



ASSESSMENT OF THE ADEQUACY OF LEGAL AND POLICY FRAMEWORKS IN MANAGEMENT OF EDUCATION RESOURCES IN KENYA

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Abstract:

Despite the existence of legal and policy frameworks, schools face persistent challenges such as teacher shortages, inadequate infrastructure, and insufficient learning resources, particularly in marginalized regions. This raises concerns about whether legal and policy frameworks effectively ensure equitable and sustainable education resource management. The objective of the study is to evaluate the effectiveness of existing legal frameworks and policies governing the management of education resources in Kenya. The Resource Dependency Theory was used to guide analysis on how legal mandates influence resource distribution and management. Secondary data was collected from legal documents, government policy reports, international publications, and peer-reviewed academic literature. Findings revealed that while Kenya has established robust legal and policy frameworks, there are significant gaps in their implementation and enforcement. It recommends enhancing monitoring mechanisms to ensure equitable and efficient education resource management in Kenya.

Keywords: management of educational resources, legal frameworks

1. Introduction

Legal and policy frameworks play a pivotal role in education resource management. These laws, regulations, and strategic guidelines govern the allocation, utilization, and oversight of educational resources such as finances, human capital and infrastructure. They are essential in ensuring equitable distribution, transparency, and accountability in the education sector (UNESCO, 2017). Legal frameworks provide the statutory basis for education governance, defining the rights, responsibilities, and procedures for managing

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resources, for instance, The Constitution of Kenya (2010) guarantees the right to free and compulsory basic education, while the Basic Education Act (2013) operationalizes these legal mandates through regulations on resource distribution and quality assurance (Republic of Kenya, 2013). Policy frameworks, on the other hand, transform legal mandates into actionable guidelines, facilitating the implementation of education programs (Sifuna, 2018). In Kenya, the National Education Sector Strategic Plan (NESSP) 2018-2022 and Sessional Paper No. 1 of 2019 outline strategies for equitable resource allocation and sustainable education financing (Ministry of Education, 2018). Together, these frameworks ensure that education resources are managed effectively to promote access, equity, and quality.

Educational resources include human resources, infrastructural resources, and teaching and learning resources, all of which play a crucial role in ensuring quality education delivery. Human resources consist of teachers, school administrators, and support staff, who are responsible for curriculum delivery, school management, and operational support. In Kenya, the Teachers Service Commission Act (2012) regulates the recruitment and management of teachers to ensure equitable distribution and professional standards (Republic of Kenya, 2012). Infrastructural resources include physical facilities such as classrooms, sanitation facilities, libraries, and ICT infrastructure, which support the learning environment. Teaching and learning resources encompass textbooks, digital tools, and instructional materials that facilitate curriculum delivery and improve student comprehension. The effective management of these resources, guided by legal and policy frameworks, is critical for promoting equitable education access and improving the quality of learning across Kenya.

1.1 Background to the Study

Globally, several studies have examined the adequacy of legal and policy frameworks in managing education resources. In the United States, Levin (2018) analyzed how federal and state policies influence education resource allocation, finding that legal mandates under the Every Student Succeeds Act (ESSA) ensured equitable funding but faced challenges in addressing resource disparities between wealthy and low-income districts. Similarly, in Australia, Gonski *et al.* (2011) conducted a comprehensive review of the national education funding model, emphasizing the need for legal frameworks that promote equity by allocating resources based on student need rather than school type.

