



**PAL NETWORK**  
People's Action for Learning

**INCLUDE**

KNOWLEDGE PLATFORM ON INCLUSIVE DEVELOPMENT POLICIES

# Education Policy Scan in response to the Basic Education Curriculum Framework Principles



## Contents

<b>Executive Summary</b> .....	<b>4</b>
<b>1.0 Introduction</b> .....	<b>9</b>
<b>2.0 Core policy review</b> .....	<b>9</b>
<b>2.1 Opportunity</b> .....	<b>10</b>
<b>2.2 Excellence</b> .....	<b>12</b>
<b>2.3. Diversity</b> .....	<b>13</b>
<b>2.4. Inclusion</b> .....	<b>14</b>
<b>2.5. Differentiated Curriculum and Learning</b> .....	<b>15</b>
<b>2.6. Parental Empowerment and Engagement</b> .....	<b>16</b>
<b>2.7. Community Service Learning</b> .....	<b>17</b>
<b>2.8. Pertinent and Contemporary Issues (PCIs): the case of COVID 19 pandemic</b> .....	<b>17</b>
<b>3.0 Conclusion</b> .....	<b>18</b>

## Executive Summary

Public policy can simply be described as the broad area of government laws, regulations, court decisions and local ordinances (Mackinac Center for public Policy, 2020<sup>1</sup>). Education policies, therefore, refer to a collection of laws and rules that govern the operation of an education system. In Kenya, their importance lies in the fact that they address pertinent issues such as wastage and inefficiency in the sector, improving financial management and accountability as well as making education inclusive, relevant and competitive, regionally and internationally.

The Kenyan Government is currently revamping the entire education sector. While the country has made substantial improvements with regards to the roll-out of the new Competency-Based Curriculum, many challenges still remain and need to be addressed. The Ministry of Education has put in place several policies aimed at guiding the implementation of the CBC in the country. Several new policies, laws and regulations have been introduced to support the implementation. The Constitution of Kenya (2010<sup>2</sup>), The Basic Education Act (2013<sup>3</sup>), The Basic Education Curriculum Framework (2016<sup>4</sup>), The National Curriculum Policy (2018<sup>5</sup>) and the Sessional Paper No. 1 of 2019<sup>6</sup> on 'Reforming Education and Training for Sustainable Development in Kenya' are the key documents guiding the roll-out of the CBC.

The comprehensive catalogue of policy documents relating to the education sector clearly shows that problems have been extensively addressed. However, many questions have been raised with regards to the implementation of these policies and their positive effects on learning as well as their sufficiency. This paper reviews core education policies and seeks to determine any policy gaps that need to be addressed.

The CBC has six (6) guiding principles which form the basis of the review. These include opportunity; excellence; diversity and inclusion; differentiated

curriculum and learning; parental empowerment and engagement; and community service learning.

The main limitation of this work is:

- lack of comprehensive data with the last official data released in 2016
- lack of indicators and continuous reporting by the Ministry of Education
- lack of baseline data prior to the development of policies which makes it difficult to determine the effectiveness of the policy
- lack of clear methodologies and criteria to determine which policy contributes to which change in the sector

With these limitations in mind, this paper will function mainly as a conversation starter for policymakers to discuss the current core policies, identify the policy gaps and devise strategies to fill these gaps. It is worth noting that the policies reviewed are those that have an effect on the implementation of CBC. The following Table is a summary of the CBC principles and the policies supporting them. Gaps have also been identified.

<sup>1</sup> Mackinac Center for Public Policy (2020). What is public policy and why is it important? <https://www.mackinac.org/1544>

<sup>2</sup> Republic of Kenya (2010). The Constitution of Kenya. <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=-Const2010>

<sup>3</sup> Republic of Kenya (2013). Basic Education Act. <http://kenyalaw.org:8181/exist/kenyalex/actview.xql?actid=No.%2014%20of%202013>

<sup>4</sup> Republic of Kenya (2019). Basic Education Curriculum Framework. <https://kicd.ac.ke/curriculum-reform/basic-education-curriculum-framework/>

<sup>5</sup> Republic of Kenya (2018). National Curriculum Policy. <https://kicd.ac.ke/curriculum-reform/national-curriculum-policy/>

<sup>6</sup> Republic of Kenya (2019). Sessional Paper No 1 of 2019. Nairobi: Government Printer <https://www.education.go.ke/index.php/downloads/file/643-sessional-paper-no-1-of-2019>

Table 1: Summary of core policies guiding implementation of CBC

CBC Principles	Policy Requirement	Guiding Policies	Existing Gaps
Opportunity	Reform curricula in line with relevant provisions of the Constitution 2010, aspirations of Kenya Vision 2030, the East African Community protocol, International Standards and the needs of the society	<ul style="list-style-type: none"> <li>The East African Community (EAC) treaty</li> <li>Sessional Paper No 2 of 2015</li> <li>Basic Education Curriculum Framework (BECF)</li> <li>The National Curriculum Policy (2018)</li> <li>Sector Policy for Learners and Trainees with Disabilities (2018)</li> </ul>	Policy on review of CBC
	Provide free and compulsory Pre-Primary Education for all 4-to-5-year olds in Kenya	<ul style="list-style-type: none"> <li>National Pre-Primary Education Policy</li> <li>The National Plan of Action for Children 2015-2022 provides for the children's right to survival, protection, health, education among others</li> </ul>	Policy on the provision of free and compulsory Pre-Primary Education is not enforced
	Provide health and nutritional support for 0-5-year olds attending daycare centres and schools	The National School Health policy (2009)	No implementation guidelines on health and nutritional support
	Provide free and compulsory primary education	<ul style="list-style-type: none"> <li>The Kenyan Constitution 2010</li> <li>Basic Education Act No. 14 of 2013</li> <li>Sessional Paper No. 1 of 2019 on 'Reforming Education and Training for Sustainable Development in Kenya'</li> </ul>	<ul style="list-style-type: none"> <li>Lack of up-to-date data on childbirths in Kenya</li> <li>The Government makes provision for school BoM and PTAs from time to time to agree on levies to be paid. This negates the whole idea of free and compulsory schools</li> <li>Legal framework for enforcing policy is lacking</li> </ul>
	Implement automatic transition and transfer between grades and across levels of basic education	<ul style="list-style-type: none"> <li>Basic Education Regulations of 2015</li> <li>100% transition policy</li> </ul>	Policy on infrastructure development to cater for the additional learners is not addressed
	Provide free and compulsory secondary education to all children.	<ul style="list-style-type: none"> <li>The Kenyan Constitution 2010</li> <li>Basic Education Act No. 14 of 2013</li> <li>Sessional Paper No. 1 of 2019 on 'Reforming Education and Training for Sustainable Development in Kenya'</li> <li>The National Children's Act, 2010.</li> <li>100% transition rate</li> </ul>	Legal framework for enforcing the policy is lacking

