

# Role of the Sponsor in Public Secondary School Administration and Management in Kenya: A Case Study of Kakamega County, Kenya

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## Abstract

*The purpose of this paper was to examine the role of what is termed as a school sponsor in administration and management of public secondary schools in Kenya. This study was motivated by disputes between the Ministry of Education and mainstream church sponsored schools over management and administration of these institutions since 2001. From this study it is clear that school sponsors run pastoral programs in most of the schools but do not construct or maintain physical facilities or pay teachers salaries. To solve the existing disputes between sponsors and school management boards, it is recommended that the sponsors register their schools as private institutions and adhere to the recommendations outlined in Sections 46 to 49 of the Education Act of 2013.*

**Key Words:** school administration, school sponsor, public school administration, educational management.

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## Background

Disputes between the Government of Kenya and churches over management of schools are longstanding. Students and parents of affected schools are caught in the middle of these wrangles. The conflicts interfere with learning time, as such schools are delayed to open or forced to close prematurely. The Ministry of Education has responded by withdrawing teachers paid by the government in some of the disputes, leaving the schools in a state of uncertainty. Administration, management and ownership of the affected institutions are the source of these disputes.

In January 2001, the Catholic Church ordered their sponsored schools in Kisii, not to re-open for first term, unless the head teachers of the affected schools were transferred. This affected many schools, namely Cardinal Otunga, Mosoch, St Paul's Amasago, Sengeru Girls, Kengenyo Girls and St Augustine and Otamba. The church complained of the mismanagement of schools to the Ministry of Education and Teachers Service Commission and though it recommended that head teachers be transferred, no action was taken. In the same year, school heads in Machakos district accused sponsors of interfering with the school administration. They alleged that some church

leaders openly undermined the heads which led to difficult working relations between the stakeholders. The Ministry of Education was reported to have warned sponsors to keep off school affairs and instructed the District Education Boards not to allow sponsors to interfere in school affairs. The church and the Government are the key stakeholders in the provision of education in Kenya and there is need to resolve conflicts in a manner that is agreeable to both parties.

### **Development of western education in Kenya**

From the first school at Rabai in 1946 (Mutua, 1975), Coast Province, to the spread of schools throughout Kenya, the missionaries pioneered the establishment of schools in Kenya (Otiende and Sifuna, 1994). Overtime, the colonial government also set up their own schools; to promote the colonial segregation policy for the Europeans, Asians and Africans as per the Fraser Commission of 1909. The churches used the schools they had set up as evangelizing fora, while the government left the schools they had set up to be run as public schools on a secular basis.

Due to foreseen expense of setting up new schools, the government channeled some of its funds to the church sponsored schools. This was at first met resistance because the church feared that the colonial government's financial assistance would oust their control and direction of education in their schools.

The Phelps-Stoke Commission 1924 recommended a strong cooperation between the colonial government and the missionaries in financing education. The colonial government left the management of church sponsored schools in the hands of the church sponsor. The Education Ordinance subsequently enacted in 1924 then provided for the appointment of a central committee of education for each race, with the duty to advise the Director of Education on educational needs of each race, namely African, Asian and European. But this notwithstanding, elementary and primary education for Africans remained in the hands of missionaries. They constructed their own schools, hired and paid teachers and generally funded their operations. The government grants-in-aid were merely to supplement these efforts (Otiende, 1992).

After independence, the Education Act of 1968 was enacted to regulate education and provide

for its progressive development. It also established District Education Boards (DEB) generally to superintend the management of public schools and the Kenya Institute of Education (KIE) to coordinate the training of teachers, conduct research, and prepare educational materials for development of education. The Education Act took stock of all the schools in Kenya in 1968.

### **Who is a sponsor?**

The Education Act first uses the word ‘sponsor’ in Section 8 (1), in relation to schools formerly managed by a church, which was transferred to a local authority. The local authority was empowered to appoint the former church manager as a ‘sponsor’ if the community served by the school wished the religious traditions of the school to be respected. It appears that the term sponsor in Section 8 (1) refers to the duty to uphold the religious traditions of the school, possibly started by the church sponsor but not the provision of any financial or other material support to the school.

