



## **Special Needs Education in Post-Independence Kenya: An Analysis of Related Educational Policies 1963-2019**

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### **Abstract**

The provision of education in any system needs to be guided by a clear policy that defines the nature and specifies the quantity and quality control mechanisms of such a system. Whereas there have been commendable developments in the provision of Special Needs Education (SNE) in Kenya since independence, such developments have been shown to be insufficient in promoting the general welfare of persons living with disabilities. It is in this regard that this article sought to analyze the various policy provisions that have governed education in Kenya and examine how such policies have affected SNE from the time of Kenya's independence to the present. The study relied on documentary analysis of the documents that are related to education in general and SNE in particular in Kenya. The study presents different policy documents in Kenya's post-colonial period with an analysis of how such policies have affected SNE. The Post-independence policy documents presented include the *Ngala Mwenda Committee Report* of 1964; the *Ominde Commission Report* of 1964; the *Sessional Paper No. 5* of 1968; the *Gachathi Commission Report* of 1976; the *Kamunge Report* of 1988 and the *Koech Report* of 1999. Others include the *Kochung Report* of 2003; the *Sessional Paper No. 1 of 2005*; the *SNE Policy Framework* of 2009, the *2010 Constitution of Kenya*, the *Odhiambo Taskforce Report* of 2012 and the *Education Act* of 2013. The writers established that whereas provisions governing SNE started to be incorporated in educational policy documents immediately after independence, such policies were not elaborate enough to sufficiently guide the provision of quality SNE. The study concludes that whereas the government of Kenya has currently embraced inclusive education through its policies whereby learners with disabilities and special needs are provided with appropriate education within the regular schools, most of the regular schools are not sufficiently equipped to deal with learners with special needs. The study, therefore, recommends that the existing SNE policy be enhanced or its implementation be interrogated so as

to provide an appropriate environment for inclusive education.

**Key Words:** Educational policies, Special Needs Education Policy, Special Education, Education for Persons with Disabilities

## Introduction

Special Needs Education (SNE) as part of the global commitment to provision of education for all has gained considerable attention around the world in the recent past. There has been increased funding, improved positive attitudes towards persons with disabilities and improved policy and research attention (Government of Kenya [GoK], 2016). According to UNICEF (2007), education is an indispensable tool for empowering people to transform their lives and the general welfare of society. For this reason, education has been given high priority by the international communities in various treaties as a right under the economic, social, and cultural rights (GoK, 2016). Since SNE serves the educational needs of persons with disabilities, it becomes a critical agent of transformation of the lives of persons with disabilities. The development of SNE in any country, therefore, becomes an indicator of a society's concern for the welfare of persons living with disabilities. In Kenya, the progress in SNE however seems to have only gained momentum in the last few years with early years being marked by poor educational access by learners with disabilities (Chikati, Wachira, Mwinzi, 2019; GoK, 2016). Among these developments include the increased number of special schools and units for the different categories of learners with special needs as well as integration and inclusion of learners in mainstream schools.

In spite of the stated recent developments in SNE in Kenya, some studies have indicated that the state of SNE in the country is still not responsive to the needs of all the children and youths living with disabilities. The 1999 report of the *Koech Commission* indicated that only two percent of school-going-age children with disabilities were enrolled in educational programs that catered for their needs (GoK, 1999). In addition to this, a 2016 report by the National Gender and Equality Commission (NGEC) on *Access to Basic Education by Children with Disabilities in Kenya* indicated that the majority of the children living with disabilities were out of school by the year 2016 (GoK, 2016). The report further indicated that the community provided little or no support to children with disabilities to receive education citing a number of underlying reasons such as socio-cultural factors, poverty, and lack of awareness. Additionally, stigmatization and negative attitudes towards persons with disabilities were also cited (GoK, 2016). These findings present a situation that cannot be deemed as good.