CBC Principles	Policy Requirement	Guiding Policies	Existing Gaps
	Mainstream guidance, counselling, moulding, nurturing and mentoring in education and training institutions	Mentorship Policy for Early Learning & Basic Education (2019)	Lack of monitoring and impact evaluation data
	Mainstream ICT in education at all levels	National ICT Policy in Education and Training (2019)	Lack of monitoring and impact evaluation data.
	Promote ICT as a tool for management, teaching, learning and research in education and training	National ICT Policy in Education and Training (2019)	Policy guideline on how integration is to be done is lacking
	Adopt distance and open learning approaches including home learning across all levels of education in Kenya	National ICT Policy in Education and Training (2019)	<ul style="list-style-type: none"> <li>No policy guidelines on home schooling</li> <li>No provision for community learning</li> </ul>
	Establish a system of tracking learners from pre-primary level through basic level of education	<ul style="list-style-type: none"> <li>National Education Management Information System. (NEMIS)</li> <li>National Education Sector Plan</li> </ul>	Kenya does not have a clear policy and data protection law
	Continue to fund school meals, health and nutrition programme	<ul style="list-style-type: none"> <li>Policy Framework for Nomadic Education in Kenya (2015)</li> <li>The National School Health policy (2009)</li> </ul>	No guidelines for implementation
	Support low-cost boarding schools in ASALs	<ul style="list-style-type: none"> <li>Constitution of Kenya, (2010) Article 55 and 56 advocates for affirmative action to support education for minorities and marginalised communities.</li> <li>Policy Framework for Nomadic Education in Kenya (2015)</li> </ul>	
	Review unit cost after every five years in line with MTEF	<ul style="list-style-type: none"> <li>Medium Plan Term of Vision 2030 (2013)</li> <li>Sector Policy for Learners and Trainees with Disabilities (2018)</li> </ul>	Educational Assessment and Resource Centres (EARCs) continue to lack dedicated staff from the Ministry of Education. TSC staff fill in this gap where possible, but some Counties have no EARC services provision at all
	Capitation guidelines for primary and secondary education	Government circulars	<ul style="list-style-type: none"> <li>Hidden costs of education are not covered while calculating capitation grant.</li> <li>Need to institute affirmative action when calculating capitation grant for minorities and children from marginalized communities</li> <li>Parents with disabilities have to pay boarding and other fees necessary for primary boarding schools</li> </ul>

CBC Principles	Policy Requirement	Guiding Policies	Existing Gaps
	Develop and implement early identification, assessment and intervention standard procedures and guidelines for learners and trainees with disabilities	Sector Policy for Learners and Trainees with Disabilities (2018)	There are currently no standard procedures and guidelines for learners and trainees with disabilities
Excellence	Provide quality ACE and APBE services, programmes and opportunities for life-long learning	Sessional Paper No. 1 of 2019	ACE and APBET policies are yet to be aligned to the new curriculum
	Standardise assessment of core learning outcomes, transferable skills and subject related knowledge	No existing assessment framework	No existing assessment framework
	Establish a central system for accreditation and quality assurance in basic education.	Education Standards and Quality Assurance Council Bill (2013)	Not fully functional as ESQAC is not yet independent of MoE as recommended in the Bill
	Support research system for education and training	Establishment of Directorate of Research Science and Technology through Presidential Circular 1/87 of 8th June 1987	Mandate focuses on research in science and technology. The mandate needs to be expanded
	Establish teacher education and development standards, based on acceptable principles that will ensure optimal delivery of competency-based education for the benefit of the learners	<ul style="list-style-type: none"> <li>Policy Framework for Education and Training (2012)</li> <li>TSC Act of 2012</li> </ul>	Review staffing norms due to demands of CBC
	Attain National Equity in teacher distribution and utilization	<ul style="list-style-type: none"> <li>TSC Act of 2012.</li> <li>Delocalization Policy</li> </ul>	New staffing norms are required in light of CBC
	Enhance quality assurance and standards in curriculum delivery and governance	<ul style="list-style-type: none"> <li>National Education Sector Plan 2019-2022</li> <li>The Education Standards Quality Assurance Council Bill, 2013</li> </ul>	Not fully functional as ESQAC is not yet independent of MoE
Diversity	Recognising that all the learners are unique in their own way. Their differences could consist of their reading level, athletic ability, cultural background, personality, religious beliefs etc	<ul style="list-style-type: none"> <li>Basic Education Curriculum Framework 2016</li> <li>Ministry of Education Sector Policy on Peace Education 2014</li> </ul>	Lack of guidelines on talent identification

CBC Principles	Policy Requirement	Guiding Policies	Existing Gaps
Inclusion	Make provision for equitable, quality education to learners and trainees with disabilities, marginalised, hard-to-reach and vulnerable groups	<ul style="list-style-type: none"> <li>The Refugee Act No. 13 of 2006</li> <li>Constitution of Kenya (2010), Article 34.2 and 34.6 guarantees the right of every child to be admitted to a school regardless of ethnicity, gender, sex, religion, race, colour or social origin, age, disability, language or culture.” (Article 34.2) and there are remedies if the admission is denied (Article 34.6).</li> <li>Sector Policy for Learners and Trainees with Disabilities (2018)</li> </ul>	Lack of provisions to guide education for all learners e.g. learners who are gifted and talented
	Provide quality education to all learners with disabilities and special learning needs	<ul style="list-style-type: none"> <li>Constitution of Kenya 2010. Article 54.1.b provides that “A person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person”</li> <li>Sector Policy for Learners and Trainees with Disabilities (2018)</li> </ul>	No indicators for the education of children with disabilities and special needs
Differentiated curriculum and learning	Make provision for individualised learning	<ul style="list-style-type: none"> <li>Basic Education Curriculum Framework, 2016</li> <li>The Constitution of Kenya, 2010</li> </ul>	No policy to guide implementation of differentiated curriculum
Parental empowerment and engagement	Allow parental participation in their children’s learning	<ul style="list-style-type: none"> <li>The National Children’s Policy (2010)</li> <li>The National Plan of Action for Children 2015-2022</li> <li>The Constitution of Kenya (2010)</li> <li>Parental Empowerment and Engagement Policy, 2019</li> <li>Sector Policy for Learners and Trainees with Disabilities (2018)</li> </ul>	Lack of parental support for children’s learning during periods of blended learning
Community Service Learning (CSL)	Develop structures for CSL	<ul style="list-style-type: none"> <li>Basic Education Curriculum Framework, 2016</li> <li>Ministry of Education National Education Sector Strategic Plan (NESSP) 2018-2022</li> </ul>	CSL is part of learning in CBC but there is no policy to guide its implementation



## 1.0 Introduction

Public Policy can simply be described as the broad area of government laws, regulations, court decisions, and local ordinances (Mackinac Center for Public Policy, 2020<sup>7</sup>). Education policies therefore refer to a collection of laws and rules that govern the operation of an education system. In Kenya, their importance lies in the fact that they address pertinent issues such as wastage and inefficiency in the sector, improved financial management and accountability as well as making education inclusive, relevant and competitive, regionally and internationally.

