policy 2010 to align its programs to CBC including developing accelerated education curricula and program guidelines for access, inclusion and equity as well as linking it to NEMIS.

39. Through the Ministry of Education and State Department for Immigration and Citizen Services integrate the registration of births with NEMIS.
40. Through the Ministry of Education ensure there is equal distribution of digital learning equipment/materials including assistive devices for learners with special needs to schools in urban and rural areas.

Issue 4: Lack of the operationalization of the open learning policy

41. The government of Kenya officially rolled out the National Open University of Kenya in 2023 with a framework on Open, Distance and e-Learning (ODEL) concerning TVET and tertiary institutions. The TVET Act, 2013 recommends the integration of ICT to improve access and training capacity. This policy also provides strategies for integrating ICT to improve access and training capacity across the TVET sector. Some TVET institutions have established Open Distance and e-learning platforms to enhance the provision of flexible and blended TVET programs. For example, the Kenya School of TVET has developed and operationalized a National Learning Management System for TVET and a National Open Educational Resource Repository.
42. Currently, there's no framework for operationalizing the Open University of Kenya nor a framework for Open, Distance and e-Learning (ODEL) concerning TVET and tertiary institutions. Among other issues raised by the stakeholders during the reporting of the PWPER concerning Open Distance and E-learning include:
 - i. Low ICT integration in TVET has led to low utilization of ODeL as a means of curriculum delivery with the technical staff lacking appropriate ICT and management skills and capacity to deliver the instructional materials
 - ii. There is inadequate ODeL infrastructure, learning resources and trainers' capacity in TVET institutions. Digital devices and ICT laboratories are inadequate. Further, most trainers are learning about ODeL as a new mode of delivery;
 - iii. There is limited expertise in curriculum design for ODeL programs;
 - iv. Limited internet connectivity in different parts of the country hampers access to ODeL programs (PWPER 2023);
 - v. There's a lack of diversity and inclusion in ODeL learning, teaching aids, and specialized instructors.

Recommendations

The Government of Kenya should:

43. Develop a framework to operationalize the Open University of Kenya and Open, Distance and e-Learning (ODEL).
44. Enhance funding for the development of ICT infrastructure in TVET and tertiary institutions, ensuring equitable access to computers, high-speed internet, and reliable power supply.
45. Invest more in renewable energy or green energy such as solar to curb power outages in TVETs.
46. Conduct thorough research to identify specific needs and Purchase more digitized user-friendly software for learners with special needs in TVETs.
47. Ensure that ODeL platforms are accessible to learners with disabilities and those from marginalized groups, and implement initiatives through partnerships with non-state actors to provide affordable internet access and digital devices to students in urban and rural areas.

48. Set up robust quality assurance frameworks to ensure the credibility and standardization of online education programs as well as use data and research to inform policy decisions and improve the implementation of ODeL.
49. Enhance the capacity of trainers in TVETs to effectively implement ODeL.

Issue 5: Poor Enforcement of Educational Policies.

50. The government of Kenya has made progressive steps towards the realization of the enjoyment to the right to education for all. The provision of free and compulsory basic education through the Basic Education Act, No. 14 of 2013, and as a realization of the Constitutional right guaranteed under article 53 (1, b), completion of the development of the National Education Sector Strategic Plan (NESSP), and Report of The Presidential Working Party on Education Reforms (Transforming Education, Training and Research for Sustainable Development in Kenya) has proposed several recommendations for transforming education which have been included in the National Education Policy (also known as Sessional Paper) and the Education Bill 2024. Both the Sessional Paper and the Education Bill 2024 have not been tabled in parliament for debate and approval. This hinders progress towards the implementation of the National Education Sector Strategic Plan 2023 -2027^{xix}.
51. numerous education policies and guidelines have been developed and or reviewed to facilitate the implementation of quality education for all. The pending policy activities include; finalizing the review of the Registration Guidelines for Basic Education Institutions 2021, operationalizing sector policy for learners and trainees with disabilities (2018) by developing implementation guidelines 2018 and institutionalizing the Kenya Education Management Information System (KEMIS).
52. The Government digital payment unit is mandated to digitize all payments to the government to increase revenue collection, minimize the cost of collections and enhance service delivery. Ministry of Education issued a directive mandating parents or guardians to use e-citizen platform for fee payment through the common Paybill 222222^{xx}. This adversely affects learners who would otherwise pay their school fees through other non-cash payments such as food staff or other forms of materials to the school.
53. There is no proper data/ toolkit to track the progress of learners and adequate officers to manage the data. As a result of the gaps in data management through NEMIS, the Ministry of Education indicates that in the revised estimates, the allocation for Special Needs Education was omitted which portends that schools categorized under Special Needs will miss out on funds with a deficit of over a Ksh622 million. The Ministry further notes that 1,381,100 learners will not be funded in Term III of the 2024 academic year and 372,270 learners will not be funded in Terms I and II in the 2025 academic year.
54. The National School Re-entry Guidelines 2020 have not been sufficiently disseminated to all stakeholders, which hinders access to education for teenage girls and boys who desire to resume education. Determining the school-based factors and out-of-school factors also hinders the successful implementation of the re-entry guidelines^{xxi}

