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Education for Children with Disabilities: Will Policy Changes Promote Equal Access in Kenya?

Éducation destinée aux enfants ayant une incapacité : les changements politiques au Kenya vont-ils promouvoir l'égalité d'accès ?

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Abstract

Policies to increase access to quality education have largely focused on reducing gender and income inequality; however, many children do not attend or fully participate in school because they have disabilities. Limited policy attention towards children with disabilities in developing countries is an obstacle to progress towards universal education. The limited knowledge and inadequate policies means many children with disabilities have limited access to quality education. In 2010, the legislative and policy context in Kenya changed significantly. This paper examines how the new constitution and the National Special Needs Education Policy Framework may impact the education of children with disabilities in coming years. The paper concludes that there is reason to be cautiously optimistic about the education of children with disabilities because the new constitution and the National Special Needs Education Policy Framework make the government legally liable for their education.

Résumé

Les politiques visant à augmenter l'accès à une éducation de qualité se sont concentrées principalement sur la réduction des inégalités entre les sexes et les revenus; cependant, de nombreux enfants ne vont pas à l'école ou ne participent pas pleinement aux activités scolaires parce qu'ils ont des incapacités. L'intérêt limité que portent les politiques aux enfants ayant une incapacité dans les pays en développement représente un obstacle aux progrès en direction de l'éducation universelle. Les connaissances limitées et les politiques inadaptées signifient que de nombreux enfants ayant une incapacité disposent d'un accès limité à une éducation de qualité. En 2010, le contexte législatif et politique au Kenya a radicalement changé. Cet article examine comment la nouvelle constitution et le Cadre stratégique national en matière de besoins éducatifs spéciaux (*National Special Needs Education Policy Framework*) peuvent, au cours des années à venir, avoir un impact sur l'éducation des enfants ayant une incapacité. L'article conclut qu'il y a des raisons de faire preuve d'un optimisme prudent quant à l'éducation des enfants ayant une incapacité car la nouvelle constitution et le Cadre stratégique national en matière de besoins éducatifs spéciaux rendent le gouvernement juridiquement responsable de l'éducation de ces enfants.

Keywords: Sub-Saharan Africa; Kenya, special education policy; universal education
Mots clés: Afrique sub-saharienne; Kenya, politique en matière de besoins éducatifs spéciaux; éducation universelle

Introduction

The overall goal of the education sector in Kenya is to ensure that all children have access to quality education. Policies to increase access to quality education have largely focused on reducing gender and income inequality; however, many children do not attend or fully participate in school because they have physical and mental disabilities. UNESCO (2010) contends that

“disability is one of the least visible but most potent factors in educational marginalization. Beyond the immediate health-related effects, physical and mental impairment carries a stigma that is often a basis for exclusion from society and school” (p. 181).

The health-related effects and stigma make children with disabilities more vulnerable to poverty. The vulnerability to poverty is greater because of unequal access to education, employment, health care, and food (Hoogeveen, 2005). Disability and poverty create a vicious cycle. The cycle could be broken with greater access to education. Education is especially important for children with disabilities because “it may mean the difference between a socially fulfilling, intellectually stimulating, and economically productive life and a future with few of these qualities” (Aron & Loprest, 2012, p. 98).

Despite the critical need to educate children with disabilities, Durkin, Gottlieb, Maenner, Cappa, and Loaiza (2008) found that “relatively little is known about the situation of children with disabilities globally, and in developing countries in particular” (p. 5). Limited policy attention towards children with disabilities in developing countries is holding back progress towards universal education (UNESCO, 2010; WHO, 2011). The limited knowledge and inadequate policies mean many children with disabilities in developing countries have limited access to quality education.

In 2007, the Kenya National Commission on Human Rights (KNCHR) examined Kenya’s legislation and policies context in an effort to evaluate education access for children with disabilities. The KNCHR study concluded:

The current legislative, and policy framework undermines effective exercise of the right to education by children with disabilities. The practice regarding the framework of FPE and curriculum implementation is wanting and raises additional obstacles to the exercise of the right to education by children with disabilities. (p. vi)

In 2010, the legislative and policy context in Kenya changed significantly. First, the Kenyan people approved a new constitution. This new constitution has a bill of rights that guarantees every child the right to free and compulsory education; and grants the government authority to put in place affirmative action policies to address disparities in access to schooling. Second, the government presented the National Special Needs Education Policy Framework. The framework was developed to plan and implement education for children with disabilities and ensure access to quality and relevant education for children with special needs.

