Introduction

Education sector reforms in Kenya dates back to the Independence period, with Commissions, committee, Working parties and task forces generating reports, with recommendations, some of which have been implemented in part while others have never been implemented completely. In 1964, there was the Ominde Commission; In 1976, there was the National Committee on Educational Objectives and Policies led by Gachathi; In 1981 there was the Presidential Working Party on the Second University in Kenya led by Mackay; In 1988 there was the Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond led by Kamunge; In 1999, there was the Commission of Inquiry into the Education System of Kenya led by Koech. To date, no government documentation is available to the public with chronological details on what recommendations from these reports were adopted and implemented.

In 2003 there was the National Conference on Education and Training whose recommendations led to the development of Sessional Paper No 1 of 2005. Most recently, in the year 2008/2009, there was the Kamunge led Education Taskforce on the harmonization of the legal framework on education, training and research that did generate a report (Kamunge II) that was to inform the drafting of a bill on Education and Training with a focus on the promotion, governance and management, standards, quality and relevance and funding of education and training in Kenya. This process ended without a major output in the form of a bill being brought to parliament. Public accountability statement, from the Ministry of Education, on why the process could not move forward, can hardly be traced.

Currently, the sector programmes are guided by the Sessional paper No. 1 of 2005; with the Kenya Education Sector Support Programme (KESSP) being the framework for education service provision. The Education Act (Cap 211) has noted gaps, leaving room for education service provision to be extensively anchored on policy frameworks as opposed to solid legal frameworks. In addition, there exist various policy documents & guidelines that are being used as reference points for education service provision – these guidelines largely match the investment programmes under KESSP.

With the promulgation of the new constitution, immediately thereafter another process to ensure critical reforms in the sector are realized began. How different this process is from the previous is a question for public debate.

Kenya’s Minister for Education, through the Kenya Gazette Vol CXIII No 11 dated 28 January 2011, did establish the Task Force on the Realignment of the education sector to the Constitution and Vision 2030
with effect from 2nd February 2011 for a period of six months. The Minister did further extend the operational time of the Task Force for an additional two months, with effect from 1st August, 2011. The expected outputs from the task force were; Comprehensive Task Force report, Proposed Sessional Paper, Draft Education Bill and a Cabinet Memorandum and Policy brief

On the other hand, Kenya’s Minister for Higher Education, Science and Technology, through the Kenya Gazette Notice No. 11626, dated 23rd September did establish the Task Force on the Realignment of University Education (UE), Technical and Vocational Education and Training (TVET) and Science, Technology and Innovation (STI) Sector with the Constitution; for a period of three months from the 1st November, 2011. The expected deliverables from this task force were; The Task Force report, A University Education policy and Bill, A Technical and Vocational Education and Training Policy and Bill and A Science, Technology and Innovation Policy and Bill.

Another key process in the sector has been the drafting and discussions of the Teachers Service Commission (TSC) bill. Kenya’s Constitution, article 237 established the TSC, which warranted the drafting of the bill for the purposes of ensuring the implementation of the functions of this commission.

This paper presents a critique of the current education reform process, the proposed reforms on some selected aspects of education and concludes with possible options for moving forward.

A critique of the Process
For effective citizens’ participation in the Education Sector reform process, it was paramount that schedules of activities of the Task –forces are widely shared with the public. Sadly though, citizens in various parts of the country got to learn about the Task-forces (MoEs & MoHSTs) when their reports had been launched; and after the reports generated debates in the media.

While the “middle class” citizens had the opportunity either to make oral or written submissions to the Task-forces, the “grassroot citizen” had no adequate opportunity to make submission. In their attempt to convene county level public consultations, the MoE Education Task force did cluster counties into groups of 4, 3 and in some cases 2 counties – however communication to the public to participate in these forums was very poor. Apart from various District Education teams, “top level” NGOs and the Civil Society; it is has become evident that the children, youth and other education stakeholders at the County level did not find meaningful space to make submissions.

Notably, one year down the line, on February 2nd 2012, the Minister for Education did officially receive the Task force report; this was followed by the National Stakeholders Conference from 27th to 29th March 2012. The Invitations to the conference did not take into account the representation of the Civil Society, especially from the counties – this had to be later negotiated.