Developments in education are driven by good governing policies that facilitate unlimited access to quality education. Lack of a good, clear, and focused policy in SNE is, therefore, a major hindrance to the development of this kind of education. Whereas there have been various policies generated by educational commissions, Acts of Parliament, and other legal entities that have governed education in general from the pre-independence period in Kenya, most of the policies seem to have neglected SNE, or their provisions on SNE were neglected.

While the 2015 *National Review of Education for All Report* indicates that policies from past

commissions' recommendations have been used in directing the provision of SNE (GoK, 2015), there is a general feeling that most of the recommendations were not implemented or harmonized for the provision of SNE (Adoyo and Adeny, 2015). There however lacks of a study that has analyzed in detail how the policy documents governing education and SNE have affected the provision of education to persons with disabilities in Kenya. It is in this regard that this article sought to study and analyze policy formulations that have driven the provision of education in Kenya and how such policies have affected the provision and development of SNE. This would enable the identification of the gaps that were left unaddressed or came about as a result of the policies that were formulated. This will help towards understanding the past and informing the present and the future.

## **Methodology**

Being qualitative research, the article relied on the documentary analysis method in which relevant documents that have governed the provision of education in Kenya were identified, studied, and analyzed on how they affected the provision of SNE in post-independence Kenya. The policies related to education for persons with disabilities were sought in the documents from the Kenya National Archives, the Ministry of Education archives, libraries, and from the internet. The influence of such educational policies on the provision of SNE was also sought from the relevant documents. The findings of the analysis are presented in two sub-themes namely: Special Needs Education Policies from 1963 to 2003 and Special Needs Education Policies from 2003 to 2019.

## **Special Needs Education Policies from 1963 to 2003**

Kenya obtained its independence from Britain in the year 1963 and became a republic in the year 1964. With the exit of the colonial government officials, the newly constituted government promised to ensure that there was an all-inclusive society (Gebrakiden, 2012). This meant that racial and other forms of discrimination that existed within the education system as was the case in the colonial period were to be eliminated. With this all-inclusive policy, one would have expected a more focus on meeting the educational needs of persons with disabilities. This expectation however only remained a wish since the nation invested its efforts in building an education system that would produce the required skilled and high-level personnel needed to facilitate the urgent process of socio-economic development besides promoting a sense of nationhood (GoK, 1964b). With these key objectives in education, persons with disabilities were not given immediately required attention partly because of the then still lingering negative attitudes towards them as concerns their ability to perform the required skills

In 1964, the Committee on Care and Rehabilitation of the Disabled (Ngala Mwenda Committee) was constituted. In its report, the committee made more than 100 recommendations concerning the welfare of persons with disabilities. As concerns education for persons with disabilities, the *Ngala Mwenda Committee* recommended that all existing schools for persons with disabilities be treated as special schools. The committee reiterated that the special schools should receive sufficient support from the government to make them tuition-free (GoK, 1964a). Whereas this policy was good in ensuring that learners with disabilities were catered to in their special learning needs in special schools, the policy made many of the potential learners with special needs to lack access to education. This is because, by the year 1964, there were only five special schools in the country that

catered for only two categories of learners with special needs that included the visually handicapped and the physically handicapped (Chikati, Wachira, Mwinzi, 2019). This implies that by the time this policy was made, the majority of the learners with disabilities could not access education since these special schools could only cater to a small number of learners. The policy could have however influenced an increase in the number of special schools with time since by the year 1965, the number of special schools had increased to seven. This number continued to increase steadily such that by the year 2009, there were 114 special schools together with 1341 special units in mainstream schools across the country (GoK, 1999).

The *Ngala Mwenda Committee* further recommended the establishment of special agricultural centers besides vocational and trade schools to teach farming and other related agricultural techniques (GoK, 1964a). This recommendation led to the establishment of centers such as at Kolanya in the Western part of Kenya in the year 1956 as well as at Chuka in the Eastern part of Kenya in the year 1958 (Chikati, Wachira, Mwinzi, 2020). This recommendation thus played a positive role since such centers were able to cater to multiple persons with disabilities.