Does the new legislative and policy environment make it possible for children with disabilities to exercise the right to education? This paper first highlights how children with disabilities have been served in Kenya in the past and then examines how the new constitution and the National Special Needs Education Policy Framework may impact the education of children with disabilities.

Disability Prevalence in Kenya

World Health Organization (WHO) estimates there are approximately 200 million children with disabilities globally; a disproportionate number of these children are found in poor countries where about 80% of annual births occur worldwide (Durkin et al., 2008). The higher proportion of disability in poor countries is due to poor nutrition, higher exposure to disease and injury due to poor living and working conditions, and limited access to healthcare (Department for International Development, 2000).

Any disability prevalence rate is dependent upon the definition of disability and the intended purpose for collecting disability data. Mont (2007) found that different instruments used

to measure disability produce very different results even in the same country. Kenya is no exception; this study found three different estimates of the prevalence of disability.

The 2007 Kenya National Survey for Persons with Disabilities (KNSPWD) was conducted to generate data on people living with disabilities. The aim of the survey, the first of its kind in Kenya, was to estimate the number of people with disabilities, their regional distribution, and their demographic and socio-economic characteristics. The survey found about 1.7 million (4.6%) Kenyans lived with disabilities (National Coordinating Agency and Development & Kenya National Bureau of Statistics, 2008). The disability prevalence in the KNSPWD was computed using six domains: hearing, visual, mental, physical, self-care, multiple and other disabilities. The most prevalent disability domain was physical (34%) followed by visual (30%).

The 2009 Population and Housing Census reported that there were 1.3 million (3.5%) people with disabilities in Kenya (Kenya National Bureau of Statistics, 2010). Of those with disabilities, 51% were female and 49% were male. The disability prevalence rate in the 2009 census was computed using six domains: hearing, visual, speech, physical, mental, self-care, and other disabilities. The 2011 WHO World Disability Report, based on 2002–2004 World Health Survey data, puts the figure of living with Kenyans disabilities at about 5.8 million (15.2%).

History and Context of Special Needs Education in Kenya

Early efforts to provide education for children with disabilities in Kenya were spearheaded by the civil society and religious groups (UNESCO, 1974). The Salvation Army established the first school for visually impaired children in 1946. In 1948 the Catholic Church and the Aga Khan Community set up the first two schools for children with mental disabilities. The Kenya Society for Deaf Children and the Association for the Physically Disabled of Kenya were established in the 1950s to provide services to children with hearing and physical impairments. Kenya gained independence in 1963.

The 1963 Constitution of Kenya did not guarantee the rights of people with disabilities. Section 82(3) of the 1963 constitution prohibited discrimination by race, tribe, origin or residence, political views, creed, color or sex; however, it made no specific reference to discrimination against people with disabilities. It is not surprising that disability was not mentioned in the first constitution; disability carries a stigma. Children with disabilities were often concealed from the public because of cultural beliefs and taboos. Many communities viewed disabilities as curse or witchcraft (Ogechi & Ruto, 2002; El Sharkawy, Newton, & Hartley, 2006). Ogechi and Ruto (2002) wrote, “the impairment, which anyone is susceptible to, is a sign that the ancestors and/or the creator are/is not happy” (p. 70).

In 1964, the government established the Committee of the Care and Rehabilitation of the Disabled, led by Ngala Mwendwa, to develop guidelines for special needs education. The committee’s report, Ngala Report, recommended a public awareness campaign on the cause and consequences of disability; including education for children with physical, visual, and hearing impairment; provision of school transport for physically impaired children; increased funding to all special schools (any unit that provided services to children with disabilities were considered a “special school”); an affirmative action policy to ensure employers hire people with disabilities; establishment of vocational and rehabilitations centers; appointment of an inspector of special schools (UNESCO, 1988).

To implement the recommendations of the 1964 Ngala Report, the government presented the Sessional Paper No. 5 of 1968. The sessional paper proposed a survey of the people with disabilities to ensure the recommendations of the Ngala Report could be implemented effectively. This was the first government policy document to propose a survey of the disabled be conducted.

However, the government of Kenya did not conduct the survey. It is not clear why the government did not conduct the survey despite the critical need for accurate data on people with disabilities.