Within Africa, studies highlight that resource management challenges are linked to policy inefficiencies and governance issues. In South Africa, Motala and Carel (2019) assessed the implementation of the South African Schools Act (1996), revealing that while legal frameworks guarantee free and quality education, inequalities in infrastructure and teacher distribution persist in rural areas. Similarly, in Nigeria, Okafor (2013) investigated the effectiveness of legal frameworks under the Universal Basic Education Act (2004), finding gaps in the enforcement of funding mechanisms and in regional resource allocation disparities. In Uganda, Tumushabe *et al.* (2016) analyzed the impact of the Universal Primary Education (UPE) policy, revealing that while the policy

improved access, legal and policy frameworks remain inadequate in addressing infrastructure needs and teacher shortages in rural areas. In Tanzania, Mosha (2018) evaluated the Education Sector Development Plan and found that while legal policies improved access, weak implementation affected equitable resource distribution across urban and rural schools. Orodho (2014) examined the Free Primary Education policy in Kenya and found that while the policy improved access, the absence of robust monitoring frameworks contributed to inefficiencies in resource distribution. Additionally, Waweru and Orodho (2013) evaluated the Basic Education Act (2013) and reported funding gaps and poor infrastructure in marginalized areas as contributing to the mismanagement of education resources.

1.2 Statement of the Problem

Despite the existence of legal and policy guidelines on educational resource management significant challenges persist in the adequacy and implementation of these frameworks, particularly regarding human resources, infrastructure, and teaching and learning materials. Reports indicate that many public schools in Kenya continue to face overcrowded classrooms, inadequate teaching materials, and uneven distribution of qualified teachers, especially in marginalized regions (World Bank, 2018; Orodho, 2014). The National Education Sector Strategic Plan 2018-2022 acknowledges gaps in resource management and highlights inefficiencies in policy implementation and monitoring (Ministry of Education, 2018). Furthermore, inconsistencies in legal frameworks and weak policy enforcement mechanisms contribute to the persistent inequity in resource allocation across rural and urban areas (Waweru & Orodho, 2013). Although previous studies have evaluated the impact of specific education policies, there remains limited comprehensive analysis on the adequacy of Kenya's legal and policy frameworks in managing education resources holistically. Therefore, this study sought to assess the adequacy of legal and policy frameworks in the management of education resources in Kenya.

1.3 Purpose of the Study

The study was purposed to assess the adequacy of legal and policy frameworks with the objective of evaluating the effectiveness of existing legal frameworks and policies governing the management of education resources in Kenya. To do this, the study sought to answer the question:

- How effective are the existing legal frameworks and policies in governing the management of education resources in Kenya?

1.4 Scope of the Study

This study focuses on evaluating the effectiveness of legal and policy frameworks governing the management of education resources in Kenya. It examines how existing laws and policies influence the allocation, utilization, and monitoring of key education resources, including human resources, infrastructural resources and teaching and

learning materials. Geographically, the study is limited to Kenya, with a focus on both urban and rural educational settings to capture disparities in resource distribution and implementation. Methodologically, the study will rely on secondary data sourced from the internet and official policy documents. Data from government publications, international reports, academic journals and online repositories were reviewed to assess the effectiveness of these frameworks. The study will limit its analysis to public schools.

2. Literature Review

Legal and policy frameworks play a critical role in shaping the management of education resources by providing guidelines for the allocation, utilization, and monitoring of essential inputs such as human, infrastructural, and instructional resources. Relevant literature is presented thematically hereafter.

2.1 Management of Human Resources

Lubengu (2018) examined tensions in Teacher Management and Governance of Public Schools while focusing on the relationship between the Teachers Service Commission (TSC) and the Ministry of Education (MOE). It lacks a clear framework for collaboration between the TSC and MOE, leading to conflicts and administrative challenges. Key areas of tension included the deployment and discipline of school heads, where both the TSC and MOE had overlapping mandates. Additionally, the roles of school Boards of Management and sponsors were inadequately defined, leading to governance inefficiencies. This case study demonstrates how inadequacies in legal and policy frameworks can lead to inefficiencies in managing educational resources, particularly regarding human resources. Gor (2019) explored the role of teacher leadership in school improvement in Homabay county and reports that the inadequacies of Kenya's legal and policy frameworks play a supporting role in the mismanagement of human resources. The study emphasizes that while some frameworks provide a foundation for teacher leadership, others fail to address structural and practical challenges. Further, it says participatory governance has been recommended for giving teachers a platform to influence school improvement strategies; however, several inadequate legal and policy frameworks hinder the effective exercise of this.

