

Right to Inclusive Education for Students with Disabilities in Kenya

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Abstract

This article explores the current inclusive education system in Kenya, and how those practices relate to Article 24 of the United Nations' Convention on the Rights of Persons with Disabilities (CRPD). Local laws and international instruments are presented to shed light on the extent to which students with disabilities have a right to inclusive education in Kenya. Inclusive education is in its nascent stage in Kenya, and many barriers currently exist in the development of an inclusive education system. Such barriers include: poverty, child labor, natural disasters, HIV/AIDS, gender, ethnicity, access to healthcare, access to food, and availability of clean drinking water. In order for Kenya to develop an inclusive education system in accordance with the CRPD, the author proposes the following: development of a country/region-centered plan, implementation of inclusion reports, development of an inclusive network for schools throughout Kenya, and clarification of ambiguous language and terms within Article 24 of the CRPD, as applied to Kenyan laws and policies.

Key Words: Convention on the Rights of Persons with Disability, Disability, Inclusive Education, Kenya

In 2006, the UN adopted the Convention on the Rights of Persons with Disabilities (CRPD). The instrument became open for signatures in March of 2007. Article 24 of the CRPD specifically states that “persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability” (United Nations, 2006, p. 15). This goal has not yet been realized in Kenya, but there is reason to believe that inclusive education can succeed there.

The Kenyan Constitution of 1963 prohibited discrimination, but not on the basis of disability. The document has since been replaced by the 2010 Constitution, which includes a specific statement affording all Kenyans with disabilities the right to education when it states:

A person with *any* disability is entitled to access educational institutions and facilities for persons with disabilities that are *integrated* [emphasis added] into society to the extent compatible with

the interests of the person. (Constitution of Kenya, 2010, p. 37)

If all Kenyans are entitled to the *essential values of human rights and equality*, then it follows that all Kenyans with disabilities should be entitled to an *equal* compulsory and free education alongside their peers without disabilities.

In addition to Kenyan domestic law, the Kenyan government has signed and ratified numerous treaties and declarations over the past few decades. Once international treaties are ratified, the state cannot enforce the new legislation until parliament enacts a relevant law. If discrepancies exist between the treaties and the domestic law, reservations are made within the instruments. To date, several instruments have been adopted by the international community to address the rights of children and adults with disabilities in regards to education. These instruments include: the Convention on the Rights of the Child (CRC) in 1989, the World Conference on Education for All (EFA) (1990), the Salamanca Statement (1994), the Dakar Framework for Action (2000), the Convention on the

Rights of Persons with Disabilities (CRPD) (2006), and the United Nations Summit on the Millennium Development Goals (MDGs) (2010). Since Kenya has ratified these treaties and appears to support these international instruments and statements, all children and adults with disabilities in Kenya are guaranteed equal rights and a compulsory education, including access to an *inclusive* education system. The government has yet to implement this mandate, however.

The World Health Organization (2011) reports that there are currently over one billion individuals with disabilities worldwide. Of those billion individuals, roughly 80 percent live in developing countries (UNESCO, 2005). In 2005, there were an estimated 112 million African children who were not attending schools (UNESCO, 2005). According to the Kenyan Ministry of Education (2008), there were up to one million children with and without disabilities who were not accessing any type of formal schooling in Kenya. The Ministry of Education (2008) cites poverty, gender disparities, ineffective inclusive education guidelines, and poorly trained teachers as causes of this lack of access to education. Though many students with disabilities may attend residential special schools, their right to live with their families in their own communities is being violated (UNICEF, 2013). Many people with disabilities are simply denied access to the education system entirely. This is a far cry from compulsory, inclusive education for all.

HISTORY OF EDUCATION IN KENYA

Prior to colonization by the British, the transmission of indigenous knowledge was the main focus of education in Kenya (Kinuthia, 2009). During British colonial rule, a Western style of education was implemented, primarily by missionaries, and backed by the British government (Bunyi, 1999; Ntarangwi, 2003; Strayer, 1973).