Whereas the conference had critical discussions and deliberations with key recommendations from the syndicate groups, the conference ended with no resolutions being adopted by the delegates. The road map was presented very late in the evening on the last day of the conference - with no opportunity for inputs from the delegates – no wonder the citizens seem to be asking;

- Where are we with education reforms?
- What time lines are we working with?
• Who is driving/leading the process?
• Is the Task-force still in existence?
• Is there a window of opportunity to ensure more consultations on key issues that are generating a lot of public concerns? e.g. the issue on the structure of education system.

On the other hand, the Minister of Higher Education Science and Technology, on 23rd March 2012, did release its Task-force report with Policy recommendations.

Additional key questions emerge
• The MoE led Task force did deliver a report after a period of about one year; the MOHST did deliver its report after about 4 months – what informed the wide difference in time lines?
• Did the two taskforces consult each other (given the similarity in their mandates)? Is there evidence of such consultations?
• Where are the other deliverables of the MoE Task-force?
• While every Kenyan is keen on major reforms in Kenya’s education sector in totality, how come we are running two parallel processes? How come MoE did convene a three day national conference on Education and subjected its report to discussions and totally left out the Higher Education task force report – at a time when its content had been officially made public? How come the two Ministries did not work together to convene a joint national conference since all the reports were available for discussion at the time of convening the national conference?
• Why does the MoHST Task force propose the Establishment of Ministry of Higher Education and the Ministry of Science, Technology and Innovation at a time when the country should be focusing on reducing the number of Ministries? Does it mean there are proponents of three Ministries in charge of Education in Kenya? (2 for MoHST and 1 for Basic Education)

One week after the National Education conference, where the issues of Examinations and Assessments were extensively discussed, the Kenya National Examination Council (KNEC) has draft KNEC bill to the public and is inviting make their contributions to the bill. One key proposal is the repeal of KNEC Act (Cap 225A) and amendment of Education Act (Cap 211).

• Why propose an amendment of the Education Act at a time when everyone is keen on the repeal of the Education Act?
• Why the hurry to repeal the KNEC Act with no detailed consideration to the recommendations on the Education Task-force report especially on assessments and examinations?

A critique of the Content of the Education Task Force Report

The Structure of Education system and Curriculum
Recognizing the history of education reforms in Kenya, one would expect an audit of the extent to which the recommendations from the previous review exercise have been implemented, more specifically, the Task-force would have considered a thorough review of the 8-4-4 system of education and provided a report with documentation of what has worked and why; and what has not worked and why. There is no evidence in the Task force report that 8-4-4 was adequately reviewed. The report does provide some seven outlined limitations of the current system of education but falls short of providing evidence to support these limitations. It is stated in the report that “there is a widespread belief that the current structure is too rigid in that it lacks subject pathway and flexibility. In addition, it keeps children in the
primary phase for too long, limits subject area and vocational orientation choice.” There should have been more convincing evidence on this issue.

The Task force does recommend that “a new structure of education that has the support of the people is called for. Such a structure should reflect the aspirations, objectives and values of the Kenyan people; and that the new structure of Education and Training should lessen the rigidity in the transition from one level to the other, and expands curriculum choice”.

Whereas the Task force does provide the rational for the new structure (2-6-6-3) and elaborates on how the structure will work, an objective comparison of the new structure vis-à-vis the current structure is lacking. One would have expected an outline of the new proposals that cannot fit or work within the 8-4-4 system and also highlights of how the new system will address the concerns that 8-4-4 has failed to address from a comparative point of view and with reference to various age groups of learners.

One of the reasons that persuaded the task force to recommend the change in system was that “there is a perception that the 8-4-4 system is heavily examinations oriented and that a lot of importance is attached to the examination results…. this calls for re-branding of the system” Does this confirm the fears of various stakeholders that the new system is just 8-4-4 rebranded?

Probably, the Task force would presented the Key issues as regards the structure and the possible solutions to those issues; and should have thereafter proposed two options – Improving 8-4-4 (merits and demerits) and an alternative system (merits and demerits). This would have informed the public further and allow for healthy discussions.

On the issue of the Curriculum it is widely agreeable and acceptable among the citizenry that a major review is long overdue. The Task force did recommend very good Core Curriculum competencies and related forms of assessment. What must now be agreed upon is the time lines for curriculum review and within what system its implementation will be done (whether in 8-4-4 or 2-6-6-3). This will address the questions of Education for what? How can it be provided? When should it be provided?