Structural barriers and entrenched administrative practices prevent the effective implementation of distributed leadership, leaving teachers with limited authority to make decisions (Orodho, 2014). This gap between policy and practice weakens the potential for collaborative leadership and school improvement. Additionally, the study emphasizes that while policies theoretically encourage teacher leadership, practical support in terms of resources, professional development, and administrative backing is often insufficient. Non-teaching personnel do not engage directly in classroom instruction but provide essential services that support the teaching and learning environment (Ong'ola, 2019). While certain policies exist to guide the employment and management of support staff, various studies indicate significant gaps and

inconsistencies in their implementation, leading to challenges in compensation, job satisfaction, and overall management. Ong'ola (2019) examined challenges and strategies for non-teaching staff in enhancing management of public secondary schools in Hamisi Sub-County of Kenya and reports that non-teaching staff encountered significant problems with gaps in regulatory frameworks governing standardized compensation structures from the Ministry of Education, leading to disparities in salaries across schools. Furthermore, existing labor laws, such as the Employment Act (2007), were poorly enforced, resulting in inconsistent application of benefits like paid leave and fair working conditions and this compromises management.

2.2 Management of School Infrastructure

These are physical facilities necessary for effective teaching and learning in educational institutions. Quality school infrastructure plays a vital role in providing a safe, inclusive, and conducive learning environment. However, in Kenya, the development and maintenance of school infrastructure face numerous challenges, often due to gaps in legal and policy frameworks, inconsistent funding, and poor implementation.

Mary (2020) investigated the implementation of safety standards and guidelines in Kitui County and reports that although safety standards for school infrastructure were established, many schools failed to meet these requirements due to insufficient funding and poor oversight. The study found that critical areas such as classroom safety, dormitory conditions, sanitation facilities, and emergency preparedness were inadequately addressed. Furthermore, policies did not provide clear financial support to assist schools in upgrading or maintaining infrastructure. As a result, most schools struggled to implement safety measures. Cheloti (2021) examined the role of school infrastructure in public day schools and reports that the state of school infrastructure had not kept pace with the growing student population. The study management gaps in existing school infrastructure significantly undermined the successful implementation of the free and compulsory education policy in public day secondary schools.

Despite the existence of legal frameworks in the management of educational resources, these regulations were inadequately enforced. Lubegu (2018) says the funding model used to finance the schools was enrollment-based, yet this model failed to account for the varying infrastructure needs of different schools, leading to disparities in resource availability. Although the Ministry of Education is mandated to ensure that schools comply with infrastructure standards, there was no systematic follow-up to guarantee that funds allocated for infrastructure improvement were used effectively. Furthermore, there was a lack of clear guidelines on how schools could prioritize and address infrastructure deficits. This resulted in uneven implementation of policy goals, with some schools achieving better infrastructure outcomes than others. Additionally, the study found that there were no dedicated funds specifically earmarked for infrastructure expansion or maintenance, forcing schools to rely on irregular disbursements or community contributions. This approach was ineffective in addressing urgent infrastructural needs, especially in schools located in rural and marginalized areas.

Other foundational systems necessary to enable and sustain school operations include digital infrastructure. Utilities, transport, and administrative tools play a central role in enabling learning and enhancing the overall learning environment; hence, Wachira (2021) examined the preparedness for the implementation of the integration of digital learning in schools. It reports that despite the digital literacy policy's ambitious goals, there were significant inadequacies in the legal and policy frameworks supporting its implementation. The study revealed that many public primary schools lacked the necessary digital infrastructure, including basic digital devices, reliable internet connectivity, and adequate electrical systems. The majority of the sampled schools did not have sufficient digital tools, and rural schools faced additional challenges due to limited electricity and poor internet access. This policy adopted a national, one-size-fits-all approach, disregarding the unique needs of schools in remote or underdeveloped areas. Furthermore, it does not provide for the allocation of sufficient financial resources to sustain and maintain digital learning infrastructure, making it difficult to repair or upgrade digital devices once provided.