Besides the *Ngala Mwenda Committee* which was formed soon after independence, the government of Kenya also set up the first post-independence educational commission in the year 1964. The commission by the name the *Kenya Education Commission* (Ominde Commission). In its report, the commission provided an elaborate blueprint for education in post-independence Kenya with a total of 160 recommendations. However, the report was very brief on SNE with only one related recommendation. This particular recommendation No. 156 of the report states as follows:

‘We support the conclusions of the Committee on the Care and Rehabilitation of the Disabled appointed by the Minister for Labor and Social Services. Attention should be given by training colleges to the problems of partially handicapped children in ordinary schools. Schools for handicapped children should rank as ‘Special Schools’ and be grant-aided under rules drawn up for the purpose.’ (GoK, 1964b).

Whereas this recommendation seemed to have only adapted the recommendations of the *Ngala Mwenda Committee* with not much deliberation on SNE, the proposal on teacher training colleges was very key since it led to the introduction of training SNE teachers for learners with visual impairments at Highridge Teachers’ College from the year 1980. Besides teacher training, however, the *Ominde Commission* reiterated and endorsed the recommendations of the *Ngala Mwenda Committee*. The published report of the *Ngala Mwenda Committee* of 1964 thus became the blueprint for the welfare and rehabilitation programs for persons with disabilities.

While the recommendations of the *Ngala Mwenda Committee* formed a major landmark in the journey of SNE in Kenya, most of the recommendations were not implemented until the early 1980s when the government started to pay increased attention to the SNE field. The work of the commission however facilitated the formulation of *Sessional Paper No. 5 of 1968* titled *Care and Rehabilitation of the Disabled* which provided a framework for the development of SNE. This sessional paper was later incorporated into the 1967-74 Development Plan (Gebrakiden, 2012). The *Sessional Paper No. 5 of 1968* defined SNE as a form of education that is modified to meet the needs of the different groups for persons with disabilities. The paper also laid down the specific

course of action that was to be taken by the Ministry of Education in liaison with other agencies to provide SNE to the different categories of learners with special needs in the country. As a follow-up on the recommendations of the *Ngala Mwenda Committee*, the *Sessional Paper No. 5 of 1968* recommended that the government's provincial administration officers should undertake a count and present a record of all persons with disabilities. This recommendation produced the first form of data on the state of disability in the country which guided the planning and expansion of related services such as education.

The sessional paper also recommended that learners who had disabilities and especially those with physical disabilities be provided with means of transport so that they could attend school (GoK, 1968). The transportation was however to be provided by voluntary persons and agencies in conjunction with local authorities and not by the government. This paper also laid a plan for the establishment of special units in some regular schools especially in urban areas for learners with disabilities. The paper also reiterated the *Ominde's Commission* recommendation that all schools that could provide educational services for learners with all forms of disabilities were to be treated as special schools and receive funding accordingly.

Amongst its other many outcomes, the *Sessional Paper No. 5 of 1968* led to the establishment of several industrial rehabilitation centers in Nairobi in the year 1971 and later in other parts of the country where persons with disabilities were trained in carpentry, tailoring, artisanship, and tannery. The sessional paper also led to the expansion of SNE and the establishment of Special Education Services for children with disabilities in the year 1975. This formed an impetus for the establishment of the Kenya Institute of Special Education in the year 1986 (Chikati, Wachira, Mwinzi, 2019) which has remained as the key institution for preparing teachers for SNE. Besides the *Ngala Mwenda Committee* and the *Ominde Commission* of 1964 as well as the *Sessional Paper No. 5 of 1968*, the government of Kenya continued to form other commissions and committees whose policy recommendations have been used as a guide in providing SNE. These include the *National Education Commission on Education Objectives and Policies* of 1976; the *Presidential Working Committee on Education and Training for the Next Decade and Beyond* of 1988; the *Commission of Inquiry into Education Systems* of 1999, the *Children's Act of 2001*, the *Task Force on SNE of 2003*, the *Persons with Disabilities Act* of (2003) and the *Gender Policy in Education* of 2007. Others are the *Sessional Paper No. 1 of 2005*, the *SNE Policy Framework* of 2009, the *2010 Constitution of Kenya*, the *Odhiambo Taskforce Report* of 2012, and the *Education Act* of 2013.

