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From Accountability to Quality: Evaluating the Role of the State in Monitoring Low-Cost Private Schools in Uganda and Kenya

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Abstract

The number of low-cost private schools (LCPSs) has considerably increased in many developing countries over the last two decades, often catering to the needs of a large majority of slum-dwelling children. This growing private delivery of education has come as a challenge for states that are considered as responsible for providing quality education to all citizens. In this context, this paper assesses the capacity of states to monitor low-cost private schools in a way that ensures both accountability and quality in the education sector. Through the comparative study of Kenya and Uganda, it highlights a need to enhance state monitoring by addressing lagging bureaucratic practices and a lack of performance monitoring, and by further considering the role of parents as monitors.

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Acronyms

APBET	Alternative Provision of Basic Education and Training
DEEPEN	Developing Effective Private Education Nigeria
EMIS	Education Management Information System
KCPE	Kenya Certificate of Primary Education
KNUT	Kenya National Union of Teachers
LCPS	Low-Cost Private Schools
MDGs	Millennium Development Goal
MoE	The Republic of Kenya – Ministry of Education
MoES	The Republic of Uganda – Ministry of Education and Sports
PLE	Primary Leaving Examination
PRIEDE	Kenya Primary Education Development project
PTR	Pupil-Teacher Ratio
SABER-EPS	Smarter Education Systems for Brighter Futures – Engaging the Private Sector
SDGs	Sustainable Development Goals
UNATA	Uganda National Teachers' Union
UPE	Universal Primary Education

1. Introduction

The number of low-cost private schools (LCPSs) has boomed in many developing countries over the last two decades, often catering to the needs of a large majority of slum-dwelling children (Mcloughlin, 2013). One in five primary students in low-income countries is now estimated to be taught in the private sector, a proportion that has more than doubled since 1990 (Baum et al., 2014). This number is higher in informal urban settlements, with nearly every three in four children in the slums of Kampala, Uganda and Nairobi, Kenya estimated to attend LCPSs (Ngware et al., 2013; Härmä, 2017).

This rising private delivery of education, which requires low-income families to pay fees in order to access schools, has come as a challenge for states committed through the MDGs and SDGs to achieve universal and free primary education (Mcloughlin, 2013). Yet, LCPSs have also emerged as an efficient solution to meet excess demand for schooling and supplement overloaded public systems (ibid). The controversial role of LCPSs has raised a growing interest in understanding the role of the state in including these schools in education policies and monitoring them to optimise education outcomes. Research on this topic remains limited, with only a few recent initiatives bridging this gap (Gibson et al., 2011; Härmä, 2017; Baum et al. 2018).

This paper thus aims at shedding further light on this issue, by answering the question: How can Sub-Saharan states monitor the growing LCPS market in order to encourage both accountability and quality in the education sector? Building on previous research, this study tests two hypotheses, namely that (1) excessive regulations, and (2) a lack of parent empowerment, are the main impediments to efficient state monitoring. These hypotheses are assessed through an LCPS accountability framework, adapted from the World Bank's accountability relationships (2003), and the pioneer work of Baum et al. (2014). The research applies this framework to Uganda and Kenya, two of the countries that have experienced some the largest growth in their LCPS sectors (Oketch et al., 2010; Härmä, 2017).

The examination of these cases first reveals regulations targeted at low-cost private schools in Uganda and Kenya to be more adapted than hypothesised, providing LCPSs with flexible and updated requirements fitted to their case. Official regulations remain however hampered by lagging bureaucratic practices alongside limited capacities to monitor on-going performances after school registration. Second, the research finds a weak parent empowerment in the two countries, with parents lacking information and voice. These findings highlight the importance of enhancing state monitoring not only by adapting and strengthening regulations and bureaucratic practices, but also by further considering the role played by clients – parents – as monitors. In doing so, this paper contributes to the broader topic of understanding the role of the state in monitoring public services once they have been privatised.

The paper is organised as follows: Section 2 reviews the main theories behind this research, specifically focusing on the role of low-cost private schools in education policies, and the main accountability relationships in the education sector. The third section outlines the research design, by developing an LCPS accountability framework and defining the contexts of Uganda and Kenya. This accountability framework is then applied to the two countries in section 4 and the resulting findings are detailed. Finally, these findings are discussed in section 5, and section 6 offers some concluding remarks.