Another critical inadequacy identified was insufficient teacher training. Although the National ICT Policy (2006, revised 2019) and the Education Policy on ICT Integration (2014) emphasize the need for digital literacy, the study found that most teachers lacked proper training to integrate technology effectively into their classrooms. The policies did not mandate comprehensive, ongoing professional development, leaving many educators unprepared to use digital tools. This lack of teacher preparedness was further compounded by inadequate monitoring and evaluation frameworks. The study found no robust system to track how schools implemented digital learning, leading to inconsistent adoption and poor oversight. Despite the Kenya Vision 2030 – Education Pillar emphasizing technological advancement in education, the study revealed a discrepancy between the policy's aspirations and the actual resources provided. Schools received digital tools without a clear plan for long-term maintenance, and there were no provisions in existing policies to ensure the sustainability of digital learning infrastructure. Additionally, the study found that stakeholder involvement in digital learning policy formulation and implementation was limited. School administrators, teachers, and local communities were often excluded from decision-making processes. This exclusion weakened local ownership and implementation efforts, leading to low adoption rates in some areas.

2.3 Management of Teaching and Learning Resources

These are materials, tools, and support mechanisms that facilitate effective instruction and student engagement in the learning process. They extend beyond standard textbooks and visual aids to include specialized instructional materials tailored to meet the diverse needs of learners, such as Braille books, hearing aids, sign language charts, assistive technologies, and adaptive classroom equipment. Equally important are teacher preparation and professional development resources that equip educators with the skills to support learners with disabilities and other special needs. The adequacy and

accessibility of these resources are critical for realizing the goals of inclusive education, as enshrined in both national and international legal frameworks.

Chumo (2024) investigated the adequacy of teaching and learning resources in schools in Kenya. The study focused on assessing how the availability of teaching and learning resources affects the successful implementation of inclusive education. It revealed significant inadequacies in the legal and policy frameworks governing the provision of teaching and learning resources for inclusive education in terms of the supply of specialized instructional materials tailored to accommodate students with disabilities or other learning challenges. Despite the existence of policies such as the Persons with Disabilities Act (2003) and the Basic Education Act (2013), which mandate inclusive education, the study found that these policies lacked clear mechanisms for ensuring consistent provision of specialized resources. This shortage made it difficult for teachers to deliver customized instruction that meets the needs of all learners, leading to inequities in educational access and outcomes. Schools struggled to access essential resources like Braille materials for visually impaired students, hearing aids for learners with hearing challenges, and adaptive learning tools for those with physical disabilities.

2.4 Theoretical Framework

The study was hinged upon the Resource Dependency Theory (RDT), propounded by Pfeffer & Salancik (1978). The theory emphasizes that organizations rely on external resources for their survival and success, which are often controlled by external entities, including governments, policymakers, and regulatory agencies. The theory suggests that the ability of an organization to access and control critical resources determines its effectiveness and sustainability. In the context of education, schools depend on legal and policy frameworks to secure essential resources such as staffing, infrastructure, and teaching materials. This dependency creates a relationship where educational institutions must align with legal and policy mandates to receive resources. This theory provides a framework to evaluate how legal and policy mechanisms influence the availability, allocation, and distribution of education resources. It allows for an examination of whether existing legal frameworks effectively address resource needs and how external dependencies shape the quality and equity of education service delivery.

3. Methodology

This study utilized a desktop research approach that involved collecting and analyzing secondary data from official government publications, legal frameworks, policy reports, academic journals, and documents from international organizations. This design was appropriate as it enabled an in-depth examination of existing legal instruments, policy documents, and scholarly literature to evaluate how effectively these frameworks guide the allocation, utilization, and monitoring of education resources, including staffing, infrastructure, and teaching and learning materials.