The Kenya Education Commission of 1964, the first post-independence education commission, was established to develop policies that would address the imbalances inherent in the colonial education system. The commission's report, named the Ominde Report, proposed reforms to the education system that would make it more responsive to the needs of the country. Specifically, it sought to "promote social equality and remove divisions of race, tribe and religion" (Republic of Kenya, 1964, p. 25). The Ominde Report noted, "we in general agreement with the recommendations of this report [*Ngala Report*] and education and training of handicapped people, including the recommendation that an inspector of special schools should be appointed" (p. 132). The Ominde Report recommended inclusive education because there were "many children whose handicap is less severe and who are quite able to receive their education and training in normal institutions..." (p. 132). However, for those with more severe disabilities, the report recommended the establishment of more special schools (Republic of Kenya, 1964). According to the Ominde Report, inclusive education meant children with disabilities attending "normal" or regular schools (schools for able-bodied children).

The government continued to enact laws to advance the development of education. The 1968 Education Act (revised in 1970) prohibited exclusion from school based on sex, race or color, or on any other reasonable grounds. Although "other reasonable grounds" could have included children with disabilities, the Kenya National Commission on Human Rights argued that these children had limited legal recourse if they were excluded from school due to their disability (KNCHR, 2007).

In 1976, the National Education Commission on Education Objectives and Policies Report recommended that children with disabilities be included in normal schools and not segregated into special schools (Republic of Kenya, 1976). They noted, "the committee would like to emphasize the integration of the handicapped, as far as it can be achieved, into the normal pattern of education and training" (p. 74). The report argued that the main obstacle to inclusive education was the "prejudice and lack of entitlement on the part of those who keep the doors of opportunity in normal schooling closed to handicapped children" (p. 74). Further, the report noted that the meaning of the term "special education" should be widened to include all the educational needs of handicapped children whether or not they attended special schools. This was to ensure that government resources could be made available even when children with disabilities attended normal schools (Republic of Kenya, 1976). Therefore, "normal schools" would be able to provide "special education" to children with disabilities in their schools.

The report, known as the Gachathi Report, also made the following recommendations: early assessment and intervention for children with special needs, the development of a policy framework for special needs education, and public awareness campaigns to reduce stigma associated with disabilities. The government of Kenya did not implement the recommendations of the Gachathi Report either.

In 1984, the Government of Kenya established Educational Assessment and Resource Centers (EARCs) at the district level in an attempt to bring services closer to children with disabilities. EARCs had the following responsibilities: identify and assess special needs; give guidance and counselling to parents of children with special needs; establish special needs units in regular schools; make referrals to special schools, units, integrated programs, or medical examination and treatment; provide information for teachers, field officers, local administrators, health and social workers handling children with special needs, provide hearing aids; collect

information for central planning and special needs education survey research. However, EARCs were unable to serve all children with disabilities because most of the equipment, which was outdated, was only for children with visual impairment, hearing impairment, and physical disabilities. There were no diagnostic tools for assessing specific cases such as learning difficulties and behavioural difficulties. Hence, many learners with special needs were mislabelled and given wrong placement (Republic of Kenya, 2003).

By the mid-1980s, services offered were still only available for children with hearing impairments, physical, or intellectual disabilities (UNESCO, 1988). The limited services were due, in part, to the shortage of special education teachers. Consequently, the Kenya Institute of Special Education (KISE) was established in 1986 to train special education teachers, conduct research, and serve as a resource for special education teachers. The 2008 Education Sector Report found that the KISE was unable to effectively function because there was no accurate data on children with disabilities, and it lacked adequate funding for its programs (Republic of Kenya, 2008).

A 1988 UNESCO report underscored the need for a policy document on special education to guide planning and legislation (UNESCO, 1988). In an attempt to improve service delivery, the Ministry of Education took over the primary responsibility for special education in the early 1990s (UNESCO, 1995). Previously the Ministry of Education, Home Affairs, Ministry of Co-operatives and Social Services, City Council of Nairobi, and County Councils shared the responsibilities for the education of children with disabilities (UNESCO, 1974). The 2011 World Disability Report (World Health Organization & World Bank, 2011) argues that divided ministerial responsibilities “tends to further segregate children with disabilities, and shifts the focus from education and achieving social and economic inclusion to treatment and social isolation” (p. 214).

In 1999, the Commission of Inquiry into the Education System of Kenya Report (Koech Report) recommended a re-evaluation of the Education Act because the Act did not provide equal opportunities for all children (Republic of Kenya, 1999). The commission noted that there was still no legal framework on special education despite the policy guidelines given by the previous commissions and reports. Further, a disability survey that had been recommended by the 1964 Ngala Report had not been undertaken. This 1999 education commission noted that many policies had been recommended since independence but few, if any, had been fully implemented.