2. Monitoring Low-Cost Private Schools: Key Concepts and Ideas

2.1. The Role of Low-Cost Private Schools

Defining Low-cost Private Schools

Following the second Millennium Development Goal – "Achieving universal primary education (UPE)" and its resulting Education for All initiative, UPE has been a development priority in Sub-Saharan Africa (UNESCO, 2015). Free primary schooling has been implemented throughout the region, with primary enrolment rates going from 53% in 1990 to 77% in 2016 (World Bank, 2018). However, these improvements hide a continuing learning crisis, with persisting poor quality of education provision and low completion rates. It is estimated that a third of all teachers are absent on a daily basis in Kenya and Uganda, and 75% of 9-year-olds in these countries cannot read basic sentences (Patrinos, 2013; Uwezo, 2014).

Low-cost private schools have emerged as an answer to the poor accessibility and quality of public primary schooling (Ashley et al., 2014). LCPSs are non-state schools serving low-income households and financed through relatively low user fees (Srivastava, 2013). A large array of actors falls under this umbrella. Owners of LCPSs can range from faith-based or philanthropic organisations, to community members and commercial businesses. Similarly, the scale of LCPSs businesses can vary from individual entrepreneurs, to national or international chains (Mcloughlin, 2013). Most of these low-cost private schools are concentrated in urban areas, especially in informal settlements that often lack access to public schooling (Adelabu and Rose, 2007; Tooley et al. 2008; Oketch et al., 2010). Overall, research finds LCPSs to be predominantly urban, small and locally-owned businesses (Gibson et al., 2011; Heyneman and Stern, 2014; Härmä, 2017; Tooley et al., 2008). A large percentage of these businesses remain informal mainly due to stringent and costly requirements which hinder registration (Mcloughlin, 2013).

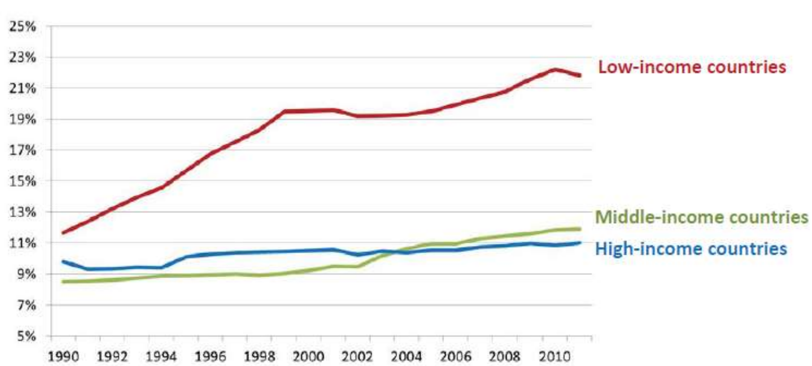
While LCPSs operate at the pre-primary, primary, and secondary level, they represent a challenge to states principally at the primary level, as their fee-dependent structure collides with states' commitment to achieve universal and free primary schooling (Härmä, 2017). This research thus focuses on the case of LCPS specialising in primary education. The expressions LCPSs and private schools are used interchangeably to refer to primary low-cost private schools.

The growth of the LCPS sector

The LCPS sector has grown exponentially since the late 1990s (see Figure 1), primarily in South Asia and Sub-Saharan Africa (Ashley et al., 2014). In India, 28% of rural children are estimated to attend private schools, with this number reaching more than 50% in poorer provinces (ASER India, 2013). The concentration of LCPSs is even higher in urban areas with Tooley et al. (2007) estimating at 65% the number of children attending LCPSs in the slums of Hyderabad. Similarly, 50% of Pakistani primary school students and 45% of children in Dhaka, Bangladesh attend private schools (ASER Pakistan, 2017; Cameron, 2010).

In Sub-Saharan Africa, one in five children is estimated to be taught in the private sector, a number that has more than doubled between 1990 and 2010 (Featherston and Ferreira, 2017; World Bank, 2011). In urban areas, research has found private enrolment to be as high as 84% in Kampala, Uganda (Härmä, 2017) and 66% in the slums of Nairobi, Kenya (Ngware et al., 2013). However, Lewin (2007) highlights that this growth is constrained by the evolution of public primary schooling as improvements in the accessibility and quality of free primary education should decrease the demand for private schools.

Figure 1: Private enrollment as a percentage of total primary enrollments, by country income level



Source: Baum et al., 2014

Low-cost Private Schools: The academic debate

The rise of the LCPS sector has led to a large and polarized debate on the role of LCPSs in achieving UPE, with early discussions principally focusing on the status of education as a public service. Universalists, who are critical towards LCPSs, argue that free and universal education is a basic human right, which should be protected and provided by the state (Probe 1999; Adelabu and Rose, 2004; Lewin, 2007; Härmä, 2013; Robertson and Dale, 2013). Private provision of education should therefore be limited or avoided as private actors are prone to market failures and thus cannot guarantee an equitable access to education.