4. Findings of the Study

The findings are categorized into three thematic areas: management of human resources, infrastructure, and teaching and learning resources. Each theme is explored by examining relevant legal and policy instruments, their efficiencies and inefficiencies and the extent to which they address the practical realities of education resource management in Kenya.

4.1 Policies and Legal Framework in Management of Human Resources

Human resources are central to the effective functioning of educational institutions. In Kenya, the management of human resources in education, particularly teachers and support staff, is governed by several legal and policy frameworks. These include the Teachers Service Commission (TSC) Act (2012), which provides for the registration, recruitment, deployment, promotion, and discipline of teachers, and the Basic Education Act (2013), which provides legal support for equitable staffing in public schools.

The National Education Sector Strategic Plan (NESSP) 2018–2022 further outlines strategic interventions for addressing teacher shortages and improving deployment mechanisms, particularly in under-resourced regions. Additionally, policies such as the Free Primary Education (FPE) Policy (2003) and Free Day Secondary Education (FDSE) Policy (2008) support the recruitment of teachers to accommodate growing enrollment numbers. While these frameworks largely focus on teaching staff, the management of support staff such as school nurses, laboratory technicians, ICT technicians, and support staff (e.g., clerks, janitors, security personnel) remains inadequately addressed. These roles, although essential, fall under general labor regulations such as the Employment Act (2007) and lack specific policy provisions tailored to the education sector. As a result, issues such as inconsistent pay, lack of job security, and unclear job descriptions persist. Additionally, the involvement of school sponsors (e.g., faith-based organizations and community-based groups) in personnel matters introduces further complexity, particularly in schools where sponsors influence the appointment of heads or the provision of support staff. However, the lack of clear legal guidelines on the roles of sponsors in human resource management can lead to conflicts and governance inefficiencies.

The findings indicate that although the legal framework for teacher management is relatively well-developed, significant gaps remain, particularly in role delineation between the TSC and the Ministry of Education, and in the oversight and regulation of non-teaching personnel. These weaknesses hinder the realization of equitable, efficient, and sustainable human resource management in Kenya's education sector. Table 4.1 presents a summary of the findings from analysis of pertinent documents.

Table 4.1: Legal and Policy Frameworks on Human Resource

Legal or Policy Framework	Efficiency Identified	Inefficiencies Identified
Teachers Service Commission Act (2012)	<ul style="list-style-type: none"> - Establishes TSC as an independent body for teacher recruitment, deployment, and professional development. - Ensures equitable teacher deployment and promotes professional standards. 	<ul style="list-style-type: none"> - Overlapping roles between TSC and the Ministry of Education cause conflicts in teacher management. - Does not adequately address teacher shortages in rural and marginalized areas.
Basic Education Act (2013)	<ul style="list-style-type: none"> - Provides a legal basis for equitable staffing in public schools. 	<ul style="list-style-type: none"> - Weak enforcement leads to inconsistent staffing and teacher distribution.
National Education Sector Strategic Plan (NESSP) 2018-2022	<ul style="list-style-type: none"> - Outlines strategies to address teacher shortages and enhance equitable staffing. 	<ul style="list-style-type: none"> - Limited funding hinders the achievement of staffing goals, particularly in under-resourced regions.
Free Primary Education (FPE) Policy (2003)	<ul style="list-style-type: none"> - Supports the recruitment of more teachers to meet rising student enrollments. 	<ul style="list-style-type: none"> - Teacher-to-student ratio remains high due to increased enrollment without proportional teacher hiring.
Free Day Secondary Education (FDSE) Policy (2008)	<ul style="list-style-type: none"> - Provides for additional teacher recruitment to address increasing student numbers in secondary schools. 	<ul style="list-style-type: none"> - Inconsistent budget allocations cause delays in teacher deployment and hinder staffing improvements.