Recommendations

The Government of Kenya should:

55. Through Parliament, fast-track the passing of the Education Bill 2024 into an Act of Parliament to necessitate the adoption of pending education policies and reforms.
56. Through the Ministry of Education, establish monitoring and evaluation mechanisms to track the progress and impact of all the policies to enhance access, retention and transition efforts.
57. Through the Ministry of Education, establish a data management and tracking system to monitor the progress of learners, and the needs of Special Needs Learners to minimize gaps in budget allocation caused by a lack of accurate data.
58. Through the Ministry of Education work with non-state actors in the education sector to disseminate the existing education policies and guidelines to stakeholders.
59. Through the Ministry of Education to develop guidelines on foundational learning for Early Years Education.

Issue 6: Conflict of interest in the management and utilization of education funds

60. Among the functions of the National Assembly as stipulated in Article 95(4c) of the Constitution of Kenya, 2010 is to exercise oversight over national revenue and its expenditure. Article 48 of the National Government Constituencies Development Fund Act, 2015 considers bursary schemes, mock examinations and continuous assessment tests as development projects. Further, Article 50(5a) of the NG-CDF Act mandates the National Assembly Select Committee on NG-CDF to oversee the implementation of the Act. These functions cause a conflict of interest in the management and utilization of education funding by the Ministry of Education and the members of parliament in the education budgets and funds; members of parliament have allocated education budgets as part of their National Government Constituency Development Funds (NGCDF), other allocations include President's bursaries, Governor's bursaries, Women representative bursaries. Allocation of bursaries to political office bearers and those mandated to provide oversight jeopardizes the management and effective utilization of education funds. Further, the implementation of education budgets opens up loopholes for corrupt deals and mismanagement of education funds such construction of sub-standard educational infrastructures and biased disbursement of bursaries at the discretion of political leaders.
61. Conflict of interest also arises due to the duplication of functions between the Quality Assurance and Standards in the Ministry of Education and the Quality Assurance and Standards for Teacher Service Commission.

Recommendation

62. Revert all funds for education from the National Government Constituency Development Fund and other political offices to the Ministry of Education to fill the deficit and to allow members of parliament to effectively oversee the utilization of state resources
63. Disband the TSC Directorate of Quality Assurance and Standards transfer the function to the Ministry of Education and give it executive legal authority to oversee the full implementation of Quality Assurance and Standards functions.

Issue 7: Lack of access to higher education through the new funding model

64. The government has launched the New Higher Education Funding (NHEF) model for both scholarships and loans for students placed by Kenya Universities and Colleges Central Placement

Service (KUCCPS). The model was aimed at addressing challenges encountered by public universities and Technical and Vocational Education (TVET) institutions due to massive enrolment and inadequate funding.