In 2003, the task force on special needs education released its report, referred to as the Kochung Report. Like previous commission reports, the Kochung Report observed that there was no policy or legal framework on special needs education, there was a lack of data on children with disabilities, and there was a lack of special education teachers and facilities (Ministry of Education, Science and Technology, 2003). These issues meant that children with disabilities had made limited progress towards universal education.

The year 2003 marked the beginning of social and policy change for people with disabilities. First, the newly elected government fulfilled one of its major election pledges when it launched the Free Primary Education (FPE) program. Under the new FPE policy, the government abolished primary school fees for all children. The government provided additional funds for schools providing services to children with disabilities (Republic of Kenya, 2005b). Second, parliament passed the Persons with Disabilities Act (2003). The Act established equal rights for people with disabilities and required adaptation of facilities to ensure a favorable environment for people with disabilities. The Act also created the National Council of Persons with Disabilities (NCPD) to oversee the welfare of people with disabilities.

Despite the 2003 policy changes, the Sessional Paper No. 1 of 2005 noted that less than 10% of children with disabilities had access to school. The sessional paper observed that universal education could only be achieved by “the provision of all-inclusive quality education that is accessible and relevant to all Kenyans” (Republic of Kenya, 2005b, p. 10). In an important departure from previous policies, the sessional paper noted that with the focus on physical, visual, hearing, and severe intellectual disabilities, other areas of special needs such as autism, specific learning difficulties, and communication disorders were ignored. The paper also acknowledged that additional funding was required; in 2004/5 the Government spent only 0.2% of the total education budget on special education. The government committed to develop a national policy that would define all areas of special needs and provide additional support to schools offering services to children with disabilities.

The Kenya Education Sector Support Programme (KESSP) 2005–2010 acknowledged that the government had ignored children with disabilities. The KESSP committed to provide education to all children with disabilities. KESSP also noted the following constraints: no clear guideline on inclusive education (the government had not clearly defined the meaning of inclusion), no reliable data on children with special needs, lack of special education teachers, high cost of materials, and low enrollment due to taboos related to disability (Republic of Kenya, 2005a). It is important to note that these constraints were not new. They had been mentioned in all previous government reports but the policy recommendations had not been implemented. The lack of implementation rendered other government programs ineffective. For example, the Sessional Paper No. 5 of 1968 recommended a survey of people with disabilities but it was never conducted.

Therefore, in 2007 the first ever survey of persons with disabilities, Kenya National Survey for Persons with Disabilities (KNSPWD), was conducted. The KNSPWD aimed to estimate the number of people with disabilities, their distribution, their demographic, and socio-economic characteristics. The survey also sought to “determine the types and causes of the disabilities; the problems faced and coping mechanisms, and the nature of services and rehabilitation programmes available” (National Coordinating Agency and Development & Kenya National Bureau of Statistics, 2008, p. xi). This survey was conducted about four decades after a survey was first recommended by the 1964 Ngala Report. The survey was important because the government found it difficult to implement the provisions of the Persons with Disabilities Act (2003) due to the lack of accurate data (National Coordinating Agency and Development & Kenya National Bureau of Statistics, 2008).

The legislative and policy context in Kenya changed further in 2010. First, Kenyans approved a new constitution. The new constitution guarantees economic, social, and cultural rights—including the rights to food, housing, sanitation, water, health, education, social security as enforceable rights, alongside civil, and political rights. Second, the government presented its first National Special Needs Education Policy Framework. The framework was developed to plan and implement special education, and ensure access to quality and relevant education for children with special needs. Let us examine these legislative and policy changes to understand their impact on educational access for children with disabilities.

The 2010 Constitution of Kenya

In 2010, Kenya enacted a new constitution. The new constitution aims to address corruption, political patronage, human rights abuses, and inequality—problems that have plagued Kenya since independence. These problems were directly or indirectly related to the old constitution that concentrated power in the presidency. For the first time, Kenyans have a bill of rights. How does

the new constitution address the issue of education for children with disabilities? The Constitution (Republic of Kenya, 2010) spells out the right to education in the following sections:

No. 43: (1): Every person has the right (f) to education. (p. 31)

No. 53: Every child has the right (b) to free and compulsory basic education. (p. 36)

No. 55: The State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training. (p. 37)

No. 56: The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups (b) are provided special opportunities in educational and economic fields. (p. 38)

The new constitution also spells out the rights of people with disabilities:

No. 54. (1) A person with any disability is entitled—(a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning; (b) 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; (c) to reasonable access to all places, public transport and information; (d) to use sign language, Braille or other appropriate means of communication; and (e) to access materials and devices to overcome constraints arising from the person's disability. (p. 37)

The new constitution clearly guarantees children with disabilities the right to free and compulsory education. For children with disabilities who have been marginalized, the constitution requires the government to take measures to ensure they receive education. The government is now obligated to enact affirmative action policies that ensure children with disabilities, who have been marginalized, have equal access to education. The constitution requires the government to provide better access to education and also to establish infrastructure for children with disabilities. With the new constitution, the government is now legally obligated to provide quality education to all children. The government must now provide services to previously marginalized children otherwise it may face legal action. The new constitution set the stage for the development of the National Special Needs Education Policy Framework.