The study finds that there exists strong intent but weak execution, and overlapping institutional roles continue to compromise efficiency in human resource management. Addressing these challenges will require legal harmonization, better coordination between education agencies, and the development of specific policies for support staff across the public education sector.

4.2 Policies and Legal Frameworks in the Management of Infrastructure

Infrastructure includes classrooms, libraries, science laboratories, sanitation blocks, administrative buildings, dormitories, playgrounds, water supply systems, electricity, ICT infrastructure, vehicles (such as school buses), and other essential utilities. In addition to physical buildings, support infrastructure such as access roads, school fencing, internet connectivity, and power supply is increasingly important in modern education systems. In Kenya, several legal and policy instruments guide the development, maintenance, and utilization of education infrastructure. These frameworks address issues such as building safety during construction, compliance with fire and emergency preparedness standards, classroom size standards, sanitation requirements, accessibility for learners with disabilities, and procedures for land acquisition and school ownership. Infrastructure-related provisions are also linked to public procurement regulations, including school tendering processes for construction and maintenance projects.

Policies and guidelines such as the Safety Standards Manual for Schools (2008), Public Procurement and Disposal Act (2015), Occupational Safety and Health Act (2007), and the Environmental Management and Coordination Act (1999) are instrumental in shaping how schools develop and maintain infrastructure. Furthermore, the National School Health Policy (2009) provides direction on sanitation, water access, and safety features like window grills, while the Physical Planning Act (1996) and Land Act (2012) offer guidance on land ownership and site planning for educational institutions. Table 4.2 presents summaries of the findings with regard to infrastructure.

Table 4.2: Legal and Policy Frameworks on Infrastructural Resource

Legal or Policy Framework	Efficiencies Identified	Inefficiencies Identified
Safety Standards Manual for Schools (2008)	- Provides clear guidelines on fire safety, emergency exits, sanitation, ventilation, and structural design standards.	Poor enforcement and lack of regular inspections result in widespread non-compliance, particularly in rural boarding schools.
Public Procurement and Disposal Act (2015)	- Establishes transparent procedures for the procurement of infrastructure projects, including tendering and contractor selection	Bureaucratic delays and corruption in procurement compromise the quality and timely completion of school infrastructure projects.
Occupational Safety and Health Act (2007)	- Ensures that school environments meet occupational safety standards for staff and learners.	Lack of capacity to enforce compliance in remote schools; limited integration with education-specific safety needs.
Environmental Management and Coordination Act (1999)	- Requires environmental impact assessments (EIA) for major construction projects, promoting sustainable development.	Not consistently applied to small-scale school projects; EIAs are often bypassed or conducted superficially.
National School Health Policy (2009)	- Promotes access to clean water, proper sanitation, and hygiene facilities in schools.	Limited implementation due to insufficient budgetary allocation and a lack of monitoring.

The study finds that the existing infrastructure-related frameworks are detailed and well-intentioned but suffer from poor implementation, weak institutional coordination, and limited resources. These shortcomings contribute to persistent inequalities in the quality and safety of school infrastructure across Kenya, particularly in rural and marginalized areas.

4.3 Policies and Legal Frameworks in the Management of Teaching and Learning Resources

Teaching and learning (T/L) resources are essential tools that support curriculum delivery and enhance learner engagement. These resources include textbooks, instructional materials, laboratory chemicals, digital content, ICT devices, reference materials, and learning aids for special needs education. Their effective acquisition, utilization, and oversight are critical to ensuring equity, quality, and relevance in the education system. In Kenya, several legal and policy frameworks govern the

management of T/L resources. The Basic Education Act (2013) provides the legal basis for public education resource management and assigns Boards of Management (BoMs) the responsibility for overseeing the use of instructional materials in schools. The Education Sector Policy on ICT Integration (2014) guides the acquisition and use of digital learning resources in public schools, especially under initiatives such as the Digital Literacy Programme (DLP).