Kenya gained independence in 1963, and adopted a British-modeled 7-4-2-3 system of education until 1984. The system provided seven years of primary education, four years of lower secondary school, followed by two years of upper secondary school, culminating with three years of higher education (Buchmann, 1999). With the collapse of colonialism, there was a need for Kenyans to fill the employment positions formerly held by British workers. As response to this need, the Kenyan government expanded educational opportunities to its citizens (Ntarangwi, 2003).

In order to stimulate education growth after Kenya gained independence, President Jomo Kenyatta shifted the source of educational support from local communities and non-governmental organizations (NGOs), and created a government-funded system of “Harambee” schools (Oketch & Rolleston, 2007). The Harambee schools were expensive and failed to deliver a quality education across Kenya; and in 1988, they were absorbed by local school

districts (Amutabi, 2003). Prior to this, in 1984, the government shifted from the 7-4-2-3 education system, to an American-based 8-4-4 system (Ministry of Education, 2008). In the 8-4-4 system, students attend eight years of primary school, four years of secondary school, and four years of university (“Education System,” 2012).

The Ministry of Education is the governmental body that monitors the education system, and is mandated by law to provide a “compulsory free primary education” for all children in Kenya (“Education System,” 2012). Students have a range of school options depending on their financial situation. The government or a variety of local organizations fund public primary and secondary schools. Many of the private schooling options in Kenya follow the British model and International Baccalaureate programs (Kinuthia, 2009). The Ministry of Education, Science and Technology (MoEST) is responsible for education in Kenya, including early childhood, primary, special, and secondary education programs. The MoEST also implements teacher education, on-going teacher trainings, and university and adult education programs (Ministry of Education, 2008). The mission of the MoEST is to attain the Education for All initiatives by 2015 (Ministry of Education, 2008).

According to the Office of the High Commissioner on Human Rights (OHCHR) Kenya State Party Report (2011), there are 1,882 public primary *and* secondary schools where inclusive education is provided on some level. Of the total primary school age population in Kenya, 72 percent of boys and 75 percent of girls attend school (UNICEF, 2013). Within these public schools, there are 50,744 students with disabilities who attend primary schools. Of those learners with disabilities, 24,000 attend publically funded, segregated “special” schools (OHCHR, 2011). The percentage of students who move from primary to secondary school is less than 50 percent, or about 350,000 students each year. The rates are lower for students who transition to higher education. These figures pertain only to students *without* disabilities, due to limited reporting on school attendance of students with disabilities (“Education System,” 2012). If the Kenyan government does not adjust how it funds schools and trains teachers to include all students, the CRPD will share the fate of the Harambee schools.

INCLUSIVE EDUCATION IN KENYA

In Kenya today, inclusive education practices have begun to emerge (Ministry of Education, 2008). UNESCO’s *Policy Guidelines on Inclusion in Education* (2009) defines inclusive education as:

A process of strengthening the capacity of the education system to reach out to all learners.... As an overall principle, it should guide all education policies and practices, starting from the fact that education is a basic human right and the

foundation for a more just and equal society. (p. 8)

The Kenya Ministry of Education (2008) views inclusive education as “a fundamental right to every citizen and is provided free of charge in primary and secondary schools to all learners in public schools” (p. ix). A year later, in the final draft of *The National Special Needs Education Policy Framework*, the Kenyan Ministry of Education (2009) further defines inclusive education as, “an approach in which learners with disabilities and special needs, regardless of age and disability, are provided with appropriate education within regular schools” (p. 5).

Though small pockets of inclusive practices are beginning to emerge throughout the country, there are still a staggering number of children with disabilities who are not attending school at all. The US State Department stated that the Kenya National Commission on Human Rights (KNCHR) reported that fewer than 10 percent of children with disabilities were enrolled in schools (US Department of State, 2011). The Ministry of Education (2009) cites inappropriate infrastructure, inadequate facilities and equipment, the high cost of including students with disabilities in primary classrooms, and lack of teacher training as reasons why more students with disabilities are not enrolled in school. This failure to provide effective access to inclusive education for children with disabilities is in direct violation of domestic and international laws of Kenya, specifically Chapter Four of the Kenyan Constitution and Article 24 of the CRPD. Without a significant shift in approach to how free and compulsory education is provided in Kenya, international mandates set out by instruments like the CRPD will continue to clash with the socio-historic trends that have plagued the Kenyan education system.