Research notably highlights the discriminating nature of fee-dependent schools, as even the least expensive schools remain inaccessible to the poorest part of the population (Probe, 1999; Adelabu and Rose, 2007; Srivastava and Walford, 2007; UNESCO, 2009; Härmä, 2013;).

Nonetheless, proponents of LCPSs argue that this focus on market failures disregards the role played by the private sector in working towards achieving UPE. Research has found two main drivers of demand for LCPSs: excess demand for schooling that cannot be absorbed by the public sector; and differentiated demand for schooling, when parents seek a service different from the one provided in public schools, which is often tied to quality concerns (Lewin, 2007; Oketch et al., 2010; Mcloughlin, 2013; Heyneman and Stern, 2014; Baum et al., 2018). For instance, Kremer and Muralidharan (2008) find high rates of teacher absenteeism in public school to lead to a higher number of LCPSs. Therefore, by responding to the demand that is not adequately provided by public schools, LCPSs can actively participate in states' efforts to improve access to education (Dixon and Tooley, 2006; Heyneman and Stern, 2014; Baum et al., 2017).

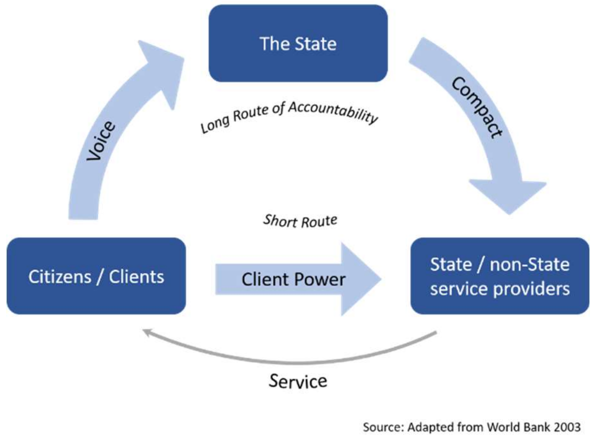
This early debate has allowed to outline the specific market and government failures faced in the provision of education. Nonetheless, the growing role played by LCPSs in providing education, but the sector's high informality, have contributed to advance the debate beyond the characteristics of LCPSs. Instead, greater attention has recently been dedicated to the role of governments in developing adapted regulations to better collaborate with private schools and harness their potential to provide quality education.

2.2. Monitoring Education Delivery

Theory of Accountability

In order to analyse the state monitoring of LCPSs, it is necessary to understand the accountability relationships linking the states to schools (providers) and parents (clients). The 2004 World Development Report, *Making services work for the poor*, provides a framework (see Figure 2) that aims at defining these accountability mechanisms, and explaining why social services – such as education and healthcare – often fail to provide quality access to the poor (World Bank, 2003).

Figure 2: The World Bank's Accountability Framework



The framework outlines two main routes of accountability linking citizens to governments and service providers. The short route of accountability refers to providers' direct accountability to clients, also known as client power. This type of accountability characterises the private sector, as providers offer their services to clients who can send instant feedback by choosing to buy or to refuse the service. However, in the case of social services, client power alone can be insufficient to monitor service providers: private preferences might differ from collective objectives to be reached, and complex social objectives might be difficult to individually monitor. In such cases, states tend to intervene in order to hold providers accountable. This long route of accountability works as a two-step process: it relies on citizens to ensure policymakers' accountability by using their voice power to express their demands; in turn, it expects policymakers to hold providers accountable through their compact relationship (World Bank, 2003)

Both the short and long route of accountability are exposed to risks. On the one hand, the long route is prone to voice failures – when governments refuse or fail to hear feedback from citizens – and compact failures – when governments fail to monitor service providers. On the other hand, the short route is subject to market failures, such as collective action failures as well as equity concerns, since accountability is accessible only to clients who can afford the services offered (World Bank, 2003). Therefore, one route is not exclusively better than the other and the two can be combined to ensure optimal social service delivery (ibid).

The Accountability Framework in the Education Sector

Accountability in the education sector has traditionally followed the long route of accountability (World Bank, 2003). This is due to education being considered a public service, a service that needs to be provided to a large number of citizens but which is prone to significant market failures – primarily equity and information concerns in the case of education – thus requiring government's involvement in production, finance, or regulation (Grout, 2009). This need for state involvement has translated in many developed countries into the public provision of primary schooling where governments are fully in charge of monitoring schools (Patrinos et al., 2009; World Bank, 2003).