The 2010 National Special Needs Education Policy Framework

Since independence, government reports recommended more attention to the education for students with disabilities. Specifically, the reports recommended the development of a policy framework for the education of children with disabilities. The reports include: the Ngala Report (1964), the Ominde Report (1964), the Gachathi Report (1976), the Kamunge Report (1988), the Koech Report (1999), and the Kochung Report (2003). However, the recommendations of these reports were never implemented.

In March 2010, the government launched The National Special Needs Education Policy Framework. The aim is to “provide a comprehensive framework of the principles and strategies to be followed in order to create equal access to quality and relevant education and training for these learners” (p. 15). The policy framework seeks to address the challenges facing the education of children with disabilities in Kenya. The objectives include: early identification, assessment, intervention, and placement; increase public awareness; provide facilities; develop capacity; promote inclusion; support research and disseminate information. For each of the areas the document highlights the challenges followed by specific strategies to achieve the objectives. The strategies involve many stakeholders including the Ministry of Health, Kenya Institute of Special Education (KISE), Kenya Institute of Education (now the Kenya Institute of Curriculum

Development—KICD), Kenya National Examinations Council (KNEC), Teachers Service Commission (TSC), public transport providers, parents, public and private schools, etc.

The framework puts in place multi-agency interdisciplinary strategies; however, the primary responsibility for implementing this policy is with the Ministry of Education. Agency responsibilities include: KICD and KISE will develop new curriculum for children with disabilities; KNEC will create a special needs department to develop assessments; the government will increase funding to schools, EARCs, KISE, KICD, and other institutions; school administrators will receive training; KISE will conduct research; a baseline survey will be conducted; affirmative action policies will be formulated; and Kenyan Sign Language will be developed as an official language. The strategies developed address the challenges facing children with disabilities in Kenya.

History shows that policy implementation has been a problem in Kenya; many of the strategies in this framework had been proposed before but were never implemented. Quality education for all children with disabilities will first require a survey to determine the baseline of special education including, for example, the number of children with disabilities and the number of students that receive education services. The importance of the survey cannot be overemphasized. There are conflicting data on the number of children who have been served. The policy framework (Republic of Kenya, 2009) notes on page 14, “in 1999 there were only 22,000 learners with special needs and disabilities enrolled in special schools, units and integrated programs. This number rose to 26,885 in 2003 and 45,000 in 2008...” However, on page 23, citing a different government source, it notes, “there were 23,459 pupils with special needs and disabilities enrolled in primary and secondary schools in 2003.... In 2006, there were 98 special primary schools, 1341 special units, 7 special secondary schools and 4 special technical training institutes with a total enrolment of 36,239.” It is interesting to note that there is no mention of the data from the 2007 Kenya National Survey for Persons with Disabilities in this policy document.

The Sessional Paper No. 1 of 2005 on A Policy Framework for Education, Training, and Research estimated that 25% of children of school-going age had special needs. The 2007 KNSPWD found that about 4.6% of the Kenyan population (about 1.7 million) lived with various types of disabilities. It is clear that the majority of children with special needs are not being served, and the government does not know how many have been served or are being served.

The policy framework addresses the barriers to education for children with disabilities. These barriers include, divided ministerial responsibility; lack of plans and targets; inadequate resources; inadequate training and support for teachers and schools; physical barriers; curriculum and pedagogy; and social attitudes.

The National Special Needs Education Policy Framework: A Policy Analysis

It is important to examine whether this policy framework, when fully implemented, will increase educational access and promote social inclusion for children with disabilities. To evaluate the policy framework, this article will use the fundamental principles of the United Nations Convention on The Rights of Persons with Disabilities (UNCRPD). The UNCRPD is a significant document; some scholars argue that it has “finally empowered the ‘world’s largest minority’ to claim their rights, and to participate in international and national affairs on an equal basis with others who have achieved specific treaty recognition and protection” (Kayess & French, 2008, p. 4).