Access and Equity
Article 26 of the Universal Declaration of Human Rights (UDHR), Article 28 & 29 of the Convention on the Rights of the Child (CRC) and Article 43 (1) (f) & 53 (1) (b), of Kenya’s Constitution is very clear on the provision of Education from a Human Rights perspective and the obligations of the state. This should be the fundamental guide to discussions on Access and Equity in Education Service provision.

The Task force reports defines access, equity and relevance very well and provides an appreciation of the situation as currently is in the country at various levels of education. Various challenges around access, equity and relevance are discussed in the report. However what is not clear in the report is the fact that it is due to the failure on the part of the state that has resulted into children still staying out of school. It would have been more useful if the Task force had provided evidence on the efforts of the state towards the progressive realization on the right to education as guided by the key International Conventions and Kenya’s constitution. The unequal distribution of education resources and unequal provision of education services in the country is largely attributed to the historical failure by the state. This should have been appreciated in the report and specific options proposed for addressing the historical injustices in as so far as the right to education is concerned. For instance, what explains the fact that in some rural parts of the country, a child must still walk for over 10KMs every morning to
access a primary school (Walking a total of 20KMs every day)? What explains why some children must still learn under trees for a whole day? What explains why some school children must still rely on the ‘bush’ as their toilets?

Additionally, one would have expected more data on the number of children not accessing ECED centers, the number of children missing out of school classified by regions or counties, the number of children who have dropped out of school over the years, the number of children who sit for KCPE exams and do not proceed to secondary schools, the number of students who sit for KCSE exams and do not proceed to Higher institutions of learning. Where us the report provides arguments as to why the situations is as it is today, lack of data probably confirms lack of seriousness with which the country tracks progress of its citizens in as far the education for all is concerned. Lack of data might further result into poor planning.

While data is readily available on the number of children being born, the number enrolled in schools, the number proceeding to higher levels of learning – what is the difficulty in providing information on where the children who drop out of school are? If the children out of school are to be integrated back into various levels of learning, would we have data readily available (from government records) on their learning achievements as at the period before they dropped out of school? However it is worth noting that the Task force recommends the introduction of a Learners Identification Number (LIN) at entry point, which will be used to track the learner throughout the education system.

The report does recommend the full implementation of various existing policies that would help improve access and equity, but falls short of recommending the realignment of these policies with key constitutional and legislative provisions. Another notable gap is lack of policy recommendations that would help improve on tacking progress of all citizens in terms of access to education right from the lower levels of learning while at the same time isolating the responsibilities of various players in the quest for improved access.

Standards and Quality Assurance, Assessments and Qualification Frameworks

The report presents various issues and challenges that are currently faced by MoE’s Directorate of Quality Assurance and Standards which includes lack the necessary skills, knowledge and competence to deliver on standards and quality assurance and that while enrolment rates at primary and secondary levels have increased, learning achievement is not commensurate. It is further reported that the Delivery of education services in Kenya indicates that many children are learning very little and that learning outcomes in literacy and numeracy are poor. It is worth noting that the Task force did a good job in shifting the focus of learning outcomes from examinations to assessments, which the county direly needs.

The Task Force does recommend the establishment of Education Standards and Quality Assurance Commission (ESQAC) as a semi-autonomous agency which will function as the national custodian of standards and quality in education. However detailed functions of this agency are not clear. It is further not clear how the ESQAC will discharge its duties vis-à-vis the functions of the TSC as provided for in the Constitution an as have been elaborated in the TSC bill which is now at the Cabinet level.

In terms of assessments of learning outcomes, the task force notes that the current summative assessment at the end of learning cycles does not adequately measure learners’ abilities; Teachers are
not adequately trained in test development and evaluation procedures; due to the importance that is attached to examinations, there are malpractices reported in the management of examinations; and that the current system of summative assessment at the end of primary and secondary levels dictates the teaching/learning process towards examinations as opposed to learning.