Nonetheless, this focus on the long route of accountability does not fit the case of low-cost private schools, where schools are directly accountable to the parents they serve but also under the responsibility of the state by delivering a public service (World Bank, 2003; LaRocque and Lee, 2011; World Bank, 2014). The accountability framework in the case of private primary schooling thus has the particularity of relying of the two routes of accountability: client power between parents and schools, alongside state oversight to ensure that education is provided in a way that does not compromise quality nor equity (ibid).

The rise of LCPSs therefore challenges states to find the optimal equilibrium between implementing extensive regulations to ensure quality and strengthen the long route of accountability; or prioritising minimal regulations that preserve the short route of accountability, encouraging LCPSs to formalise and meet the excess demand for education.

Monitoring LCPSs

Attempts at further outlining the role of the state in monitoring LCPSs have remained limited. Some studies have mentioned this topic in a restricted set of Sub-Saharan countries as part of microlevel research on LCPSs (Heyneman and Stern, 2013; Härmä, 2017). However, very few studies have focused specifically on this issue, with the notable exception of Gibson et al. (2011) and Baum et al. (2014).

Gibson et al. (2011) have conducted the diagnostic research for the DEPEEN project in the state of Lagos, Nigeria. This programme, which is currently being implemented, aims at reforming the monitoring of LCPSs in Lagos to ensure that these schools can healthily complement public schools and compete on both quality and price (ibid). The research outlines four key actions to improve the state monitoring of the LCPS sector: "Improving the formal regulatory framework, and informal culture practices that undermine the private sector", "addressing the lack of reliable information available to parents, schools, and policy-makers", "confronting inaccessibility of financial services", and "tackling the absence of affordable and effective" training services for schools (ibid).

At a larger scale, Baum et al. (2014) have developed the framework behind the World Bank 'Smarter Education Systems for Brighter Futures – Engaging the Private sector' (SABER-EPS) initiative. This programme recognises the need to dedicate more attention to "law and policy orientations toward harnessing the potential capacity of non-state providers to help bring quality education" and assesses states' engagement with private education providers (Baum et al., 2014). The framework developed by these authors has been applied to ten Sub-Saharan and South Asian countries thus far (SABER, 2018). Results highlight poor parent empowerment, with an average score of 2.1/4, as well as limited school autonomy with many countries imposing restrictions on teacher standards, curriculums, class sizes, as well as land and facility ownership (compiled by the author, from SABER, 2018).

The work of Baum et al. (2014) and Gibson et al. (2011) thus share two conclusions: they both identify excessive regulations, alongside lack of parent empowerment and/or information to parents as barriers to efficient monitoring of the LCPS sector. However, the applicability of these findings to the larger Sub-Saharan region faces important limitations. Gibson et al. (2011) focus exclusively on the state of Lagos, which was identified as having the most restrictive regulatory environment for LCPSs amongst twenty African countries (Baum et al., 2018). The SABER initiative provides a wider outlook by covering ten countries but focuses solely on official state regulations, thus ignoring bureaucratic practices and informal relationships that play key roles in a highly informal LCPS sector.

This research thus builds on the precursory work of these authors to provide further insight on how states can optimise the monitoring of the LCPS sector. In doing so, it leverages the conclusions shared Gibson et al. (2011) and Baum et al. (2014) as its main hypotheses and tests them through a cross-country analysis of the Ugandan and Kenyan cases.

3. Research Design

3.1. Conceptual Framework

This research aims at answering the question: **How can Sub-Saharan states monitor the growing LCPS market in order to encourage both accountability and quality in the education sector?** Promoting accountability involves simplifying regulations to encourage LCPSs to formalise, while promoting quality implies maintaining key quality regulations. States thus face the challenge of finding a monitoring equilibrium between these two factors. The term 'monitoring' in this research is used to refer to the action of systematically observing and checking quality over time (UNDP, 2009). It involves tracking the actions of both state partners and non-partners to ensure progress towards national goals (ibid)

The cases of Uganda and Kenya, two countries that have registered some of the largest growth in their LCPS sectors, are comparatively studied to shed light on this topic. Based on the common conclusions reached by Baum et al. (2014) and Gibson et al. (2011), this study hypothesises that the state monitoring of LCPSs is hampered by **(1) excessive regulations**, and **(2) a lack of parent empowerment**.