The Education Sector mandate is to respond to the Constitution (2010)<sup>8</sup> and Kenya Vision 2030<sup>9</sup> through the provision of quality education and training to all Kenyans. Kenya Vision 2030<sup>10</sup> articulates the development of a middle-income country in which all citizens will have embraced entrepreneurship, be able to engage in lifelong learning, learn new things quickly, perform more non-routine tasks, be capable of more complex problem-solving, willing and able to take more decisions, understand more about what they are working on, require less supervision, assume more responsibility, and as vital tools towards these ends, have better reading, quantitative, reasoning and expository skills, (KNESC, 2007)<sup>11</sup>

The Kenyan Government's mission is to create an education and training environment that equips learners with desired values, attitudes, knowledge, skills and competencies, particularly in technology, innovation and entrepreneurship. It aims to do this while also enabling all citizens to develop to their full capacity, live and work in dignity, enhance the quality of their lives and make informed personal, social and political decisions as citizens of the Republic of Kenya.

## 2.0 Core policy review.

In order to fulfil its mandate, Kenya has embarked on massive education reforms that revolve around the new Competency Based Curriculum. Reforming the education sector from the 8:4:4 system to the 2:6:3:3:3 system is guided by the following policies:

- The East African Community (EAC) treaty emphasises cooperation and integrated investments, especially in education and research. It aims at preparing citizens to operate and collaborate effectively in a globalised economy (EAC, 2013<sup>12</sup>). The states propose to develop harmonised programmes for the primary, secondary and tertiary education cycles.
- Sessional Paper No 2 of 2015<sup>13</sup>; EAC Curriculum Harmonisation Framework<sup>14</sup> and international best practices point to the need to adopt a competency-based curriculum approach.
- A Basic Education Curriculum Framework (BECF)<sup>15</sup> was established to guide education reforms. It was based on the findings of the needs assessment.
- The National Curriculum Policy (2018) provides the legal framework for the implementation of the CBC in Kenya.

It should be noted that not all significant policies in education have been consulted in the BECF. For instance, the Sector Policy for Learners and Trainees with Disabilities (2018) would have made a significant contribution towards education for the constituency concerned.

The Basic Education Curriculum Framework<sup>16</sup> encapsulates the aspirations of the curriculum reforms. The core competencies of the current education reforms include:

- Communication and Collaboration
- Critical Thinking and Problem Solving
- Imagination and Creativity
- Citizenship
- Digital Literacy
- Learning to Learn
- Self-efficacy

<sup>7</sup> Mackinac Center for Public Policy (2020). What is public policy and why is it important? <https://www.mackinac.org/1544>

<sup>8</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>9</sup> Kenya National Economic and Social Council of Kenya. 2007. Vision 2030. <http://www.nesc.go.ke>

<sup>10</sup> Ibid

<sup>11</sup> Ibid

<sup>12</sup> East Africa Community, 2014. East African Community Draft harmonised Curriculum Structures and Framework for The East African Community Primary Education. <https://kicd.ac.ke/wp-content/uploads/2017/11/DraftHarmonisedCurriculum-StructureandFrameworkforPrimaryEducation070814.pdf>

<sup>13</sup> MoE, 2015. A Policy Framework for Education and Training: Reforming Education and Training in Kenya file:///C:/Users//user/Documents/policy-framework-for-education-training%20(6).pdf

<sup>14</sup> East Africa Community, 2014. East African Community Draft harmonised Curriculum Structures and Framework for The East African Community Primary Education. <https://kicd.ac.ke/wp-content/uploads/2017/11/DraftHarmonisedCurriculum-StructureandFrameworkforPrimaryEducation070814.pdf>

<sup>15</sup> KICD, 2016. Basic Education Curriculum Framework. <https://www.education.go.ke/index.php/downloads/file/632-basic-education-framework>

<sup>16</sup> KICD, 2016. Basic Education Curriculum Framework. <https://www.education.go.ke/index.php/downloads/file/632-basic-education-framework>

The guiding principles of the BECF<sup>17</sup> include:

- Opportunity
- Excellence
- Diversity and Inclusion
- Parental Empowerment and Engagement
- Community Service Learning
- Differentiated Curriculum and Learning

The implementation of CBC is being guided by several policies. The following section looks at various education policies and how they support the BECF<sup>18</sup> principles.

## 2.1 Opportunity

Articles 53, 54, 55, 56, 57 and 59 of the Constitution (2010)<sup>19</sup> have provisions on children's right to free and compulsory basic education, including quality services and access to educational institutions and facilities for persons with disabilities who are integrated into society and compatible provisions made for their interests. To ensure that children are retained in school, the Government has enacted the 100% transition policy. The Mentorship Policy for Early Learning & Basic Education<sup>20</sup> (2019) ensures that children at risk of dropping out are supported through guidance and counselling.

The Basic Education Act No. 14 of 2013<sup>21</sup> reiterates the right of every child to quality education and gives effect to Article 53 of the Constitution (2010)<sup>22</sup> and other enabling provisions; to promote and regulate free and compulsory basic education; to provide for accreditation, registration, governance and the management of institutions of basic education; to provide for the establishment of the National Education Board, the Education Standards and Quality Assurance Commission, the County Education Board and connected purposes.

The Basic Education Act No. 14 of 2013<sup>23</sup> makes provision for various types of educational institutions offering alternative approaches of multi-grade,

double-shift, mobile schooling, out of school programmes, adult and continuing education, distance or correspondence instruction, or accelerated learning and talent-based institutions. With the recognition of various types of schools offering alternative approaches, more children can now access education.

The Basic Education Act No. 14 of 2013<sup>24</sup> further gives guidelines on the establishment of the County Education Board whose primary responsibility is ensuring that all children and youth access Early Childhood Development and Education (ECDE) and Technical Vocational Education and Training (TVET) respectively.

Under Article 260, the Constitution (2010)<sup>25</sup> provides an understanding of the marginalised and minorities as follows; "Marginalised community" means— (a) A community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole; (b) A traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole; (c) An indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or (d) Pastoral persons and communities, whether they are— (i) Nomadic; or (ii) A settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.

The entire Northern Kenya; upper parts of Eastern region (Moyale, Marsabit, Isiolo); Northern and Southern parts of Rift Valley region (Turkana, West Pokot, Samburu, Kajiado, Narok, Transmara); Northern part of Coastal region (Tana-River) are occupied by nomadic pastoralists (MoEST, 2014). Fishing Nomads are found in parts of Homabay County (around Lake Victoria) and Northern parts of the Rift Valley region (around Lake Turkana and Lake Baringo) (Ibid). Hunters and Gatherers are mostly found in the Northern Parts of the Coastal region (Lamu district) and parts of the Rift Valley region (Marakwet, Baringo and Narok districts) (Ibid).