In Section 11, the Education Act gives the voluntary body which was the founder of the school, the right to nominate four persons to represent its interests in the School Board of Governors. This voluntary body is the one that founded the school. The Education (Board of Governors) Order 1969, amplifies Section 11 in giving a sponsor a quota of membership on a school board of governors. The Education (Education Standards) Regulation of 1968, allows a sponsor to prepare or recommend for approval by the Minister, books and other teaching aids to be used for religious education in a sponsored school (Regulation, 5). In a school where a sponsor has been appointed, it is recommended that the headmaster of the school shall grant every reasonable request by the sponsor to satisfy the need for religious instruction to be conducted in accordance with the syllabus prepared or recommended by the sponsor and approved by the Minister (Regulation, 6). The Education (School Committee) Regulations allows the sponsor to nominate three members of primary school committee that it sponsors.

The Ominde Education Report (Ominde, 1965) exhaustively reviewed the role of the sponsor. It raised the important issue of who exactly is a sponsor. In paragraph 62, they required that sponsorship be the responsibility of an approved central organization of the religious body concerned and not its local (village) organ. This observation is important because the quality of the participation of the sponsor even on the Board of Governors (B.O.G) will be a function of the

academic quality of the sponsor's representatives. This quality of service tends to reduce as you go to the village organs of the sponsor churches (Ominde, 1965). In paragraph 61, the Report is emphatic that whatever role the sponsor should have in schools, it should not include a share in the administrative management of the maintained schools.

The church sponsor was to be utilized in the religious content of the school life, particularly religious instruction. The Kenya Institute of Education (K.I.E) subject panels have representatives from the Catholic Secretariat and National Council of Churches of Kenya (NCCCK) for Christian Religious Education (CRE). Lastly, the Report emphatically stated that churches were to be relieved of their remaining responsibilities for management of schools.

In implementing the Ominde Report, the Education and Teacher Service Commission Acts did not fully follow the Report. In this paper I therefore argue that if the government took all the foregoing into account it would have promulgated education (sponsor responsibilities) regulations that would have regulated the participation of the sponsor in school administration. The Koech Report (Government of Kenya, 1999) distinguishes between three types of sponsors: first, primary/original sponsors, second, secondary sponsors and third tertiary sponsors. The primary sponsors are the sponsors who built the schools they sponsor, often on their own land, and developed them until the government took over. Secondary sponsors were those who were invited by communities to sponsor the schools that were originally community schools or community projects and subsequently developed the physical facilities of the schools while tertiary sponsors are those that were invited after the schools were built and have never contributed to the physical development or tangible upkeep of the schools.

The Report reiterates the traditional religious role of sponsors to schools and appreciates that there seem to be confusion in the present status of appointment and role of the sponsors. It also notes that there have been a number of conflicts, some of them resulting in closure of schools. It is the argument of this paper that once potential heads of schools know the sponsor will determine their appointment, they might warm themselves to the sponsor or once appointed may retain their positions by relating to the sponsor in a partisan way. This obviously could affect the performance of the school because professionalism may be sacrificed. Koech (Government

of Kenya, 1999) observed that sponsors be required to take an active role in spiritual, financial and infrastructural development (of schools) in order to maintain the sponsor status.

In all these categories of sponsors, however, the Government recruits and pays the teachers and the Parents Teachers Associations, construct and maintain school facilities. In terms of management, the four (4) members of the Board of Governors (BOG) allocated for the sponsor to nominate are meant to represent its interests on the boards. As for the staffing function of schools, the employer, Teachers Service Commission ought to have unfettered authority to deploy the staff in any school it feels service is required. However, a sponsor who pays its own teachers ought to be allowed to deploy them in any manner they like. For these to come out clearly the Education Act ought to be amended.

### **Financing of Education**

The Teachers Service Commission Act Cap 212 was enacted in 1967 to register teachers, regulate the teaching profession and for the determination of remuneration for teachers. It also established the Teachers Service Commission (TSC) which recruits and registers teachers, deploys them in any public school and terminates their employment. There is no provision in this Act, relating to the sponsor at all. The function of staffing in schools is given solely to the Teachers Service Commission, which may be delegated to the Provincial Director of Education (county directors of education) and to the principals of schools in certain restricted situations. There is no role for sponsors among those to whom the TSC may delegate some of its functions as agents.