3.2. Research Framework

The two hypotheses are tested through an 'LCPS monitoring framework' developed for the purpose of this research. Based on the World Bank's accountability relationships (2003), this framework is divided into two parts: it first studies the compact relationship between the state and schools, and then focuses on parent empowerment which regroups client voice and client power. The specific indicators used within these two categories are adapted from Baum et al.'s 2014 research to fit the case of LCPSs. Following these authors' methodology, each indicator is graded on a scale of 1 to 4, from latent (1), to emerging (2), established (3) and advanced (4). Baum et al.'s original criteria can be found in appendix 4.

The Compact

Following the work of Baum et al. (2014), the compact relationship is divided into three steps: entry requirements, input requirements, and output requirements. Step 1 (Promoting Accountability) studies the extent to which existing entry requirements encourage LCPSs to register with the government, and thus to create a long route of accountability. This step is especially important in the context of LCPSs as a high percentage of schools across the developing world remain informal (Ashley et al., 2014). Reviewing and simplifying entry requirements to encourage schools to register has thus been identified as a priority in the sector by a large number of actors (MoES, 2013; Heyneman and Stern, 2014; MoE, 2015; Härmä, 2017; Baum et al., 2018).

Step 2 (Encouraging Autonomy) provides an overview of the main operating requirements in Kenya and Uganda and the flexibility they offer. Local autonomy in input decisions (education of teachers, number of pupil per class) has proven to increase student achievement by allowing individual schools to maximise their efficiency (Gertler et al., 2012; King and Ozler, 2015), and by freeing them from standardized and large bureaucratic systems (Heyneman and Stern, 2014). This section thus studies the extent to which existing regulations provide schools with accessible requirements which allow them to maximise their own inputs.

Finally, Step 3 (Holding Schools Accountable) considers the extent to which schools are held accountable for their performances. A large body of research outlines the role of performance monitoring in supporting student learning and maintaining minimum quality standards (Carnoy and Loeb, 2002; Hanushek and Raymond, 2005; Rockoff and Turner, 2008). This section thus specifically focuses on states' capacity to ensure that schools maintain quality education over time.

Client Voice and Client Power

The second part of the World Bank's accountability framework considers client voice and client power, regrouped as 'parent empowerment'. Voice is considered as the most complicated relationship of accountability, as it is composed of a plethora of formal and informal processes (World Bank, 2003). Defining the role of the state in supporting client power is also intricate, as the state only indirectly intervenes in this relationship (ibid). As such, this section does not mean to cover all aspects of parent empowerment, but rather to outline its main strengths and weaknesses.

In its 2018 World Development report, which focuses specifically on education, the World Bank identifies two main factors impacting parent empowerment in the education sector: information and vested interests (World Bank, 2017). Information plays a vital role in fostering both client voice and client power as it allows to identify deficiencies in education systems and advocate for reforms – thus supporting parents' voice – while it also encourages parents to hold schools accountable for their results – fostering the short route of accountability (Watkins, 2004; World Bank, 2017).

As opposed to information, vested interests represent a barrier to parent empowerment. The World Bank (2017) notably finds teachers' unions in many countries to have a powerful voice in the political sphere which tend to outpower parents. The strength of these interests mainly relies on teachers' capacity to organise and defend their common preferences, while the voice of parents often remains individual (ibid).

Following the World Bank's main findings, Step 4 of the framework thus studies the extent to which parents are given information on school performances and can in turn freely voice their opinion to the state. The four steps detailed above and their respective indicators, adapted from Baum et al. (2014), are summarized in table 1.

Table 1: The LCPS Accountability Framework

	Policy Goals	
The Compact	Step 1: Promoting Accountability	Indicator 1.1: Information on requirements for LCPSs to register is available and up-to-date.
		Indicator 1.2: Certification standards are adapted to low-cost private schools.
		Indicator 1.3: Registration requirements do not prohibit registration
		Indicator 1.4: Regulatory fees and administrative procedures do not prohibit entry into the market
	Step 2: Encouraging Autonomy	Indicator 2.1: Teacher qualification standards, appointment, dismissal and salary are set at the school level
		Indicator 2.2: Class-size decisions are made at the school level
	Step 3: Holding schools accountable	Indicator 3.1: Government sets standards regarding what students need to learn and students are required to take standardized examinations
		Indicator 3.2: Government performs inspection of schools as determined by school need, and schools produce school improvement plans
		Indicator 3.3: School performance leads to rewards and escalating sanctions
Client Voice and Client Power	Step 4: Empowering Parents	Indicator 4.1: Information on results of standardized tests (disaggregated by school, socioeconomic status, gender, etc.) is made available from multiple sources
		Indicator 4.2: Other information on school performances, including school inspections, is made available from multiple sources
		Indicator 4.3: Parents are encouraged to voice their opinions.