65. According to the KHRC report 2023^{xxii}, students must apply individually for loans and scholarships, with applications assessed using the Means Testing Instrument (MTI). The MTI determines the student's level of financial need to ensure they receive adequate support. Based on this, students are categorized as vulnerable, extremely needy, needy, or less needy. However, no scientific method determines a student's level of neediness, raising concerns that students requiring scholarships and loans might not be appropriately classified for awards. Additionally, the distribution of funds lacks transparency and details such as loan terms, interest rates, repayment conditions, and the process for appealing declined scholarship requests are not disclosed. Furthermore, the funding model excludes students under 18 years old because the applicants must use their national identification cards. A good number of students have failed to secure their positions at universities and access government loans through this model as they lack national identification cards. Another challenge that comes with the model is based on the cost-sharing model^{xxiii} with the funding ratios from the government, households at a percentage prescribed under his or her category of vulnerability. The cost-sharing aspect is discriminatory and excludes those who cannot raise household contributions to access government funds. Finally, the model comes with the intensity of bureaucratic processes that lock many applicants out.

Recommendation

66. Suspend the funding model and subject it to public participation to come up with a clear and scientific method that determines a student's level of neediness that will not discriminate and disadvantage students in any manner.

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- ⁱ Report of The Presidential Working Party on Education Reform, June 2023
- ⁱⁱ National school meals and nutrition strategy 2017-2022 | Health and Education Resource Centre (unesco.org)
- ⁱⁱⁱ National school meals and nutrition strategy 2017-2022 | Health and Education Resource Centre (unesco.org)
- ^{iv} <https://cob.go.ke/reports/national-government-budget-implementation-review-reports/>
- ^v <https://gender.go.ke/sanitary-towels-program/#:~:text=To%20address%20this%20challenge%2C%20the,at%20a%20cost%20of%20Kshs>
- ^{vi} <https://www.treasury.go.ke/budget-books-1/#1620032162638-22df6a6c-846b>
- ^{vii} Edu Afya Digital Artwork Final (nhif.or.ke)
- ^{viii} Office of controller of budget: budget implementation review report fy 2022/23
- ^{ix ix} <https://nation.africa/kenya/news/education/world-teachers-day-why-we-worry-more-about-learners-than-our-own-challenges-4389988>
- ^x TSC Announces Deployment of 26,000 Teachers to JSS: How To Apply. | Teachers Media Hub
- ^{xi} Guidelines for Implementation of Junior Secondary Education 17th Jan-compressed.pdf
- ^{xii} <https://www.treasury.go.ke/wp-content/uploads/2023/12/EDUCATION-SECTOR.pdf>
- ^{xiii} Kenya National Survey on Children with Disabilities and Special Needs in Education (kise.ac.ke)
- ^{xiv} BasicEducationAct14of2013.pdf (kenyalaw.org)
- ^{xv} Report of The Presidential Working Party on Education Reform, June 2023
- ^{xvi} <https://kise.ac.ke/system/files/2020-07/Official%20Research%20Report%20on%20Disability%20Published%20by%20KISE%20%282018%29.pdf>
- ^{xvii} Re-Alignment-Education-Sector..pdf (vision2030.go.ke)
- ^{xviii} CBC Task Force Final Report, Recommendations - Newsblaze.co.ke
- ^{xix} Ibid. 4
- ^{xx} <https://www.the-star.co.ke/news/2024-02-03-state-directs-national-school-parents-to-pay-fees-via-e-citizen/>
- ^{xxi} <https://www.kenyanews.go.ke/stakeholders-advocate-for-school-re-entry-programme-for-teens/>
- ^{xxi} [https://khrc.or.ke/case/new-higher-education-funding-model-case/#:~:text=On%20May%203%2C%202023%2C%20President,and%20Training%20\(TVET\)%20institutions.](https://khrc.or.ke/case/new-higher-education-funding-model-case/#:~:text=On%20May%203%2C%202023%2C%20President,and%20Training%20(TVET)%20institutions.)
- ^{xxi} Review of New Funding Model Friday 24th May 2024 | Ministry of Education - Kenya
- ^{xxii} [https://khrc.or.ke/case/new-higher-education-funding-model-case/#:~:text=On%20May%203%2C%202023%2C%20President,and%20Training%20\(TVE T\)%20institutions.](https://khrc.or.ke/case/new-higher-education-funding-model-case/#:~:text=On%20May%203%2C%202023%2C%20President,and%20Training%20(TVE T)%20institutions.)
- ^{xxiii} Review of New Funding Model Friday 24th May 2024 | Ministry of Education - Kenya

Annex 1: Details of organizations in the joint submission

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