Historically, people with disabilities have been viewed with pity and in need of charity from society. However, the UNCRPD is regarded as a paradigm shift in how we think and act about disability (Kayess & French, 2008). The UNCRPD is based on the notion that disability is

caused by social barriers and not by the impairment; the needs of people with impairments are given little or no consideration in society. People with impairments are disabled because they are excluded from participation within the mainstream society as a result of physical, social, and attitudinal barriers.

The following eight principles underpin the UNCRPD¹:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;
- Non-discrimination;
- Full and effective participation and inclusion in society;
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- Equality of opportunity;
- Accessibility;
- Equality between men and women;
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

The UNCRPD is the first legally binding international instrument that gives comprehensive protection of the rights of people with disabilities. This article evaluated the potential impact of the 2010 National Special Needs Education Policy Framework using the eight principles of the UNCRPD.

Table 1: Policy analysis questions

Questions

1. Does the policy framework support the rights of children with disabilities to equal access to education?
2. Does the policy framework support education that is physically accessible for children with disabilities?
3. Does the policy framework support assistance for children with disabilities in accessing services?
4. Does the policy framework support the rights of children with disabilities through individually tailored services to meet their needs?
5. Does the policy framework support the right of children with disabilities to participate in the decisions that affect their lives?
6. Does the policy framework address the need for information regarding children with disabilities to be kept private and confidential?
7. Does the policy framework recognize that children with disabilities can be productive contributors to society?

¹ <http://www.un.org/disabilities/convention/conventionfull.shtml>

8. Does the policy framework specify to whom, and for what, service providers are accountable?
 9. Does the policy framework provide for the capacity building of teachers and other personnel to support the needs children with disabilities?
-

The questions in Table 1 were generated from the eight principles of the UNCRPD. For example, the following questions address the issue of accessibility: Does the policy framework support education that is physically accessible for children with disabilities? Does the policy framework support assistance for children with disabilities in accessing services? The policy framework clearly delineates responsibilities of the various government agencies: Ministry of Education (MOE), Kenya Institute of Curriculum Development (KICD), Kenya National Examinations Council (KNEC), and the Teachers Service Commission (TSC).

Does the policy framework support the rights of children with disabilities to equal access to education? The policy framework clearly states that the MOE shall “Enforce equal access and inclusion of persons with special needs and disabilities in education and training programmes at all levels. Intensify monitoring, supervision and quality control in all schools to ensure children with special needs and disabilities are provided for without discrimination” (Republic of Kenya, 2009, p. 33). To ensure equal access, the government will ensure that learning institutions have building and equipment that are disabled-friendly; the aim is to provide a barrier-free environment in all learning institutions.

To ensure that all children with disabilities have access to the best schools in the country, the policy states that the MOE will enforce an affirmative action policy. The MOE will also provide specialized guidance and counselling services. The KIE will adapt the curriculum and learning materials to suit the needs of children with special needs. The KNEC will provide the required accommodations during national examinations for children with special needs. In an important step towards equal access, the MOE pledges to “allocate funds per child commensurate with the needs, circumstances and cost of living for learners with special needs and disabilities in day and boarding institutions respectively and review these allocations periodically” (Republic of Kenya, 2009, p. 57).

Does the policy framework support education that is physically accessible for children with disabilities? To ensure physical access to learning institutions, the MOE will provide funds to ensure “adequate and friendly buildings, furniture and equipment among others in learning institutions for learners with special needs and disabilities” (Republic of Kenya, 2009, p. 35). The MOE will also ensure that learning institutions are free from any form of physical or emotional abuse.

Does the policy framework support assistance for children with disabilities in accessing services? The policy objective is to “support learners with special needs and disabilities access affordable assistive devices and advanced technological systems” (Republic of Kenya, 2009, p. 37). The MOE will provide information on available technical services and aids.

Does the policy framework support the rights of children with disabilities through individually tailored services to meet their needs? To ensure that children with special needs have physically access to schools, the policy framework states that the MOE will “provide funds for adaptation of infrastructure, equipment and facilities in learning institutions” (Republic of Kenya, 2009, p. 38). The MOE will also ensure “ensure proper use and maintenance of the existing

physical structures and facilities for learners with special needs and disabilities” (Republic of Kenya, 2009, p. 57).

Does the policy framework support the right of children with disabilities to participate in the decisions that affect their lives? The need to involve children with disabilities in the decision making process is important; they need freedom to make their own choices. The policy framework notes that the MOE will “develop modalities to involve learners with special needs and disabilities in decision making on issues that concern them” (Republic of Kenya, 2009, p. 44). Within the schools, the MOE will encourage administrators to hire people with disabilities. Further, children with disabilities should be given leadership positions within the school.