BARRIERS TO INCLUSIVE EDUCATION IN KENYA

In his chapter, “Legal Protection of Persons with Disabilities in Kenya: Human Rights Imperatives,” Kithure Kindiki (2011) suggests that the focus needs to be on prevention of disability (through access to healthcare, food, water, etc.), and equalization of opportunities in education to promote more favorable outcomes for the future for children with disabilities. Gathogo Mukuria and Julie Korir (2012) agree that a shift in perspective is needed in order for children with disabilities to have more access to schools. They argue that the traditional African “disability as a curse” perspective needs to shift to a strength-based perspective if there is to be any substantial educational changes within Kenya.

According to a UNESCO (2012) report, some barriers to education include tuition costs, child labor, proximity of schools, and stringent entrance examinations. Other barriers identified were poor teacher recruitment and training programs, especially to rural areas, monolingual

curriculum, access to basic learning materials (e.g., books, notebooks, pencils, drinking water, lunch), and the government’s ability to provide for these financial responsibilities (UNESCO, 2012). A UNICEF report added “income poverty, exposure to child labour, conflict and natural disasters, location, migration and displacement, HIV/AIDS, disability, gender, ethnicity, language of instruction, religion and caste” as other hindrances to the education system (UNICEF, n.d., p. 1).

When discussing disability, particularly in countries considered part of the “developing world,” one needs to acknowledge the intersections of many factors, including gender, sexuality, class, poverty, and nation, and how these factors affect people with disabilities and actually create higher rates of disability (Erevelles, 2011). The impact of these barriers on people with disabilities depends on the resources available and the physical environment within each country. Disability does not exist independently; it is a social construct perpetuated by barriers that exist within society (e.g., schools without ramps for wheelchairs, books that are not translated into Braille, etc.) (Kindiki, 2011). Other barriers that exist in Kenya and create and exacerbate social exclusion and marginalization of people with disabilities include: poverty, child labor, natural disasters, HIV/AIDS, gender, ethnicity, access to healthcare, access to food, and availability of clean drinking water (UNESCO, n.d.).

The *USAID Executive Education Strategy* providing access to education aids in “transforming individuals from “subjects” to citizens- allowing them to participate meaningfully in the political life of their countries” (USAID, 2011, p. 3). Not only does education promote active participation in cultural and familial life, but it also increases earnings, stimulates economic growth, decreases HIV/AIDS rates, and increases age-appropriate entry into schools (USAID, 2011). It similarly disrupts the cycle of poverty and exclusion as outlined by the UNICEF (2007). The factors influencing the prevalence of disabilities often intersect in their complexities, and mutually reinforce patterns of disadvantage and oppression. Without interrupting these cycles of oppression through education, changes in favor of an inclusive education system will remain illusory.

To help create greater access to education for children with disabilities, a myriad of international governmental organizations have partnered with the Kenyan government. These organizations include the United Nations Educational, Scientific, and Cultural Organization (UNESCO), United Nations Children’s Fund (UNICEF), the United Nations (UN), and the United States Agency for International Development (USAID). The focus of these organizations is to target barriers to education. Projects by these organizations include education awareness, the development of

flexible curriculum for students and teachers, and the use of local materials in classrooms (UNESCO, 2012).

KENYAN LAWS ON EDUCATION

Free Primary Education (2003)

With the implementation of Free Primary Education (FPE) in 2003, the Kenyan government aimed to increase student enrollment in schools throughout the country. Enrollment increased from 5.9 million to 7.2 million, but the schools did not have enough teachers, space, or infrastructure to handle this influx of students (Mukundi, 2004). This increased enrollment also meant students with a variety of disabilities had more access to schooling. The Ministry of Education (2009) states, “These increased demands from parents and teachers overstretched the ministry’s resources” (p. 14). Even with its limited success, the Ministry of Education (2009) cites FPE as a “key milestone towards achievement of the Education For All goals” of 2015 (p. 17).