Source: Developed by author, based on Baum et al. (2014) and World Bank (2003)

3.3. Introduction to the Case Studies

This research applies the LCPS monitoring framework to the cases of Uganda and Kenya. These two countries were chosen for comparison due to their similar education systems and exposure to low-cost private schools but different sets of regulations (Uwezo, 2014).

Universal primary education was introduced in 1997 in Uganda and 2003 in Kenya, leading to surge in enrolment which in 2013 had reached 91% of school-aged children in Uganda and 82% in Kenya (World Bank, 2018). While primary completion rates have followed this trend to reach 102% in Kenya, only 53% of children complete primary school in Uganda (ibid). Public education systems in both countries suffer from poor quality of service, having the first and second highest rate of teacher absenteeism in the world, and a Pupil-Teacher ratio higher than 60 students per teacher in informal settlements (Dixon and Tooley, 2012; Patrinos, 2013; MoES, 2016). As a result, parents in the two countries often turn to low-cost private schools in the search for quality education (Härmä, 2017; Zuilkowski et al., 2018).

In Uganda, most LCPSs are concentrated in the capital city of Kampala, which regroups a third of the urban population (World Bank, 2015). 84% of primary school children in Kampala are estimated to attend LCPSs, primarily due to a lack of quality public schooling in this rapidly urbanising city (MoES, 2015; Härmä, 2017). More detailed information on the sector remains limited, with the main source of information being Härmä's 2017 fieldwork in Kampala. Härmä notably finds the number of LCPSs to have doubled in the last ten years, and 64% of the LCPSs surveyed to be government-registered, which she identifies as a high number for the Sub-Saharan region (ibid).

Contrary to Uganda, the LCPS sector in Kenya has been thoroughly studied through microlevels studies notably by Ngome et Kimiywe (2005), Dixon and Tooley (2012), Ngware et al. (2013) and Zuilkowski et al. (2018). Most LCPSs in the country are regrouped in the three main cities of Nairobi, Mombasa, and Kisumu, with more than half of the students from informal settlements attending private schools in each of these cities (Ngware et al., 2013). As in Uganda, the sector has been rapidly growing due to a lack of quality public primary education, with the number of LCPSs more than doubling from 2003 to 2007 (Dixon and Tooley, 2012; Zuilkowski et al., 2018). However, Ngware et al. (2010) estimated only 59% of low-cost private schools to be registered with the Ministry of Education in 2005.

Uganda and Kenya have thus experienced a similar growth of their LCPS sectors, concentrated in the informal settlements of their main cities, and responding to a same lack of quality public primary schooling. While the governments of two countries have acknowledged the role played by the private sector in meeting educational needs (MoES, 2008; MoE, 2013), they differ in the regulations and monitoring mechanisms established to supervise these schools, providing for an insightful comparison.

3.4. Data sources and limitations

This research bases its analysis on official regulations published by the government of Uganda and Kenya, completed with peer-reviewed articles and grey literature. Official documentations are leveraged to assess the effectiveness of existing regulations, while microlevel field research on LCPSs are used to analyse bureaucratic practices and parent empowerment that do not translate into formal regulations.

However, the LCPS sector remains characterised by its high informality, that can only be locally captured through micro-level censuses, complicating country-wide analysis. This is especially the case for informal monitoring practices, that are challenging to fully outline due to their informal nature and to the lack of country-level information on this topic. The scope of this study is thus limited to available information on bureaucratic practices and parent empowerment, and future research would benefit from further exploring these topics.

4. Findings

This section applies the LCPS accountability framework to the cases of Uganda and Kenya. Each indicator is analysed, graded following Baum et al.'s (2014) methodology, and summarised. The completed list of indicators and their resulting analysis is provided in appendix 3. The main lessons to drawn from this analysis are detailed in section 5.

1. Promoting Accountability

Indicator 1.1: Information on requirements for LCPSs to register is available and up-to-date.