The Constitution (2010)<sup>26</sup> obligates the state to take measures to ensure that young children access age and developmentally appropriate education. In addition, the state is required to put in place affirmative action

<sup>17</sup> Ibid

<sup>18</sup> Ibid

<sup>19</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>20</sup> Kenya, Ministry of Education, 2019. file:///C:/Users/user/Documents/Mentorship%20policy%20(2).pdf

<sup>21</sup> MoE, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>

<sup>22</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>23</sup> Kenya Ministry of Education, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>

<sup>24</sup> Ibid

<sup>25</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>26</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

to ensure that minorities and marginalised groups are provided with special opportunities in educational and economic fields to enhance equity and inclusiveness. The government has established a National Education Information System that tracks all learners through the various levels of education. The gap with this strategy is that there is no comprehensive policy on data protection. There is the Policy Framework for Nomadic Education<sup>27</sup> (2015) that supports learners from marginalized communities to access education opportunities. Other policies that support education for the marginalised include:

Free Primary Education (FPE) and Free Day Secondary Education (FDSE) programmes were instituted in 2003 and 2008 respectively. Sessional Paper No. 1 of 2019 on 'Reforming Education and Training for Sustainable Development in Kenya'<sup>28</sup> demands that the government ensures 100% transition across levels of basic education through strengthening the provision of free and compulsory primary education. One way the government is doing this is through capitation grants. However, from time to time, the Government makes provision for school BoM and PTAs to institute some levies for example. This negates the whole idea of free and compulsory schools. In addition, there lacks a legal framework to enforce free and compulsory basic education.

Capitation grant guidelines where all children receive an equal amount of money (Sh1,420 per year for primary school-going children and Sh22,244 per year for secondary school-going children) negate the principle of affirmative action that would ensure that all children, especially those from marginalised communities, access education opportunities. The Government needs to revisit the capitation grant system to ensure that resources are targeted at students and regions that need them the most due to increased poverty.

The National Pre-Primary Education Policy<sup>29</sup> reaffirms the Kenyan Government's commitment to providing

quality services for all children. This Policy offers guidance to all service providers to ensure quality and holistic pre-primary education services. The implementation of this policy will ensure enhanced access, quality, equity, inclusivity and the efficient management of pre-primary education services. A major flaw of this policy is that it cannot be fully implemented as both levels of government do not allocate adequate resources. Many parents opt to keep their children at home than pay for pre-primary education.

Other policies that support ECDE provision include the following:

- The Sessional Paper No.14 of 2012 on Reforming Education and Training Sectors in Kenya<sup>30</sup> calls for the provision of Health and Nutritional support to children attending daycare centres and learning institutions and free and compulsory pre-primary education for all children.
- ii. The National School Health policy (2009) that calls for the integration of health and nutrition in Early Childhood Development Education (ECDE). In spite of this critical importance, investment in pre-primary education by the Government, parents and community has been inadequate, often affecting access, quality and equity of services.
- Parental Empowerment and Engagement Policy<sup>31</sup>. Parents are the first and continuing educators of their children. They have a shared responsibility with the schools to provide an enabling and conducive learning environment that also motivates children to achieve their full potential. The policy provides guidelines on how to build effective partnerships between parents, the community and schools to support children's learning for improved learning outcomes.
- The National Children's Policy (2010)<sup>32</sup> which assigns responsibilities to various duty bearers for

“  
THE CONSTITUTION (2010) OBLIGATES THE STATE TO TAKE MEASURES AND ENSURE THAT YOUNG CHILDREN ACCESS AGE AND DEVELOPMENTALLY APPROPRIATE EDUCATION.  
”

<sup>27</sup> Kenya Ministry of Education, 2016. <https://www.education.go.ke/index.php/downloads/file/84-revised-policy-framework-on-nomadic-education-in-kenya?start=20>

<sup>28</sup> MoE, 2019. A policy Framework on Reforming Education and Training for Sustainable Development in Kenya. <https://www.education.go.ke/images/NESSP/SESSIONALPAPER2019.pdf>

<sup>29</sup> MoE, 2017. National Pre-Primary Education Policy. file:///C:/Users/user/Documents/National%20Pre%20Primary%20Education%20Policy.pdf

<sup>30</sup> MoE, 2012. Sessional Paper No. 14 of 2012 on reforming education and training in Kenya. <https://academia-ke.org/library/download/me-and-mhest-sessional-paper-no-14-of-2012-on-reforming-education-and-training-in-kenya/?wpdm-dl=7351&refresh=5f0c4b83051301594641283>

<sup>31</sup> KICD, 2019. Guidelines on Parental Empowerment and Engagement. <https://kicd.ac.ke/wp-content/uploads/2020/03/PARENTAL-GUIDE-LINES-2.pdf>

<sup>32</sup> National Council for Children's Services, 2010. National Children's Policy 2010. [http://www.childrencouncil.go.ke/images/documents/Policy\\_Documents/National-Children-Policy.pdf](http://www.childrencouncil.go.ke/images/documents/Policy_Documents/National-Children-Policy.pdf)

example parents and government institutions to ensure Survival, Development, Participation and Protection of the rights of the child.

- The National Plan of Action for Children 2015-2022<sup>33</sup> provides for the children's right to survival, protection, health and education, among others. The NPA 2015-2022 is expected to assist and continue to strengthen efforts to establish a mechanism for coordination throughout the country. Furthermore, it will trigger the allocation of more adequate resources to support children's rights at both the national and local levels.
- The Constitution of Kenya (2010)<sup>34</sup> provides for the right of every person to the highest attainable standard of health. The health of a child in the early years is very critical in determining proper growth and development. The health and nutrition status is a significant determinant of the child's holistic development and learning ability.

Kenya is home to over half a million refugees, the majority fleeing conflict in Somalia and South Sudan. The refugees are mainly hosted in Kakuma and Dadaab refugee camps and Kalobeyei settlement. United The Nations High Commission for Refugees (UNHCR) and Refugee Affairs Secretariat manage the refugee camps. The Refugee Act No. 13 of 2006<sup>35</sup> ensures that refugee children enjoy equal rights to education just like any Kenyan child.

To ensure retention, the Basic Education Regulations of 2015<sup>36</sup> further safeguards the right of children to remain in school by giving guidelines for the expulsion of a child. The regulations provide guidelines for the development of school rules, discipline procedures and exclusion.