Does the policy framework recognize that children with disabilities can be productive contributors to society? The policies pursued in this framework indicate that the government of Kenya recognizes that children with disabilities can be productive citizens. The MOE aims to promote the use of Braille and the Kenyan Sign Language. Further, the MOE seeks to make the Kenyan Sign Language an official language. The policy also encourages schools to hire more people with special needs.

Does the policy framework specify to whom, and for what, service providers are accountable? The policy clearly states which institution will provide the services required; the roles of the MOE, KNEC, KIE, and TSC are clearly spelled out. For example, the KNEC shall “design national examinations for learners with SN as individuals and provide certification to learners with special needs who do not sit for national examinations due to their diverse learning needs” (Republic of Kenya, 2009, p. 40). KNEC will also “ensure that time allocated to learners with special needs for examination papers is determined by the nature and severity of their special needs and disabilities” (Republic of Kenya, 2009, p. 41).

Does the policy framework provide for the capacity building of teachers and other personnel to support the needs of children with disabilities? The MOE is required to provide pre-service and in-service training for teachers; the ministry will ensure it hires and retains special needs teachers in schools. The MOE will also facilitate “provision of adequate support staff in SNE such as physiotherapists, sign language interpreters and braillists in institutions enrolling learners with special needs and disabilities” (Republic of Kenya, 2009, p. 42). The KNEC will “train examination invigilators and supervisors to enable them to provide specialist support to candidates with special needs during examinations” (Republic of Kenya, 2009, p. 41).

The above evaluation supports the KNCHR Report (2014) conclusion that “there is a fairly strong legislative framework on protection and promotion of the rights of Persons with disabilities as embedded in our Constitution (2010) and the Persons with disabilities Act, (PDA) 2003, Convention on Rights of Persons with disabilities among others; the push is for commitment to their full implementation” (p. x). However, without full implementation, children with disabilities will not benefit from increased access to school. History has taught us that the government of Kenya does not have a good track record when it comes to implementation of policies. Therefore, in the discussion section, this paper will examine the reasons why the government has been unable to fully implement the framework.

Discussion

The National Special Needs Education Policy Framework is a comprehensive policy document that includes the eight principles of the United Nations Convention on the Rights of Persons with Disabilities. If fully implemented, it will increase access to education for children with disabilities. However, the government of Kenya does not have a good record of fully implementing education policies. So, it is not surprising that after eight years, the Special Needs

Education Policy Framework has yet to be fully implemented. Why is implementation of education policies difficult in Kenya? What can we learn from previously unimplemented policies?

According to Eshiwani (1990), education policy implementation has been hampered by poor economic conditions, high population growth, and teacher shortages and wastage. The poor economic conditions reduced government tax revenues, which made it difficult to fully fund government programs. In the 1960s, economic growth averaged 5.7% but growth declined to an average of 0.23% in 2008. During the period of slow growth, government revenue reduced significantly making it difficult to fund educational programs. Many government programs and institutions, such as EARCs and KISE, have been unable to provide services because of lack of funding.

However, after the country recovered from the 2007 post-election violence, and world commodity prices improved, the economy expanded steadily to 5.3% in 2014 (Kimenyi, Mwege, & Ndung'u, 2016). Kimenyi et al. (2016) conclude: "Kenya has recorded robust growth over the last decade and is expected to sustain growth rates above 5 per cent in the next few years" (p. 26). The policy framework was adopted during this period of improved economic conditions when government revenues have increased substantially yet the government has not fully implemented the framework. Therefore, limited revenue explains only part of the lack of implementation. A government report in 2008 found "shortage of classrooms, especially in primary schools; low cognitive achievement; an escalating teachers' wage bill that currently absorbs 73 per cent of the Ministry of Education's (MOE) recurrent budget; inadequate teaching/learning materials; inadequate teaching staff; high teacher pupil ratio; inadequate capacity for both Quality Assurance and Standards and Education Officers in the field particularly as regards to low establishment" (Republic of Kenya, 2008; p. xv).

The benefits of increased economic growth may not be realized because of the misappropriation of government funds through corruption. Corruption is arguably Kenya's biggest problem (Hope, 2014; Wrong, 2014). Hope (2014) argues that corruption has "eroded governmental legitimacy by hampering the effective delivery of public goods and services. It has limited economic growth by reducing the amount of public resources available from both domestic and donor sources, by discouraging private investment, and by impeding the efficient use of government revenue and development assistance funds" (p. 508). Corruption has undermined the development of Kenya, especially the education sector. During the 2010–2011 fiscal year, the government reported that it lost about US\$3 billion, about 25 to 30% of the government budget; this sum would fully fund free primary and secondary education (Hope, 2014). Kenya has been unable to fully fund EARCs, the KISE, and special schools yet government funds are being embezzled.