Kenyan Constitution (2010)

Similar to earlier domestic documents, the revised Kenya Constitution of 2010 prohibits discrimination in Article 27, Section 4, which states:

The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, *disability*, [emphasis added] religion, conscience, belief, culture, dress, language or birth. (p. 24)

This statement guarantees people with disabilities the same rights and opportunities as their non-disabled peers, including a free primary to education. Though a right to equality may include equal access to education for people with disabilities, it does not guarantee equal access to inclusive schools, transportation, modified curriculum, extra classroom support, with highly trained teachers, and other such support that would help students with disabilities actually *access* their education.

INTERNATIONAL OBLIGATIONS

Convention on the Rights of the Child (1989)

Kenya ratified the CRC in 1989. Among many other guarantees, Section 3 of Article 23 of the CRC provides that education “shall be provided free of charge,” and that “the disabled child will have effective access to and [will receive] education,” in order to help the child in “achieving the fullest possible social integration and individual development...” (United Nations, 1989, p. 11). Though access to resources is limited, Section 4 of Article 23 requires the government also to provide “access to information concerning methods of rehabilitation,

education and vocational services...to widen their experience in these areas” (United Nations, 1989, p. 11). The CRC does specifically address education for people with disabilities, however, it does not specifically reference an *inclusive* education. Article 24 in the CRPD was written specifically to correct this omission.

World Declaration on Education for All (1990)

In 1990, the Kenyan government adopted the World Declaration on EFA in Jomtien, Thailand. The aim of this declaration was to make primary education available to all children, and to significantly reduce adult illiteracy (UNESCO, 1990). The declaration affirmed that access to education is a fundamental human right, and developed specific goals to meet basic learning needs by the year 2000. The goals included: universal access to education, educational equity, a focus on learning outcomes, expanding the scope of basic education, improving learning environments, and strengthening partnerships in education (UNESCO, 1990). These goals were not met by 2000, and served as the impetus of the Dakar Framework for Action (UNESCO, 2000).

Salamanca Statement (1994)

Kenya, along with 91 other governments and 25 international organizations, signed the Salamanca Statement in 1994, and began creating inclusive opportunities for individuals with disabilities around the globe (UNESCO, 1994). These countries agreed to adopt policies that promoted schools for all. This statement recognized the need for schools to become more inclusive around the world, and to create international policies that “celebrate differences, support learning, and respond to individual needs” (UNESCO, 1994, p. iii). The Salamanca Statement reiterates the right to education for all, calls for governments to make inclusive education the highest priority, and requires countries set up ongoing systems of monitoring and evaluation for such programs (UNESCO, 1994). The Salamanca Statement is a significant document in that it provides specific suggestions countries could adopt to support students with disabilities gain better access education. Although Kenya signed on to the Salamanca Statement, it (like many other countries) has yet to fully realize its goals.

Dakar Framework on EFA (2000)

Following the unmet goals of the World Conference on EFA in 1990, the Dakar Framework of 2000 called for the EFA 2000 assessment (UNESCO, 2000). This assessment required countries from six regions across the globe to assess the reasons behind the unmet goals set forth by EFA 1990, and to create a framework that reworks EFA goals to be achieved in 2015. At the time of the drafting of the 2015 EFA goals, it was reported that more than 113 million children were not accessing primary education, and

880 million adults were illiterate (UNESCO, 2000). The goals developed in Dakar included: 1) expanding early childhood education, 2) ensuring all children, especially girls, have access to a free and compulsory education, 3) providing young people have access to appropriate learning and life skills programs, 4) increasing adult literacy by 50 percent, 5) achieving gender equity in education, and 6) improving all aspects of education (UNESCO, 2000). Kenya has an international responsibility to work toward these goals, even with the reality of limited resources.

Convention on the Rights of Persons with Disabilities (2006)

The drafting of the CRPD represents a groundbreaking shift in how people with disabilities are viewed around the globe. The United Nations “Convention in Brief” (n.d.) states the following about the CRPD:

It takes to a new height the movement from viewing persons with disabilities as “objects” of charity, medical treatment and social protection towards viewing persons with disabilities as “subjects” with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society. (p. 1) <http://www.un.org/disabilities/default.asp?id=150>

With this statement, the CRPD outlines a progressive stance on the creation of sustainable international inclusive practices. A significant shift represented in the CRPD is that it does not reference a “basic” education, but instead recognizes the right to an inclusive education *system* for people with disabilities at *all* levels where many of the previous international instruments focused only on access to basic education (United Nations, 2006). The CRPD identifies education as a key agent of empowerment for people with disabilities, children with disabilities in this region of Africa would be “entrenched in structural inequalities”, that only serve to perpetuate the cycle of disability, illiteracy, and poverty (UNICEF, n.d. p. 1). Kenya signed the CRPD on March 30, 2007 and ratified it on May 19, 2008. Subsequently, Kenya has an international obligation to develop and implement a national plan to support people of all abilities within its borders.