The COVID-19 pandemic is expected to be with us for some time. This means that even as schools re-open, there will still be a need for social distancing, to maintain very high hygiene standards and health surveillance. The government issued guidelines for the re-opening of schools. However, it remains to be seen how the government will support public schools

“  
**THE NATIONAL PRE-PRIMARY EDUCATION POLICY REAFFIRMS THE COMMITMENT OF THE GOVERNMENT OF KENYA TO PROVIDE QUALITY SERVICES FOR ALL CHILDREN.**  
 ”

to ensure that they have the capacity to meet the issued guidelines.

The approach the government has chosen to implement the CBC is one where the old 8.4.4 system is phased out as the new CBC is phased in. Full implementation of CBC ends in 2028. By this time review of CBC will be long overdue. There needs to be guiding policies on how review of policies is ongoing.

There are several gaps that hinder implementation of the above policies on free and compulsory basic education. Data for all school-going children is lacking as not all births are recorded in Kenya as most births take place at home. This poses a challenge to education planning..

## 2.2 Excellence

The CBC curriculum expects learners to be nurtured to excel in their areas of greatest aptitude and ability. The Framework values excellence rather than competition for examination. The Basic Education Curriculum Framework<sup>37</sup> envisions a country where the education system nurtures every learner's potential. The new curriculum focuses on formative assessments rather than summative assessments. Subsequently, examinations for the purpose of transition have been done away with.

One of the ways of measuring education quality is through assessing learners. The new curriculum focuses on assessment for learning rather than assessing learning. However, there is no

Competency-Based Assessment (CBA) Framework for basic education to guide assessment for learning.

One of the guiding principles of the provision of compulsory basic education is the promotion of quality and relevance. Basic Education Act No. 14 of 2013<sup>38</sup> encourages independent and critical thinking, cultivation of skills, disciplines and capacities for reconstruction and development. The Basic Education Act No. 14 of 2013<sup>39</sup> further establishes the National Education Board whose main function is to advise the Cabinet Secretary and collaborate with the Quality

<sup>33</sup> National Council for Children's Services, 2015. The National Plan of Action for Children 2015-2022 [http://www.children-scouncil.go.ke/images/documents/Policy\\_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf](http://www.children-scouncil.go.ke/images/documents/Policy_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf)

<sup>34</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>35</sup> Kenya Law Review, 2006. Refugee Act No. 13 of 2006. [http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/RefugeeAct\\_No13of2006.pdf](http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/RefugeeAct_No13of2006.pdf)

<sup>36</sup> MoE, 2015. Basic Education Regulations, 2015. file:///C:/Users/user/Documents/39-basiceducationregulations\_2015.pdf

<sup>37</sup> KICD, 2016. Basic Education Curriculum Framework. <https://www.education.go.ke/index.php/downloads/file/632-basic-education-framework>

<sup>38</sup> MoE, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>

<sup>39</sup> Ibid

Assurance and Standards Council, Teachers Service Commission and other stakeholders to promote standards in basic education and training.

Kenya Vision 2030<sup>40</sup> articulates the development of a middle-income country in which all citizens will have embraced entrepreneurship, be able to engage in lifelong learning, learn new things quickly, perform more non-routine tasks, be capable of more complex problem-solving, willing and able to make more decisions, understand more about what they are working on, require less supervision and assume more responsibility. Moreover, as vital tools towards these ends, it seeks to promote citizens who have better reading, quantitative, reasoning and expository skills. Vision 2030<sup>41</sup> places great emphasis on the link between education and the labour market, the need to create entrepreneurial skills and competences, and strong public and private sector partnerships.

To improve quality, the government enacted the Textbook Policy<sup>42</sup> (2018). In 2018, the Government of Kenya established and implemented central procurement and distribution of textbooks in primary and secondary school with the aim of achieving a student textbook ratio of 1:1. The implementation of this policy resonates with the Project Procurement Strategy<sup>43</sup> for the Secondary Education Quality Improvement Project (SEQIP) that was initiated by the Ministry of Education in 2017. The strategy identified weak procurement capacity, implementation delays, and fiduciary noncompliance as well as long lead times in the procurement process as some of the challenges that face decentralised procurement. The Ministry has also provided books to primary school through the Kenya Primary Education Development (PRIEDE) Project undertook various activities.

The effective and successful provision of textbooks is dependent on timely, accurate and reliable data from schools. The Ministry of Education has reported improvements in the textbook distribution logistics

due to the use of data from the National Education Management Information system (NEMIS). One of the objectives of NEMIS is to provide flexibility in the handling of resources including textbook go-to education institutions. To help manage efficient and data-driven ordering, procurement, distribution and textbook replacement process, the ministry has developed an MoE's textbook module in the NEMIS. However, delays in updating NEMIS data are hindering effective delivery of textbooks.

“  
VISION 2030 PLACES GREAT EMPHASIS ON THE LINK BETWEEN EDUCATION AND THE LABOUR MARKET, THE NEED TO CREATE ENTREPRENEURIAL SKILLS AND COMPETENCES, AND STRONG PUBLIC AND PRIVATE SECTOR PARTNERSHIPS.  
”

The quality of teachers determines the quality of education in a country. To ensure quality, the Government enacted the Policy Framework for Education and Training<sup>44</sup> (2016) that guides teacher training and professional development. The TSC Act of 2012<sup>45</sup> needs to be reviewed with regards to teacher staffing norms to ensure quality curriculum delivery.

Research, where both qualitative and quantitative data is collected, is critical for the continuous improvement of education in the country. The Directorate of Research Science and Technology was established at the Ministry of Education there is through the Presidential Circular 1/87 of 8th 1987<sup>46</sup>. However, its mandate mainly focuses on science and technology and not in other aspects of education. There is the need to review the Directorate's mandate with a view to expanding its scope.

### 2.3. Diversity

Diversity and inclusion appear as one principle in the BECF available at <https://kicd.ac.ke/curriculum-reform/basic-education-curriculum-framework/>. However, the two concepts have been treated separately for clarity, as they are slightly different. This way they can be discussed in detail.

The BECF<sup>47</sup> guides learners to appreciate Kenya's

<sup>40</sup> National Economic and Social Council, 2017. Vision 2030. <http://www.nesc.go.ke>

<sup>41</sup> Ibid

<sup>42</sup> <https://www.education.go.ke/images/SEQUIP/Project-Procurement-Strategy-for-Development.pdf#page=35&zoom=100,50,304>

<sup>43</sup> MoE, 2020. <https://www.education.go.ke/images/SEQUIP/Project-Procurement-Strategy-for-Development.pdf#page=35&zoom=100,50,304>

<sup>44</sup> Kenya Ministry of Education. [file:///C:/Users/user/Documents/policy-framework-for-education-training%20\(8\).pdf](file:///C:/Users/user/Documents/policy-framework-for-education-training%20(8).pdf)

<sup>45</sup> MoE, 2012. Teacher Service Commission (TSC) Act. <https://www.tsc.go.ke/index.php/media-centre/downloads/category/34-tsc-act>

<sup>46</sup> MoE, 2020. Directorate of Research Science and Technology. <https://www.education.go.ke/index.php/about-us/state-departments/higher-education/research-management-and-development>

<sup>47</sup> KICD, 2016. Basic Education Curriculum Framework. <https://www.education.go.ke/index.php/downloads/file/632-basic-education-framework>

diversity in terms of race, ethnicity, gender, language, culture and religion. The Basic Education Bill, 2012<sup>48</sup> outlines the values and principles for the provision of basic education. The elimination of hate speech and tribalism through instructions that promote the proper appreciation of ethnic diversity and culture in society are some of the values and principles. The Bill discusses the composition of the National Education Board where the ethnic and regional diversity of the people of Kenya must be observed and respected.