The task force recommends that KNEC be renamed the Kenya Education Assessment Council (KEAC) to reflect the specific focus of its work, which needs to shift towards assessment; and also recommends a National Qualifications Framework with a system that will set the standards and benchmarks for qualifications and competences; define the levels of qualifications and competences; provide for the recognition of attainment or competences including knowledge skills and values; and be the basis for accreditation of programmes and institutions; among other functions.

Another recommendation here is that a modular approach to teaching be used to provide for flexible student exit and re-entry to avoid wastage. This should allow students to transfer credits from one institution to another with minimal costs. Student assessment will consist of Course Assessment Test (CAT) and institutional assessment in liaison with professional examination bodies. Tertiary institutions will provide training for certificates and diplomas, whereas Universities will offer degree and post-graduate programmes.

**Education Financing and Investment**

Kenya’s education sector continues to receive the highest portion of the national budget albeit with challenges in the management and use of education resources; the task force provides a fairly good situation analysis of education financing & investment in Kenya. While it is obvious that the state has failed over the years to ensure education for all its citizens, the task force does not seem to argue this case from a financing & investment point of view. A glaring gap in the report is lack of an analysis of the costing of 8-4-4 vis-à-vis the costing of the proposed 2-6-6-3. The unit cost of education at various levels is not well articulated with rational. Further, the question of return on investment is not well addressed in the report. Concerns have been raised from the Kenyan public as to how many Kenyans are we educating and how much do we spend in educating them? To what extents does the country benefit from educating them?

Mismanagement of resources in the sector has been a major problem – however the Task force report does not propose clear strategies for addressing the issue. A strong accountability framework would suffice for the sector – but this needs to be well designed.

**Governance & Management**

Governance in the sector, right from the top level Ministry of Education organs to the school level continues to be a major concern today. Poor Sector Management and governance at institutional level has been a major contributor to the challenges facing education in Kenya today. The task force reports that efficiency and effectiveness in the sector management is still a challenge. The task force proposes a management structure from the top at the Cabinet Secretary level, Semi-Autonomous agencies, 8 directorates, County Education Boards, County Director of education and Boards of Managements at Institutional level. However, there are no clear details on the functions of some of these structures. It is critical that this is interrogated and reviewed further in line with both the National and County Government functions, functions of other organs such as the TSC and due considerations made in view of the transitional expectations.
Other themes
The other themes presented in the Task force report were; Human Capacity Development & Training; Mentoring and Moulding to Nurture National values; Research & Development; Science, Technology and Innovation; ICT; Teacher Education & Management; Open & Distance Learning; and Public Private Partnership. In these themes the task force provides very good recommendations but the basis for which the recommendations are being made is not detailed and lacks substantial data that would inform policy development.

Regulatory and Legal Framework
Whereas the task force attempts to isolate key policies and legislations in regards to education and training in Kenya, it fails to provide an analysis of the policies in line with the key issues facing education sector today. On International conventions that touch on the right to education, which Kenya is a signatory to, the task force only outlines them but fails to demonstrate Kenya’s progress in implementing these conventions. With specific reference to the Constitution (2010), the task does not provide details as to how the sector should be aligned to the constitution – one would have expected a thorough analysis of key issues and how they are to be aligned with very specific constitutional provisions (not just on the right to education but many other). The Devolution Task force report did provide very good recommendations touching on service delivery (among other recommendations); some of which should have been borrowed from, by the Ministry of Education Task force – apparently there is no clarity as to whether the devolution task force reports was a reference document in this process. Finally, the task force having presented a series of recommendations in various themes, it fails to isolate what should be packaged in a bill, what should be in a policy document or sessional paper; and what should be left for guidelines and rules.

Options for Moving Forward
• Demanding for the Harmonization of the two Task force reports (MoE and MoHST)
• Demanding for Commitment from the Minister for Education & The Minister for Higher Education, Science and Technology on the road map – with clear timelines and deliverables
• Engagement with the Parliamentary Committee on Education, Constitutional Implementation Oversight Committee, Commission for the Implementation of the Constitution; in addition to other key public policy making institutions
• Convening more stakeholder consultations especially at the County level in the spirit of true Citizen participation; especially in public policy processes
• Enhancing the role of Think tanks in this process, especially within the Civil Society
• Establishing a reference group to deal with contentious issues both (in terms of process and content)
• Consolidating the Civil Society efforts in this process and having a more coordinate engagement strategy by the Civil Society.