The *National Committee on Educational Objectives and Policies* of 1976 (*Gachathi Commission*) made eleven recommendations concerning special education running from recommendation No. 157 to 167. The recommendations addressed among others the coordination of early intervention and assessment of children with special needs, creation of public awareness on causes of disabilities in order to promote prevention, research to determine the nature and extent of handicaps for provision of SNE, the establishment of pre-primary programs as part of special schools and development of a policy for integrating learners with special needs in regular schools. These were commendable recommendations considering that they were introducing the policy of pre-primary education, an aspect that was neglected before.



The *Gachathi Commission* also played a positive role in the development of SNE by introducing the policy of integrating learners in mainstream schools, an aspect that had not been thought out as an option towards educating learners with special needs. Before the *Gachathi Commission* recommendations were however comprehended and implemented, the government once again formed another commission named the *Presidential Working Commission on the Establishment of the Second University in Kenya* in the year 1981 (*Mackay Commission*). Whereas the *Mackay Commission* had vast well laid recommendations that introduced the new 8-4-4 system, its recommendations had little input to SNE with the report only encouraging the integration of learners in mainstream schools as proposed by the *Gachathi Report* (GoK, 1981).

In the year 1985, the government of Kenya appointed another commission that made recommendations concerning education by the name: the *Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond* (*Kamunge Commission*). With reference to SNE, the *Kamunge Report* made several detailed observations and recommendations for different categories of SNE including the visually impaired, the physically impaired, the hearing impaired, and the mentally handicapped. Among the many recommendations that outlined the provision of SNE for the aforementioned groups, the *Kamunge Report* recommended the adaptation of the curriculum for the different groups of learners with disabilities. This led to positive developments in the provision of SNE in that it influenced the adaptation of the curriculum in science and applied subjects such as biology and agriculture for learners with visual impairments, an aspect that had not been done before (Chikati, Wachira, Mwinzi, 2019). The recommendations also led to more considerations by the Kenya National Examinations Council towards candidates with special needs through the addition of extra 30 minutes for every paper administered to learners with disabilities. The *Kamunge Report* also made recommendations that led to the deployment of inspectors for SNE to various parts of the country. Besides the many positive recommendations towards SNE, the committee however recommended cost-sharing in education, a suggestion that was implemented almost immediately after the publication of the report. This led to the reduced government funding of public schools including SNE schools.

**In the year 1999, the government established another educational commission that focused on *Totally Integrated Quality Education and Training* whose report is commonly referred to as the *Koech Report*. Concerning SNE, the report recommended the establishment of a national advisory board for SNE. It also noted that there was no comprehensive SNE policy or legal framework in spite of the existence of various policy guidelines (GoK, 1999). The recommendations of the report were however not implemented with budgetary constraints allegedly being stated as a basis for not implementing the recommendations. Special Needs Education Policies from 2003 to 2019**

The year 2003 is significant in the development of SNE in Kenya since several initiatives that promoted the provision of education to persons with disabilities were formulated. These initiatives include the government's re-introduction of free and compulsory primary school education, the establishment of Kochung task force, and the enactment of the Persons with Disabilities Act. The free primary education ensured that the children with disabilities were able to access education in the mainstream schools since no child was to be denied admission on the basis of disability.

The Kochung task force of 2003 was the second task force besides the Ngala Mwenda Committee that was primarily charged with assessing and recommending the needs of persons with disabilities. One of the recommendations of the task force that was related to education is the recommendation for free access to education and training for persons living with disabilities. The task force also recommended the facilitation of a conducive environment for persons with disabilities through the adaptation of environmental facilities. The Kochung task force further led to the formulation of the *Persons with Disabilities Act of 2003* which provided an elaborate legal framework that outlawed all forms of discrimination against persons with disabilities including access to education. The Act, therefore, legalized the government's political move of free, compulsory primary school education. Through the Act, the National Council for Persons with Disability was established. Since its establishment, the council has continued to champion for the rights and privileges of persons with disabilities including educational rights.