The Ministry of Education Sector Policy on Peace Education 2014<sup>49</sup> provides a framework for promoting peace through education. The goal of this Policy is to promote and nurture a culture of peace and appreciation for diversity in the Kenyan society through education and training. This policy provides an institutional framework for the coordination, management, implementation, monitoring and evaluation of peace education in the sector. It is applicable to Basic Education, Alternative Provision of Basic Education and Training and tertiary levels of education. It also provides guidelines for inter-sectoral collaboration and partnership building with other stakeholders to promote peace and harmonious coexistence in the society through learning institutions. The national values and principles of governance as stipulated in the Constitution of Kenya (2010)<sup>50</sup>, the National Cohesion and Integration Act 2008<sup>51</sup>, the National Cohesion and Integration (Amendment) Bill 2012<sup>52</sup> and other relevant policy and legal instruments form the basis for developing a cohesive and integrated Kenyan society. These values and principles include patriotism, democracy and participation of the people, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, good governance, integrity, transparency, accountability and sustainable development.

## 2.4. Inclusion

Kenya is committed to ensuring the right of every child, including those with disabilities, to education. Kenya is

<sup>48</sup> MoE, 2012. Basic Education Bill. <http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2012/BasicEducationBill2012.pdf>

<sup>49</sup> MoE, 2019. Ministry of Education Sector Policy on Peace Education, 2014. [http://www.adeanet.org/fr/system/files/peace\\_education\\_policy\\_0.pdf](http://www.adeanet.org/fr/system/files/peace_education_policy_0.pdf)

<sup>50</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>51</sup> National Council for Law Reporting, 2008. The National Cohesion and Integration Act No. 12 of 2008. <file:///C:/Users/user/Documents/national%20cohesion%20and%20integration%20act%202008.pdf>

<sup>52</sup> National Council for Law Reporting, 2012. The National Cohesion and Integration (Amendment) Bill 2012. [http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2012/NationalCohesionandIntegration\\_Amendment\\_Bill2012.PDF](http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2012/NationalCohesionandIntegration_Amendment_Bill2012.PDF)

a signatory to the United Nations Convention on the Rights of the Child (UN, 1990)<sup>53</sup> which in Articles 23, 28 and 29 entrench the right of the child to participate in education and school settings. In addition, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD, 2006)<sup>54</sup> promotes and protects the rights of every person with a disability. Article 24 of the convention explicitly states that children or adults with disabilities cannot be excluded from the education system based on disability, and that they must be given the opportunity to learn the life and social development skills they need. Kenya ratified the UN Agenda 2030 as articulated in SDGs, and thus adopted Goal No.4 on “inclusive and equitable quality education and promotion of life-long learning opportunities for all”.

At the national level, the Persons with Disabilities Act (GoK, 2003)<sup>55</sup> the Basic Education Act No. 14 of 2013<sup>56</sup>, the Constitution (2010)<sup>57</sup> Article 54 (b), Kenya Vision 2030<sup>58</sup>, current education reforms and the Education Sector Policy for Learners and Trainees with Disabilities, 2018<sup>59</sup> guarantee that people with any kind of disability access appropriate education and training and that all schools are able to include them. Inclusive education is the overarching principle of the Sector Policy for Learners and Trainees with Disabilities, (2018)<sup>60</sup>. This commitment demands a system of education that guarantees this right. It, therefore, implies that the education and training sector should allow all learners to transition from one level to the other.

The above policy defines disability in education as the lack or restriction of the ability to perform an activity in the manner within the range considered normal in the cultural context of the human being. Inclusive Education is defined as an approach where learners and trainees with disabilities are provided with appropriate educational interventions within

<sup>53</sup> UN, 1990. United Nations Convention on the Rights of the Child. <https://www.unicef.org/child-rights-convention>

<sup>54</sup> UN, 2006. United Nations Convention on the Rights of Persons with Disabilities. <https://www.un.org/development/desa/disabilities/resources/general-assembly/convention-on-the-rights-of-persons-with-disabilities-ares61106.html>

<sup>55</sup> National Council for Persons with Disabilities, 2003. Persons with Disabilities Act No. 14 of 2003. <file:///C:/Users/user/Documents/PersonswithDisabilitiesAct.pdf>

<sup>56</sup> MoE, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>

<sup>57</sup> Kenya Ministry of Justice, National Cohesion and Constitutional Affairs. 2010. Constitution of Kenya. Government Printers: Nairobi, Kenya.

<sup>58</sup> Kenya National Economic and Social Council of Kenya. 2007. Vision 2030. <http://www.nesc.go.ke>

<sup>59</sup> MoE, 2018. Education Sector Policy for Learners and Trainees with Disabilities, 2018 <https://www.education.go.ke/index.php/downloads/file/509-implementation-guidelines-sector-policy-for-learners-and-trainees-with-disabilities>

<sup>60</sup> Ibid

regular institutions of learning with reasonable accommodations and support. Integration is defined as a process through which learners and trainees with and without disabilities are taught together to the maximum extent possible in the least restrictive environment. The learner is expected to adapt to the environment.

It covers the following levels of learning and training:

- Early Childhood Development and Education (ECDE)
- Primary, secondary, adult and continuing education
- Non-formal education, Alternative Provision of Basic Education and Training (APBET) and vocational education and training
- Teacher education and training institutions
- Tertiary educational institutions, including universities.

In addition, the policy categorises various forms of disability and they include:

- Hearing impairment (from hard of hearing to deafness)
- Visual impairment (from low vision to blindness)
- Deafblindness
- Physical impairment
- Intellectual and developmental disabilities
- Specific learning disabilities (dyslexia, dyscalculia, dysgraphia)
- Cerebral palsy
- Speech and language difficulties
- Multiple disabilities
- Autism
- Albinism

To ensure that children with the above disabilities are included in education, the policy proposes that children with disabilities have Individualised Education Programs to help them reach educational goals more easily than they otherwise would.

To strengthen inclusive education at County level, County Education Boards are expected to set up sub-committees, including Special Needs Education.