Uganda

In Uganda, the government has **undertaken important steps towards adapting and increasing the accessibility of regulations targeted at private schools**. It promulgated a new Education Act in 2008, leading to the creation a specialised Private Schools and Institutions department within the Ministry of Education and Sports, and published the 'Guidelines for Establishing, Licensing, Registering and Classification of Private Schools/Institutions in Uganda' in 2013 (MoES, 2008, 2013). These guidelines regroup in an easily accessible 45-page booklet all the requirements, procedures, documents, and forms needed for private schools to register with the Ministry (MoES, 2013; Härmä, 2017). With these forms filled out, a license can be obtained within a day (Härmä, 2017). These clear guidelines and simplified procedures have led to a significant increase in the number of private schools registering with the government since 2008 (MoES, 2018).

Kenya

Kenya has followed a pattern similar to Uganda, with **recent efforts aiming at including low-cost private schools in its education policies**. The government first promulgated a new Basic Education Act in 2013 in order to align the evolving education sector with the constitution (MoE, 2013). This Act was followed by the publication of the 'Registration Guidelines for Alternative Provision of Basic Education and Training (APBET)' in 2015, a new set of widely available and succinct registration guidelines targeted at LCPSs (MoE, 2015). The new guidelines provide all the information and forms needed for registration in one 24-page document, with the administration allowed a maximum of two months to process applications (ibid).

Summary:

Indicators	Uganda	*Grade*	Kenya	*Grade*
Indicator 1.1: Information on requirements for LCPSs to register is available and up-to-date.	All guidelines and forms in a newly revised, clear and accessible document	4/4	All guidelines and forms in a newly revised, clear and accessible document	4/4

Indicator 1.2: Certification standards are adapted to low-cost private schools.

Uganda

This criterion accounts for the specific case of low-cost private schools, as opposed to elite private schools, and the extent to which regulations take this distinction into account. Uganda's new 2013 registration guidelines define "private schools and institutions" as "comprised of wealthy individuals and investors, communities, civil society organizations, local and international NGOs, and faith-based organizations" (MoES, 2013). It thus **does not mention LCPSs nor distinguish between elite private schools and their low-cost counterparts**. The failure to differentiate these two types of schools, which greatly differ in their characteristics and means, has been found to often lead to regulations being non-reachable by LCPSs, thus encouraging the sector's informality (Ashley et al., 2014).

Kenya

As opposed to Uganda, Kenya's new **2015 regulations are specifically targeted at LCPSs**. An APBET institution is defined as an "organised form of learning set up to deliver basic education and training to the disadvantaged persons who due to various circumstances cannot access formal schools" (MoE, 2015). The APBET guidelines aim at recognising the role played by informal institutions in increasing access to education, especially in "informal settlements and other marginalised areas", which corresponds to the case of LCPSs (ibid). The government has specifically adapted the guidelines to fit the characteristics of these schools, by for instance relaxing land requirements difficult to meet in informal settlements (Heyneman and Stern, 2013).

This initiative remains however restricted to "service providers who support education in the informal settlements within the cities of Nairobi, Kisumu, Mombasa and urban areas as designated by law" (MoE, 2015). The restriction fits previous research that finds the majority of LCPSs to be concentrated in these three cities, where the public sector struggles to meet the demand for quality primary education (Ngware et al., 2013). The policy thus allows LCPSs to **meet the excess demand for schooling** where needed and to encourage the sector's formalisation through adapted regulations, **while ensuring that public schooling remains the priority in other regions** (MoE, 2015).

Summary:

Indicators	Uganda		Kenya	
Indicator 1.2: Certification standards are adapted to low-cost private schools.	No specific provision	1	Guidelines specifically targeted at institutions operating in the informal settlements of Nairobi, Kisumu, and Mombasa	4

Indicator 1.3: Registration requirements do not prohibit registration

While this research cannot analyse all registration guidelines targeted at private schools, it studies the criteria likely to be the most challenging to be met by LCPSs. A more detailed list of registration requirements is provided in appendix 1.

Uganda

The main impediments to registration in Uganda are **the number of actors involved in the process and land requirements** (MoES, 2013). For a school to register, the owner needs to provide two inspection reports from school and health inspectors, alongside three recommendation letters from local officials and influencers, which then have to be reviewed at the local and regional level (ibid). Glassman and Sullivan (2008) highlight that the large array of actors involved in this process increases opportunities of rent-seeking and potential delays in school registration, complexifying – although not preventing – registration.