The Free Primary Education (FPE) Policy (2003) and Free Day Secondary Education (FDSE) Policy (2008) institutionalized cost-sharing mechanisms in public schools, where the government provides core learning materials while parents contribute to supplementary needs. These policies also created guidelines for the acquisition and distribution of textbooks and instructional materials. Additionally, the Special Needs Education Policy Framework (2009) outlines procedures for adapting learning materials for students with disabilities, while the National Education Sector Strategic Plan (NESSP) 2018–2022 highlights priorities for improving the availability and monitoring of T/L resources. Laboratory chemicals and science equipment fall under this category and are guided by procurement regulations, curriculum support materials policy, and safety standards outlined in documents such as the Safety Standards Manual for Schools (2008). The Public Procurement and Disposal Regulations (2006) also apply, as they guide schools on sourcing quality materials transparently and safely.

Table 4.3: Analysis of Legal and Policy Frameworks
 on Teaching and Learning Resource Management

Legal and policy frameworks	Efficiencies Identified	Inefficiencies Identified
Basic Education Act (2013)	<ul style="list-style-type: none"> - Assigns BoMs the role of managing instructional materials. - Promotes accountability in resource utilization. 	Oversight by BoMs is inconsistent due to a lack of training and varied capacity across regions.
FPE (2003) and FDSE (2008) Policies	<ul style="list-style-type: none"> - Institutionalize cost-sharing policy between government and parents. - Ensure the provision of textbooks in public schools. 	Unequal access in rural areas due to delays in funding and procurement bottlenecks. Limited provision for science materials.
Education Policy on ICT Integration (2014)	<ul style="list-style-type: none"> - Guides the acquisition and use of digital tools and e-content in classrooms. 	Poor infrastructure and a lack of teacher training hinder effective utilization of digital resources.
Special Needs Education Policy Framework (2009)	<ul style="list-style-type: none"> - Recommends adaptation of instructional materials for learners with disabilities. 	Implementation is weak; many schools lack appropriate teaching aids and trained personnel.
Safety Standards Manual for Schools (2008)	<ul style="list-style-type: none"> - Includes provisions for safe storage and use of lab chemicals and science equipment. 	Lack of consistent monitoring; many schools lack proper chemical storage facilities and safety protocols.
Public Procurement and Disposal Regulations (2006)	<ul style="list-style-type: none"> - Ensure transparency in the procurement of T/L resources, including lab equipment and ICT devices. 	Delays and irregularities in procurement lead to inadequate or poor-quality materials in many schools.

NESSP 2018–2022	- Highlights the need for improved monitoring and equitable distribution of T/L resources.	Funding constraints and poor implementation mechanisms limit effectiveness.
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Despite the presence of well-articulated policies aimed at guiding the management of teaching and learning resources in Kenya, the study reveals notable inadequacies that hinder their effective implementation. One of the key shortcomings lies in the capacity of Boards of Management (BoMs) to oversee the acquisition and utilization of instructional materials, as mandated by the Basic Education Act (2013). While BoMs are legally empowered, many lack adequate training and financial literacy, resulting in weak oversight and mismanagement of resources. The cost-sharing model institutionalized through FPE and FDSE policies, although beneficial in theory, has proven unreliable in practice due to delays in government capitation and inconsistent parental contributions, especially in low-income and rural areas. Additionally, the provision and maintenance of digital and inclusive learning tools remain largely ineffective despite the existence of guiding frameworks such as the ICT Integration Policy and the Special Needs Education Policy. Most schools lack access to digital devices, internet connectivity, and assistive technologies, and teachers are often untrained in using or adapting these resources. Laboratory materials and safety protocols—crucial for science education—are insufficiently addressed, with many schools lacking proper storage, disposal procedures, and trained lab assistants, posing safety risks to students. Procurement challenges further compound these issues, as irregularities, corruption, and bureaucratic delays lead to the supply of substandard or inadequate materials. These findings suggest a disconnect between policy formulation and ground-level execution, driven largely by limited funding, weak institutional coordination, and a lack of accountability mechanisms.