## 2.5. Differentiated Curriculum and Learning

Building on the principle of diversity and inclusion, the BECF (2016)<sup>61</sup> Framework ensures that curriculum content and instructional approaches are appropriate for all. It provides flexibility for teachers to adapt the curriculum to suit individuals and does not demand

<sup>61</sup> KICD, 2016. Basic Education Curriculum Framework. <https://www.education.go.ke/index.php/downloads/file/632-basic-education-framework>

that every learner should learn the same content, in the same way, in the same number of hours and at the same time.

The Basic Education Act No. 14 of 2013<sup>62</sup> requires that the Cabinet Secretary provides special needs education in special schools at pre-primary, primary and secondary schools that meet the needs of a pupil requiring special education. In addition, the Act makes provision for the creation of academic centres, or relevant educational institutions that cater to gifted and talented learners.

The system proposed in the Basic Education Act No. 14 of 2013<sup>63</sup> is structured in a way that enables learners to access education and training at any level in a sequence, and at a pace that may be commensurate with the individual learner's physical, mental and intellectual abilities and the resources available.

The provision of pathways at senior school is based on the certainty that all learners can be successful in life. Success comes in many forms, and there are many pathways that lead to it. Providing learners with an education that takes them down relevant pathways will facilitate their development and self-fulfilment, equipping them with practical skills that will make them employable or help them move into self-employment. There are three pathways, namely Arts and Sports Science, Social Sciences and Science Technology, Engineering and Mathematics, with which there will be various tracks. Schools can decide to offer one or more tracks in a pathway. Learners will be required to follow one pathway based on, among other things, their talents. There is no framework to guide talent identification and development among learners and trainees, including those with special needs and disabilities. In addition, there are currently no policy guidelines to guide schools on the selection of pathways and tracks. These will need to be developed.

The Sessional Paper No.14 of 2012<sup>64</sup> on reforming education and training sectors in Kenya specifically identifies challenges within the education sector and has introduced certain initiatives to improve on the quality of education, which would ultimately have an impact on skills development among the youth. To ensure that the pupils enter the world of work with employability skills, the Sessional Paper proposes the establishment of linkages between basic education

<sup>62</sup> MoE, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>

<sup>63</sup> Ibid

<sup>64</sup> MoE, 2012. Sessional Paper No. 14 of 2012 on reforming education and training in Kenya. <https://academia-ke.org/library/download/me-and-mhest-sessional-paper-no-14-of-2012-on-reforming-education-and-training-in-kenya/?wpdm-dl=7351&refresh=5f0c4b83051301594641283>

and the TVET sector through the enhancement of aspects of technical and vocational education and training, secondary education and the TVET sector. The new CBC addresses this issue by developing strategies for the identification, development and appropriate placement of gifted, talented and vocationally orientated pupils.

The TSC Act of 2012<sup>65</sup> requires the Commission to enhance professionalism and quality standards by enhancing efficiency and effectiveness in Teacher Management activities. To address issues of access, quality, equity and relevance in education, a sufficient and qualified teaching force for public education institutions is required. TSC is, therefore, critical in the skills development of youth in Kenya. Under CBC, teachers are required to have differentiated instruction. This means that they should design lessons based on students' learning styles and to also group students by shared interest, topic, or ability for assignments.

As mentioned above, there are a few policies that touch on Differentiated Curriculum and Learning. However, the existing policies are not explicit on how Differentiated Instruction will be implemented at classroom level. Policy guidelines are therefore needed to answer the following questions as a matter of urgency:

- How does a teacher implement differentiated instruction in a class with large numbers of learners who have different interests, abilities and different learning styles?
- With a centralised curriculum, how does a teacher determine the knowledge and skills students need to master?
- How will formative assessment be differentiated to capture what competencies the learners need to have acquired based on the learning abilities and interests?
- What is the place of differentiated curriculum in an education system where learners are required to transit from one grade to another?

## 2.6. Parental Empowerment and Engagement

Parents play a very important role in determining the success of their children's education. They have a shared responsibility with schools to provide a conducive and enabling learning environment that motivates learners to fulfil their potential. The Basic

Education Act No. 14 of 2013<sup>66</sup> outlines the role of parents in ensuring that the child attends regularly as a pupil at a school or other such institution as may be authorized and prescribed by the Cabinet Secretary for purposes of the child's physical, mental, intellectual or social development. In addition, the Act provides opportunities for schools to empower parents to contribute to their children's learning outcomes and to be engaged at all levels of their basic education.

The Guidelines on Parental Empowerment and Engagement, 2019<sup>67</sup> developed by KICD provide guidance on strategies that learning institutions can adopt to empower and engage parents so that they can effectively and consistently contribute to the learning outcomes of their children at all levels of Basic Education.

The COVID-19 pandemic led to the closure of all educational institutions in the country, making this the longest crisis in the history of education in Kenya. Recently, grade 4 and class 8 learners were recalled back to school where they continue to learn. Among the measures the government put in place to ensure continued learning is the provision of lessons through the radio and TV. However, the lack of ICT infrastructure, including power connectivity, lack of digital devices and the cost of the internet are some of the issues hindering learning. There lacks a policy to guide online learning in Kenya, which means that learning was left to the discretion of parents.

Parents were expected to support their children's learning during this period when children were at home. However, the existing Parental Empowerment and Engagement Policy does not address the issue of how parents can support online learning. It only touches on how parents can support their children's learning when they are attending regular face-to-face lessons.

The Early Learning and Basic Education Act 2013<sup>68</sup> provides that a parent/guardian shall have the right to participate in the character development of his/her child. The Parental Empowerment and Engagement Policy provides an opportunity for parents to support their children's learning, to mould, mentor and nurture values. The pandemic has made the parents' role in their children's education clearer. Many parents were not prepared or equipped to facilitate their children's

<sup>65</sup> MoE, 2012. Teacher Service Commission (TSC) Act. <https://www.tsc.go.ke/index.php/media-centre/downloads/category/34-tsc-act>

<sup>66</sup> MoE, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>

<sup>67</sup> KICD, 2019. Guidelines on Parental Empowerment and Engagement. <https://kicd.ac.ke/cbc-materials/guidelines-on-parental-empowerment-and-engagement/>

<sup>68</sup> MoE, 2013. Basic Education Act No. 14 of 2013. <https://www.education.go.ke/index.php/downloads/file/96-basic-education-act-no-14-of-2013?start=20>



learning. There exists a Parental Empowerment and Engagement Policy that guides parental participation in the learning of their children. However, many parents lack the critical knowledge and skills that would support them in these roles. The Government needs to establish online and physical resource centres where parents can get resources to equip them for this enhanced role. A policy would need to be guide the development of such a centre.

The National Children's Policy (2010) which assigns responsibilities to various duty bearers such as parents and government institutions to ensure the Survival, Development, Participation and Protection of the rights of the child.

The National Children's Policy (2010)<sup>69</sup> which assigns responsibilities to various duty bearers for example parents and government institutions to ensure Survival, Development, Participation and Protection of the rights of the child.