Kenya's rapid population growth has also put increased pressure on government resources. The demand for schooling will continue to rise because of Kenya's relatively young population. Kimenyi et al. (2016) argue that Kenya may benefit from its young population as long as they can expand the economy to absorb the increasing labour supply. The rapid population growth has meant that Kenya has struggled to provide quality education for all the children. The rapid population growth reduces the benefits of the economic growth.

Researchers have also argued that political expediency supersedes planning in the education sector (Amutabi, 2003; Cooksey, Court, & Makau, 1994; Nkinyangi, 1982; Sifuna, 1980; Somerset, 2009). Cooksey, Court and Makau (1994) found that "Policymaking was increasingly separated from planners and professionals and often negated their advice, instead

following the dictates of the political leadership” (p. 207). Amutabi (2003) argues that the politicization of education policies has negatively affected policy implementation. For example, in 1985, under President Moi’s leadership, Kenya introduced the 8-4-4 system of education (8 years of primary, 4 of secondary and 4 of university). Despite critics highlighting its numerous flaws, the 8-4-4 system has survived due to political patronage. Amutabi (2003) concludes, “To talk of the failure of the 8-4-4 system increasingly has come to mean talking of the failure of President Moi” (p. 136). Therefore, politically popular but ineffective policies have been implemented while those that promote learning outcomes have been ignored. Another example, the efficient Kenya School Equipment Scheme was allowed to collapse as resources were diverted to the more politically popular School Milk Program (Amutabi, 2003). The National Special Needs Education Policy Framework has yet to receive significant political backing that would ensure it is fully implemented; the political will is lacking. Due to the stigmatization of people with disabilities, special needs education will not score politicians significant points hence it has been largely ignored.

A careful examination of the government and research reports indicates that the government of Kenya has focused on the outcomes of the special needs policy framework and largely ignored the process. A government report found that one of the main challenges facing inclusive education was the lack of guidelines on how to implement the policy (Republic of Kenya, 2012). The KNCHR Report (2014) points out that the guidelines for the implementation of the policy framework have not been developed. Without implementation guidelines, it is unlikely the special education policy will be fully implemented. Further, the schools that will implement the policy have been excluded from the discussions; the framework development was largely top down. A study by KNCHR (2007) found that schools have not embraced inclusive education because they do not clearly understand what it entails. The study found that “inclusive education as a concept had been embraced at the policy level by the Ministry of Education; but it had not been explained or validated at the implementation level” (p. 26). How can schools implement a policy they do not understand? The government must clearly define what is meant by inclusive education and must develop guidelines (and provide funding) so that schools can be able to implement the framework.

According to the policy framework, inclusive education is “an approach which learners with disabilities and special needs, regardless of age and disability, provided with appropriate education within regular schools” (Republic of Kenya, 2009, p. 5). In practice, many actors are not clear on what inclusive education means. The lack of clarity from the policymakers at the Ministry of Education has made inclusive education “an impracticable and ill-understood theory” (KNCHR, 2007, p. 25).

Further, regular schools do not have the required staffing and resources to accommodate children with disabilities. According to the KNCHR Report (2014), “primary schools were not funded in the same way as fully fledged special schools. These schools were only given money for FPE and did not get any additional funds for the maintenance of all facilities and support care of learners with disabilities” (p. 15–16).

The social stigma towards people with disabilities in Kenyan society is still very prevalent. This cuts across the whole Kenyan society, all the way from families and communities to policy makers and implementers. Teachers in regular schools also discriminate against children with disabilities (KNCHR, 2014). Closely related to the stigma is little or no awareness that education is a human right for all citizens. A KNCHR (2014) survey found that “many persons with disabilities were not aware of their rights including the various legislations put in place to protect

and promote their rights” (p. 22). If people are not aware of their rights they cannot push for the full implementation of the framework. Disability advocates have been pushing for full implementation of the policy framework (Bii & Taylor, 2013; Global Campaign for Education, 2014).

Economic growth, rapid population growth, corruption, and political expediency have hampered the implementation of education policies in Kenya. In the case of special needs education policy framework, the social stigma and the lack of implementation guidelines are significant barriers. With political backing the government would develop the guidelines and fully implement the framework.

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