Millennium Development Goals for 2015 (2000)

In 2000, 147 heads of state and government met in New York with the goal to halve extreme poverty by 2015 (United Nations, 2010). With the idea that extreme poverty limits access to many resources, including education, the summit developed eight MDGs: 1) eradicate extreme poverty and hunger, 2) achieve universal primary education, 3) promote gender equality, 4) reduce child

mortality, 5) improve maternal health, 6) combat diseases like HIV/AIDS and malaria, 7) ensure environmental sustainability, and 8) facilitate global partnerships for development (United Nations, 2010).

Though noble in their objectives, MDGs Two and Three require that *all* children have access to an education system. If we wish to put an end to gender disparity in primary and secondary education, we first need to examine how diversity and acceptance are celebrated (or not) and nurtured (or not) in classrooms around the world. These goals have world-changing implications, but are ineffective for any country unless realistic first steps are initiated to provide *all* children with access to education.

DISCUSSION

Given these international treaties and instruments, as well as Kenya’s own domestic laws, a number of things need to occur in order for Kenya to realize the goal of creating an inclusive education system as outlined by the CRPD. The current laws are not having an effect on the actual development of inclusive educational practices. The following is a discussion of the current state of inclusion in Kenya, a summary of an inclusive school project executed in Western Kenya, and steps the Kenyan government can take to implement Article 24 of the CRPD.

CRPD Reporting

The CRPD requires that ratifying states must submit country reports on their progress. The first report is due within two years of ratification and the next reports are due every four years thereafter. After ratifying the CRPD in 2008, Kenya submitted its State Party Report on August 31, 2011. The report outlines 286 guidelines for implementing the CRPD. Of these 286 guidelines, 18 are specific to Article 24 and the development of an inclusive education system (OHCHR, 2011).

Section 171 of the Kenya OHCHR State Party Report (2011) states that 39 percent of children with disabilities attended a mainstream preschool, with 37 percent of students with disabilities having received a primary education, and nine percent of young adults with disabilities attended secondary schools. These numbers, though challenging to confirm, contribute to the estimated 140 million school-aged children who are out of school (UNESCO, 2005). Regardless of the exact number of students receiving an inclusive education, it is beyond dispute that there remains an overwhelmingly large number of children in Kenya who are not receiving their constitutional right to a “quality,” “inclusive” education.

Within the 1,882 schools that practice inclusion in Kenya, 26,744 students with disabilities attend primary schools, and 24,000 attend segregated special schools (OHCHR, 2011). While it is unclear what types of disabilities are supported in these inclusive classrooms,

and to what extent these students are receiving appropriate accommodations and modifications to meet their educational needs, it is encouraging that there are numerous schools in Kenya practicing some form of inclusion. If the number is accurate, there needs to be inclusion reports that document the types of disabilities supported in these classrooms, and how these schools develop, implement, and sustain these inclusive practices. In short, an inclusive network is needed to connect these schools so these learning communities can share inclusive successes and challenges, and can learn how to further develop an inclusive education system with severely limited resources.

Funding for Education Assessment and Resource Centres (EARC) has “seen a significant increase in their budgetary allocation in the last two years,” from KES 98,000,000 (~\$1.15 million USD) to KES 420,000,000 (~\$4.9 million USD) (OHCHR, 2011, p. 38). Section 174 of the report provides that the government allocates KES 153,363, 776 (~\$1.80 million USD) for 50,744 students with disabilities. That leaves approximately KES 265,000,000 (~\$3.1 million USD) that can be allocated to develop a more inclusive education system.