5. Conclusion

The findings indicate that while Kenya has established comprehensive legal and policy instruments such as the Basic Education Act (2013), Teachers Service Commission Act (2012), Free Primary and Secondary Education policies, and various sector-specific guidelines, there remain substantial gaps between policy intent and practical implementation. In the area of human resource management, the existence of overlapping mandates between the Teachers Service Commission and the Ministry of Education has led to administrative inefficiencies, particularly in teacher deployment and school leadership appointments. Furthermore, non-teaching staff are insufficiently addressed in current frameworks, resulting in inconsistent employment terms and poor working conditions. In terms of infrastructure, although safety, procurement, and land use policies exist, they are poorly enforced, especially in rural and marginalized areas. Many schools continue to face challenges related to building safety, inadequate sanitation, poor access to utilities, and insecure land tenure, all of which hinder sustainable infrastructure development and affect learning environments.

Regarding teaching and learning resources, while the legal frameworks promote inclusive, equitable access to instructional materials, their implementation is marred by funding constraints, delayed procurement, weak oversight, and a lack of capacity among school boards. This has resulted in shortages of textbooks, inadequate digital infrastructure, insufficient science materials, and limited support for learners with special needs. The study concludes that the legal and policy frameworks in place are comprehensive in design but inadequate in execution. Weak institutional coordination, insufficient funding, limited capacity of education stakeholders, and poor enforcement mechanisms undermine their effectiveness. For these frameworks to meaningfully support equitable and quality education, a deliberate effort is required to strengthen implementation structures, enhance accountability, and align policy goals with the practical realities facing schools across the country.

6. Recommendations

In light of the findings and the conclusion that current legal and policy frameworks are well-intentioned but inadequately implemented, the following recommendations are proposed to enhance the effective and equitable management of education resources in Kenya: The overlapping mandates between the Teachers Service Commission (TSC) and the Ministry of Education (MoE) should be addressed through legal and policy amendments that clearly delineate responsibilities in teacher deployment, discipline, and school governance. Strengthening coordination between these institutions will reduce bureaucratic conflicts and improve decision-making in human resource management. The government should also formulate sector-specific policies to regulate the recruitment, remuneration, and career development of non-teaching staff such as laboratory technicians, ICT officers, nurses, and administrative personnel. These policies should align with the Employment Act while addressing the unique needs of the education sector.

To improve safety and inclusivity in schools, enforcement mechanisms for infrastructure-related policies such as the Safety Standards Manual for Schools and the Occupational Safety and Health Act must be strengthened. The Ministry of Education should institutionalize regular audits and inspections, particularly in rural and marginalized schools, to ensure compliance with building safety, sanitation, and accessibility requirements. The government, through the Ministry of Lands and local authorities, should expedite the process of land registration and issuance of title deeds for all public schools. Secure land tenure will enable better infrastructure planning, reduce land-related conflicts, and support long-term investment in school development. To address inefficiencies in the supply of teaching and learning materials, the procurement process must be reformed to ensure transparency, timeliness, and accountability. Schools should be supported with training on public procurement laws, and digital systems should be adopted to track and monitor the delivery and usage of resources.

The government should also allocate dedicated funds for inclusive education materials (e.g., Braille books, assistive devices) and digital infrastructure. Additionally, professional development for teachers in ICT and inclusive pedagogies should be institutionalized to ensure effective use of resources. Given their central role in resource oversight, BoMs should receive structured training in financial management, procurement, policy compliance, and inclusive governance. This will empower them to manage teaching and learning resources more effectively and equitably. A national-level monitoring and evaluation (M&E) framework should be developed to track implementation of legal and policy provisions across counties. This system should include performance indicators for staffing, infrastructure quality, and resource distribution, allowing for timely interventions and policy adjustments.

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Conflict of Interest Statement

The author declares no conflict of interest regarding the publication of this paper.

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