Indeed, Mbiti (1974) identifies six responsibilities of a head teacher, to be those to his employer (TSC), to his profession, to the community served by the school, to the parents of the school, staff and students. It can be assumed that sponsors fall under the community category.

In *Better Schools: Resource Material for School Heads, Module 5* (2000), the management of school funds is one of the major tasks of a school head. The sources of the schools funds are categorized into the Government which contributes through teachers' salaries, grants or grants in aid and bursaries to needy students. The parents form the second source as they pay tuition fees, textbooks and other school welfare levies. The community contributes through development

projects and fund raising. The sources of school funds have also been identified (Karagu, Olembo and Wanga ) as the Government for current expenditure and parents for developments expenditure. The sponsor has no obligation to shoulder any funding responsibility directly.

In looking at the contribution of Christian churches as a service (Gichaga and Kerre 1997) reported that many schools and colleges to date are sponsored by various church organizations. The role of the church is to ensure that the religious traditions of the founders are maintained. Most of the church sponsors have a chance to nominate four members of their own to sit on Board of Governors (BOG) as well as school committees. They are also consulted before a head teacher is deployed to their schools. They have the responsibility of ensuring that Christian Religious Education (CRE) as a subject is well taught. The Ministry of Education (MOE) in consultation with the sponsor drafts the CRE syllabus that is used in primary and secondary schools and Teachers Training Colleges. They also are involved in production of teaching resource materials. Sponsors provide spiritual care through pastoral programs in many of their schools.

### **Management of Public Secondary Schools**

The administration of any sponsored schools is vested in a School Board of Governors and the head teacher as its Secretary and Chief Executive Officer. The Board of Governors consists of a Chairperson, appointed by the Minister of Education in consultation with the Sponsor, three persons representing the community, four persons appointed by the Sponsor, not more than three persons to serve special interests and not more than three co-opted members. The powers of the Board are to own and manage all movable and immovable- property of the school. In discharging its duties the Board shall not be subordinate to the Sponsor but should govern the school in accordance with the Education Act, the Teachers Service Commission Act any rules regulations and codes made or approved by the Minister of Education (Regulation 15).

### **The Basic Education Act 2013**

Under this Act, schools are categorized as private in Sections 44 to 49 and should be funded on private basis while public learning institutions are to be maintained by public funds. In Section 49, duties and rights of private schools are outlined. They include, establishing necessary educational and governance structures, recruiting registered teachers, maintaining premises

that meet the requirements of the occupational health, ensuring safety regulations and buildings standards, maintaining necessary teaching and learning materials. The right of the sponsors to nominate four persons to represent its interests under the Education Act of 1968 has been reduced. On County Education Board (Section 20(1), sponsors are entitled to one representative and Sections 51 to 60 which establishes board of management for every private and public secondary school, allows sponsors to have two representatives.

National Council of Churches of Kenya (The Standard, 2013) is up in arms against the government over this Act and accuses the Ministry of Education of ignoring its request to allow churches owned schools to remain private institutions. It should be noted that these schools have never been private in the true sense of the word as they have been maintained by public funds. NCCCK has threatened to go to court unless the Act is reviewed. There is need for a solution. The Government should listen to sponsors and allow them to register their schools as private learning institutions according the Basic Education Act of 2013.

## **Conclusion**

The role of sponsor under the Education Act (1968) was mainly to maintain the religious traditions of the school. It is arguable that, sponsors who demand for more powers in the management of their schools in terms of who should teach there, who the head teacher should be, and who the board members should be, exceed their statutory mandate because they do not contribute to the infrastructure development of the school and staff salaries. The Basic Education Act 2013 appears to have solved this problem by merely defining schools as either private educational institutions established and maintained by private funds under Sections 44 to 49 or public educational institutions whose management boards are set up under Sections 51 to 60. The Act recognizes the role of parents and teachers in school management by including them in the composition of School Boards of Management and restricts the Sponsor to two representatives under Section 54. Lastly, the Act formalizes the role of the Parents Teachers Associations in Section 53. Quite predictably, many church organizations are up in arms against the Basic Education Act arguing that it is a violation of their constitutionally guaranteed bill of rights in relation to private ownership of property. It appears that the solution to these disputes would be for the churches to register their schools as private schools and bear the financial expenses of infrastructure development and payment of teachers in terms of Sections 46 to 49.

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