Collaborating at a local level with multidisciplinary teams (e.g., EARC, teachers, parents, students, community members) to develop, implement, and sustain an improved inclusive education system is essential for Kenya to become more compliant with Article 24 of the CRPD (2006). Without buy-in from communities of practice (e.g., students, teachers, administrators, parents, community members), including NGOs and community-based organizations (CBOs), unrealistic mandates handed down from bureaucrats will be ineffective.

In Section 175, OHCHR State Party Report discusses the “importance of special needs education in human capital development” and states, “if [emphasis added] enforced would empower those most likely to be marginalized to participate in the mainstream education sector” (OHCHR, 2011, p. 37). *If* Kenya implemented the inclusive practices outlined in the CRPD, more children with disabilities would have access to a free and compulsory education. *If* the Kenya Institute of Special Education (KISE) had more access to government funding for teacher training and student assessment, they could develop and implement a more effective and sustainable inclusive education system (OHCHR, 2011). *If* Kenya allocated more than KES 3,020 (~\$35.39 USD) annually per student with disabilities, then more students with disabilities would be included throughout their educational careers (OHCHR, 2011).

Personal Assessment of Inclusive Education in Kenya

From my personal experiences in Mbita District in Western Kenya in 2011, and from the data in the Kenya

OHCHR State Party Report, I know there are pockets of inclusive education that currently exist in Kenya. While there, I learned first-hand that the EARC, KISE, teachers, parents, students, and community members are invested in, and supportive of the development of better inclusive practices. There is buy-in from stakeholders even though the Kenyan education system is operating under seemingly boundless barriers to inclusive education. Small steps are being taken throughout the country to be more in alignment with Article 24 of the CRPD. Even though the Ministry of Education receives roughly KES 367 million (~\$4.3 million USD) per year, inclusion is happening on a basic level in certain parts of the country (OHCHR, 2011). To further facilitate the development of an inclusive education system, a realistic inclusive education plan needs to be set up by each province, with input from local governments, teachers, parents, students, and community members. However, this will not happen on a large scale in Kenya if realistic goals are not set within each district, and shared with an inclusive network of schools throughout the country.

While working with the Ministry of Education in Mbita District, we organized a focus group of nine local special education and general education teacher leaders to discuss the inclusive strengths and challenges within the Kenyan education system. We initiated a “country-centered plan” based on the researched principles of a person-centered plan. A person-centered plan, when used within a special education framework, puts the individual with a disability at the center of the strength-based planning process. Though there are many approaches to person-centered planning, the format I adapted to conduct the country-centered plan in Kenya was the MAPs process (Falvey, Forest, Pearpoint, & Rosenberg, 1997). I chose this approach to “develop closer co-operation between central and local government, schools, communities, and families to facilitate ownership, sustainability, and accessibility” for students with disabilities as outlined by the Dakar Framework (2000, p. 27).

The MAPs Process (originally McGill Action Planning, also known as Making Action Plans) was developed by Falvey, Forest, Pearpoint, and Rosenberg (1997) and was designed to look at a person’s history, who the person is, the dream, the nightmare, the strengths, the needs, and the plan of action. I adapted the MAPs Process and applied it in a country/region-specific way. I asked the following questions: What are the current strengths of the Kenya education system? What are the challenges? What is the short-term plan of action? What is the long-term plan of action? At the end of our meeting, we had a roadmap of action, and everyone at the meeting had a role to play. This process exposed the extremely complex global issues impacting the development of an inclusive education system in Kenya. This region-specific process is one strategy I propose that needs to be adopted on a

countrywide level to increase compliance with Article 24 of the CRPD.

Strengths of the Kenyan Education System

Kenyan teachers felt there were well-trained teachers in local schools, and that most schools received at least the minimum required support from the government. Teachers reported that a few students with physical disabilities were already fully included in certain schools. While attending primary schools, many students with physical and intellectual disabilities lived in the adjoining “special” schools. This proximity and access led some teachers to report that students with and without disabilities supported each other daily at school. This peer-to-peer support and mentoring is evidence of Article 24 Section 3(a) of the CRPD (2006) in action.