The National Plan of Action for Children 2015-2022<sup>70</sup> provides for the children's right to Survival, Protection, Health and education, among others. Parents are cited as duty bearers in this Action Plan.

## 2.7. Community Service Learning

Community Service Learning (CSL) is a new learning area in the competency-based curriculum. At the early years, lower primary and lower secondary levels, it will be drawn on across the system as an integrated learning approach. At senior school, it will be a standalone learning area. It combines classroom learning and community service, giving students the opportunity to work with community members to solve local problems. This integration of theory and practice enables learners to experience, reflect and learn from the projects they undertake.

<sup>69</sup> National Council for Children's Services, 2010. National Children's Policy 2010. [http://www.childrenscouncil.go.ke/images/documents/Policy\\_Documents/National-Children-Policy.pdf](http://www.childrenscouncil.go.ke/images/documents/Policy_Documents/National-Children-Policy.pdf)

<sup>70</sup> National Council for Children's Services, 2015. The National Plan of Action for Children 2015-2022 [http://www.childrenscouncil.go.ke/images/documents/Policy\\_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf](http://www.childrenscouncil.go.ke/images/documents/Policy_Documents/National-Plan-of-Action-for-Children-in-Kenya-2015.pdf)

The Ministry of Education National Education Sector Strategic Plan 2018-2022<sup>71</sup> identifies the challenges facing the implementation of CBC: the fact that the current curriculum does not adequately address Science Technology and Innovation (ST&I), which is highly emphasised in the Vision 2030<sup>72</sup>; the lack of linkages between education, training and the workplace; an irrelevant curriculum that prevents students from acquiring employability skills by the end of their education and training; the disconnect

between education and the workplace, leading to a skills mismatch, among others. The current MoE Sector Plan 2018-2022<sup>73</sup> proposes that over the next five years, the MoE focuses on providing, promoting and coordinating competence and demand-driven, equitable education, training and research for sustainable development that should drastically reduce youth unemployment if well implemented.

“ PROVIDING LEARNERS WITH AN EDUCATION THAT TAKES THEM DOWN RELEVANT PATHWAYS WILL FACILITATE THEIR DEVELOPMENT AND SELF-FULFILMENT, EQUIPPING THEM WITH PRACTICAL SKILLS THAT WILL MAKE THEM EMPLOYABLE OR HELP THEM MOVE INTO SELF-EMPLOYMENT.

The BECF<sup>74</sup> only stipulates that learners are supposed to carry out at least 135 years in the course of three years in senior school education. However, there are no policies or guidelines to direct CSL. A policy that addresses the gaps identified in the MoE Sector Plan 2018-2022<sup>75</sup> is urgently required. The policy should include how learners with various forms of disability will participate in CSL.

## 2.8. Pertinent and Contemporary Issues (PCIs): the case of COVID 19 pandemic

2020 will remain one of the most challenging years of this century. Due to the COVID-19 pandemic, schools remained closed for the year and children stayed at home. Many countries that have opened their education institutions have had to close as the

<sup>71</sup> MoE, 2018. National Education Sector Strategic Plan, 2018-2022. <https://www.education.go.ke/images/NESSP/NESSP-2018-2022.pdf>

<sup>72</sup> Kenya National Economic and Social Council of Kenya. 2007. Vision 2030. <http://www.nesc.go.ke>

<sup>73</sup> MoE, 2018. National Education Sector Strategic Plan, 2018-2022. <https://www.education.go.ke/images/NESSP/NESSP-2018-2022.pdf>

<sup>74</sup> KICD, 2016. Basic Education Curriculum Framework. <https://www.education.go.ke/index.php/downloads/file/632-basic-education-framework>

<sup>75</sup> Ibid

numbers of COVID-19 cases spiked. Eventually, grade 4 pupils taking the CBC and class 8 pupils who are still under the 8-4-4 system were recently called back to school, where they continue studying at the time of writing this paper. There is the likelihood they may close again at some point. Although this is the first time schools in Kenya have closed due to a pandemic, there is still the need to develop policies that guide curriculum development and adaptation so learners can learn online as well as face to face.

The Cabinet Secretary in the Ministry of Education recently proposed community-based learning where teachers and students from the same neighbourhood come together for learning purposes. Teachers and students are to meet in open spaces, including halls, for a couple of hours. The government has issued some guidelines to manage this new type of learning. The curriculum to be taught under

community-based learning is in place. However, for this type of learning to succeed during this pandemic or future disasters, it needs to be anchored in policy. One of the things that the health pandemic has brought to the forefront of public debate is the role of online learning. The discussion has largely centred on blended learning. Although not new, this concept is not familiar to many Kenyans including educators. We are yet as a country to have a workable definition of blended learning that stipulates how online learning will be integrated into face-to-face learning. What has largely been taking place is online learning and not a combination of online and face to face learning. For blended learning to be meaningful, there needs to be a tradeoff between face-to-face time and online learning. Subsequently, the government needs to enact a policy to guide blended learning. The policy should guide the development and use of an online resource to facilitate blended learning.

Blended learning should in no way be confused with the Digital Learning Program. The Digital Learning Program integrates ICT in teaching and learning for the effective implementation of CBC in a school setting. The National ICT Strategy for Education and Training (2006) needs to be reviewed to support blended learning, including home learning. This will ultimately increase opportunities for learning and ensure quality and equitable learning.

The Ministry of Education (State Department of Early Learning and Basic Education) has developed a COVID -19 response and recovery plan with the following main objectives: (i) to provide access to quality, equitable and inclusive education to learners during and after the crisis to ensure continued learning; (ii) to facilitate the production of online teaching and learning materials, and to expand existing distance learning programmes; (iii) to train teachers to effectively support distance learning, including monitoring and assessment; (iv) to develop and implement intervention programmes targeting the marginalised and most vulnerable learners, especially girls and learners with special needs; and (v) to provide psychosocial support to learners, teachers, education officials and other stakeholders (MoE, 2020). The project is called

the Kenya GPE COVID-19 Learning Continuity in Basic Education (P174059) Stakeholder Engagement Plan. For this project to be effective, the government needs to develop policies and guidelines on online assessment as well as to review policies on distance learning and teacher training.

### 3.0 Conclusion

The comprehensive catalogue of policy documents relating to the education sector clearly shows that problems have been extensively addressed. However, many questions have been raised with regards to the implementation of these policies and their positive effects on learning and if these are sufficient. The greatest limitation of this work is:

- lack of comprehensive data with the last official data released in 2016
- lack of indicators and continuous reporting by the Ministry of Education
- lack of baseline data before the development of policies, which makes it difficult to determine the effectiveness of the policy
- lack of clear methodologies and criteria to determine which policy contributes to which change in the sector.

There is a need for the government to institute comprehensive monitoring and reporting on key policies to determine their efficacy.