In 2005 the government came up with a sessional paper that was related to SNE. The *Sessional Paper No. 1 of 2005* laid out in part the overall government policy direction on learners with special needs and disabilities. It emphasized the government's commitment to ensuring that learners with special needs and disabilities had equal access to quality and relevant education. The sessional paper also provided the overall policy framework for the education sector and contextualized the necessary legal context within which education and training, including SNE, shall be designed, developed, and implemented in Kenya.

In 2009, the government of Kenya through the Ministry of Education drafted a comprehensive SNE policy framework. The policy laid emphasis on inclusive education as an appropriate means of educating learners with special needs (GoK, 2009). The policy provided elaborate provisions on SNE matters such as assessment and intervention, curriculum development, capacity building for human resources, and guiding and counseling to promote positive attitudes towards SNE. Whereas the policy seems to provide a comprehensive outline on the provision of SNE, the *National Gender and Equality Report* of 2016 however notes that the SNE policy of 2009 has not provided adequate systems and facilities that respond to the challenges encountered by children with disabilities. The position of the *National Gender and Equality Report* of 2016 seems to be informed with the current status of preparedness for mainstream schools lacking specialized facilities (infrastructural and human resources) to handle learners with special needs. I however hold the view that the problem is not the insufficiency of the 2009 SNE policy framework but the lack of its full implementation. Another Document that has played a role in the formulation of SNE related policies in Kenya is the *2010 Constitution*. Article 54 of the Kenyan constitution states that persons with disabilities have a right to access education that is compatible with their interests and needs (GOK, 2010). In an effort to actualize the articles of the 2010 constitution on education, the government of Kenya formed a *Taskforce on the Re-alignment of the Education Sector to the Constitution of Kenya 2010* in February 2011. The report of the task force titled '*Towards a Globally Competitive Quality Education for Sustainable Development*' was released in February 2012. Having been chaired by Prof. Douglas Odhiambo, the report of the task force is also commonly referred to as the *Odhiambo Report*. The report provides a comprehensive analysis with recommendations that have brought about the shift to competency-based education.

With regard to SNE, the *Odhiambo Report* made six recommendations that were based on a thorough survey and study of the previous policy documents. The recommendations address the issues of assessment and placement, training of the related human personnel as well as funding of SNE with a proposed budget of educating a learner in every category of SNE. The report also proposed the review of the 1980 Education Act in order to provide the legal framework to effect the enactment of a *Special Needs Policy* of 2009 and the *2010 Constitution*. This recommendation led to the revision of the said act leading to the formation of the *Basic Education Act* of 2013. Part six of the Act entirely deals with the promotion of SNE with articles on establishment and management of special institutions; regulations in SNE; duty of County Education Board to provide child guidance services; report of a child with special needs by County Education Board; and future provision for children with special needs. Currently, the documents that are guiding the provision of SNE in Kenya include the SNE policy of 2009, the 2010 Constitution, the Odhiambo Report of 2012, and the Basic Education Act of 2013.

## Conclusion

Policies related to SNE started emanating in post-independence Kenya, after 1963 with the Ngala Mwenda Committee that led to the policy of educating learners with special needs in special schools and units. Whereas there were several documents that partly addressed SNE in the post-independence period in Kenya, there was a lack of a clear policy framework governing the provision of SNE until the year 2009 when such a policy was developed by the Ministry of Education. The 2010 Constitution of Kenya laid the foundation of the provision of SNE as a social right which led to the formation of the Odhiambo Taskforce of 2012 and the Basic Education Act of 2013 that have given clear outlines on the provision of education to persons with disabilities. Currently, the government of Kenya has embraced inclusive education through its policies whereby learners with disabilities and special needs are provided with appropriate education within the regular schools. However, the challenge with most of the regular schools is that they are not sufficiently equipped to deal with learners with special needs. The study, therefore, recommends that the existing SNE policy be enhanced to provide an appropriate environment for inclusive education.

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