The existence of an EARC that ensures students with disabilities have basic access to education is an example of compliance with Articles 1 and 4 in the World Declaration on Education for All (1990) and Article 24 Section 1 of the CRPD (2006). When the EARC identifies and assesses students with disabilities, they are typically placed in a residential “special school” that fits the needs of their disability. These “special” schools can include “Schools for the Physically Handicapped,” “Schools for the Mentally Retarded,” “Schools for the Deaf,” and a generalized catchall label of a basic “Special School.” These schools in Mbita District typically share a physical space with a primary school. This physical proximity of the schools provides access for students with physical disabilities to the neighboring primary school. In Mbita District, students with multiple and intellectual impairments are not typically included in primary school settings. Though the placement of children with disabilities in residential “special” schools is an inclusive education, some of these placements result in a very small minority of students being fully included in primary schools. This is a positive step towards the development of an inclusive education system. These small inclusive successes are crucial, and need to be used as catalyst for further inclusive change.

Challenges within the Kenyan Education System

During our country-centered plan, Kenyan teachers at the forum reported challenges to basic education including: funding for food, access to clean water, HIV/AIDS, malaria, poverty, and access to basic healthcare services in schools. The specific barriers to an inclusive education system that were identified were: lack of transportation services for students and teachers, minimal government funding, a high need for early assessment/intervention services, a need for basic access to information about disabilities, inaccessible schools, lack of mobility equipment and services, negative attitudes toward disabilities, irrelevant, scarce, and outdated learning materials, a need for ability and diversity awareness, and a lack of teachers

who are qualified to teach diverse learners in special education and general education classrooms. These barriers are consistent with those discussed in the Ministry of Education (2009) report on special education in Kenya.

The barriers to developing an inclusive education system as defined by the CRPD are complex and interrelated. How can resources be allocated to inclusive educational practices for children with disabilities when *all* students need consistent access to food and clean water? How can awareness about the rights of people with disabilities be increased when students and their families are struggling, literally, to survive?

The Action Plan

With massive barriers to the development of an inclusive education system, establishing realistic first steps is crucial. At the teacher forum in Mbita District, a schedule was set, and the work began. I collaborated with over 50 teachers, and roughly 1,000 students in a two-week period. One week was spent collaborating with teachers at each school and discussing site-specific inclusive issues, while the other week was focused on working directly with students addressing diversity and facilitating discussions on ability awareness. Each Friday was dedicated to grant writing seminars aimed at procuring funds from NGOs to initiate necessary projects within each school. At the school for the Deaf, a community forum was held on the value of community inclusion, Deaf culture, and post-secondary employment opportunities for Deaf students.

The plan of action that was implemented in 2011 is an example of what is needed throughout Kenya in order to create a more effective inclusive education system. Schools, families, and community members need to come together to plan and implement even the smallest of changes in order to create a larger change in the future. This grassroots approach to inclusive education on a national scale is necessary in order for students with disabilities to gain sustainable access to a quality inclusive education system in Kenya.

The CRPD and Implications for the Kenyan Government

Aside from a grassroots approach to inclusive change, the Kenyan government needs to evaluate and further define and clarify certain phrases in the CRPD, as applied to Kenyan law. When Section 1 of Article 24 calls for “an inclusive education system,” it does not require inclusive *classrooms* (See Appendix A for how to implement Article 24 of the CRPD in Kenya). Due to the existence of “inclusive” and “special” classrooms, the Kenyan government needs to provide a rationale for developing “special” programs, and to outline a plan on integrating students in these programs into the general education system. This plan needs to include information on reasonable accom-

modation and supports that will be provided in the general education classroom, and how that support will be maintained and replicated in other schools.

Section 1(a) of Article 24 promises the “full development of human potential” (United Nations, 2006, p. 13). Section 1(b) of Article 24 guarantees “the development” of “persons with disabilities...to their fullest potential” (United Nations, 2006, p. 13). Section 1(c) of Article 24 guarantees the right to “participate effectively” in society (United Nations, 2006, p. 13). This use of ambiguous language is open for (mis)interpretation of the strengths of people with disabilities, and requires further definition and clarification by the Kenyan government to communicate inclusive objectives effectively (see Appendix A for how to implement Article 24 of the CRPD in Kenya).

This use of vague language is evidenced again in Article 24 Section 2(a) where people with disabilities are not to be “excluded from a general education system” and “not excluded from free and compulsory education” (United Nations, 2006, p. 13). What is the difference between the two distinctions? What constitutes exclusion from each? Clarification is also needed in Article 24 Section 2(b) when the CRPD ensures that people with disabilities “can access an inclusive, quality and free primary education...on equal basis as others in the communities in which they live” (United Nations, 2006, p. 13). What does it mean to receive an *equal* education? Does an equal education exist for people without disabilities? What implication does that have for people with disabilities in Kenya? Details of how to implement “full and equal participation” in schools in Kenya, and a clearer definition of “augmentative and alternative modes” of communication are provided in Appendix B (see Table B2) (United Nations, 2006, p. 13).

CONCLUSION

In order for Kenya to comply with Article 24 of the CRPD, a shift in perspective on how to define an inclusive education system is necessary. It is impossible to build inclusive communities without gathering input and value from stakeholders in local communities. This emphasis on stakeholder collaboration is echoed in the Ministry of Education (2009) special education report when it states, “Partners and/ or stakeholders need to be guided by a comprehensive policy framework to ensure effective coordination and implementation of special needs education programmes” (p. 46). This means everyone invested in changing Kenya’s education system needs to take an active role at the local level. Students, parents, teachers, administrators, and government officials need to collaborate together within their local communities and identify the strengths and barriers of their local educational systems. A plan of action is needed, building on inclusive strengths and removing barriers to inclusion. All stake-

holders need roles to play, and need to be held accountable. Pockets of existing inclusive education systems need to be connected, and to network in order to share successes and challenges to creating more inclusive communities. None of this will be possible without increased governmental funding for inclusive education programs. The goals for inclusive education in Article 24 of the CRPD are attainable, but realistic starting points need to be regionally relevant and maintained through the interdependence of invested stakeholders within the community of practice.

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Appendix A

Table A1
How to Implement Article 24 Section 1 of the CRPD in Kenya

Language of Article 24 of the CRPD	Steps Toward Implementation
Art. 24 § 1- States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning.	An inclusive education system includes all students in every classroom and provides whatever supports are needed to ensure the student’s active participation and success. This includes students with intellectual disabilities, autism, emotional and behavioral disabilities, and psychiatric disabilities.
Art. 24 § 1(a)- The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.	Such decisions will be made with input from the student, and an interdisciplinary team.
Art. 24 § 1(b)- The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential .	Potential is not a stagnant concept; a student’s potential can increase with each new opportunity. Potential must be defined with input from the student, his or her family, and an interdisciplinary team of professionals.
Art. 24 § 1(c)- Enabling persons with disabilities to participate effectively in a free society.	Effective participation must include activities that are meaningful and relevant to each student. Such activities must be defined with input from the student, his or her family, and an interdisciplinary team of professionals.

Appendix B

Table B1

How to Implement Article 24 Section 2 of the CRPD in Kenya

Language of Article 24 of the CRPD	Steps Toward Implementation
Art. 24 § 2(a)- Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.	Supports will be provided, as outlined by the student and an interdisciplinary team, at the school the student would attend in the absence of impairment. This includes students with intellectual disabilities, autism, emotional and behavioral disabilities, and psychiatric disabilities.
Art. 24 § 2(b)- Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live.	Equal basis means the education the student would receive in the neighborhood school in the absence of impairment.
Art. 24 § 2(c)- Reasonable accommodation of the individual's requirements is provided.	Reasonable accommodation is decided upon with input from the student and the interdisciplinary support team.
Art. 24 § 2(e)- Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion .	Full inclusion means active and equal membership in a classroom where the student would be educated in the absence of impairment.

Table B2

How to Implement Article 24 Section 3 of the CRPD in Kenya

Language of Article 24 of the CRPD	Steps Toward Implementation
Art. 24 § 3- States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community.	Full and equal participation means that students are given access to educational and community-based opportunities they would otherwise receive in the absence of impairment. This includes students with intellectual disabilities, autism, emotional and behavioral disabilities, and psychiatric disabilities.
Art. 24 § 3(a)- Facilitating the learning of Braille, alternative script, augmentative and alternative modes , means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring.	Augmentative and alternative modes of communication are decided upon with input from the student and the interdisciplinary support team.