Moreover, owners need to obtain a **lease valid for 8 years or own premises specifically built for the purpose of a school** in order to register. This land requirement can be difficult to meet in informal settlements characterised by insecure land tenue and high land cost (UN Habitat, 2003). However, registration guidelines provide some flexibility on this matter, as they specify that "urban areas can be given special consideration" (MoES, 2013). Moreover, it is estimated that two in every three LCPSs in Kampala own their own premises, suggesting this requirement to be meetable (Härmä, 2017). As a result, Härmä (2017) identifies **entry requirements as flexible in Uganda**, with only 16 of the 223 schools interviewed by the author referring to these guidelines as hindering registration.

Kenya

In Kenya, the main impediments to registration are the requirements to **pass quality standards and health inspections, and to own land or an 8-year lease** (MoES, 2015). As in Uganda, land ownership requirements can be difficult to meet, especially in the informal settlements where APBET institutions operate (UN Habitat, 2003; Heyneman and Stern, 2013). Further, Glassman and Sullivan (2008) find inspection requirements to often delay registration in Kenya due to the Ministry's limited inspection capacities.

Despite these limitations, the 2015 guidelines provide refined requirements, in which barriers to registration identified by academics in the past have been removed (Heyneman and Stern, 2013). The government notably now authorises schools to rent rather than own land, and waived additional land constraints, such as minimum land size and the need to build specialised building (Glassman and Sullivan, 2008; MoE, 2015). By removing these obstacles and streamlining its regulations, **Kenya has developed minimal and reachable registration requirements for LCPSs.**

Summary:

Indicators	Uganda		Kenya	
Indicator 1.3: Registration requirements do not prohibit registration.	Land ownership or 8-year lease, specialised buildings School Inspections and Recommendation letters	3	Land ownership or 8-year lease School Inspections	4

<u>Indicator 1.4: Regulatory fees and administrative procedures do not prohibit entry into the market.</u>

Uganda

In Uganda, the registration procedure for LCPSs is officially **free of charge** and can be undertaken **at any point during schools' first year of operation** (MoES, 2013). However, several school owners interviewed by Härmä (2017) reported **having to pay bribes** to complete the registration process, in addition to several additional taxes – such as a US$ 100 registration tax levied by the city of Kampala (Nangonzi et al., 2014). Echoing these findings, the Federation of Non-State Education Institutions reports that hundreds of private schools fail to register with the government every year due to a 'challenging and tedious' registration process and lengthy **bureaucratic delays** in processing applications (Ahimbisibwe, 2018). As a result, Härmä (2017) identifies the main reasons for non-registration to be the cost and complexity of the administrative procedure.

Kenya

In Kenya, registration guidelines for APBET institutions define a clear **2-month processing deadline** and detail the fees to be paid by different types of institutions – the equivalent of **US $150 for a private school's full registration** (MoE, 2015). These requirements allow to theoretically limit delays in the procedure and bribery. Despite these safeguards, Heyneman and Stern (2014) find school owners to be reluctant to register with the government due to the fear of having to **pay bribes** to monitoring officials. The new 2015 regulations have also suffered from **bureaucratic delays,** especially in the region of Kisumu where officials unaware of the new guidelines have refused to register APBET institutions (Otieno, 2018).

Summary:

Indicators	Uganda		Kenya	
Indicator 1.4: Regulatory fees and administrative procedures do not prohibit entry into the market.	Free registration process Formal and informal fees Delays in registration	2	US $150 registration fee Issues of bribery and delays in registration	2

2. Encouraging Autonomy

This section aims at understanding the extent to which operating regulations restrict the capacity of LCPSs to innovate and provide efficient services. This research focuses on the operating regulations most likely to impact LCPSs' efficiency. A more detailed list of regulations is provided in appendix 2.

Indicator 2.1: Teacher qualification standards, appointment, dismissal and salary are set at the school level

Uganda

Appointment, dismissal and salary of teachers are all set at the school level in Uganda, providing schools with some flexibility (MoES, 2013). However, the government requires all teachers to be registered and/or licensed with the Ministry. As teachers' salaries represent an estimated 72% of LCPSs' expenses, hiring qualified teachers can be a costly constraint (Härmä, 2017; Heyneman and Stern, 2014). Most notably, the government required Bridge International Academies – the largest chain of LCPSs operating in Sub-Saharan Africa – to close its schools in part due to its hiring of unregistered teachers (Museveni, 2018). Nonetheless, Bridge can be considered as an exception in this case, as Härmä (2017) finds 84% of all teachers at non-registered schools to meet government standards, only 7% less than in registered schools. As a result, LCPSs' owners did not identify finding suitable teachers as one of their main challenges, suggesting the **LCPSs are able to meet this requirement** (ibid).

Kenya

In Kenya, **schools are similarly able to appoint, dismiss and set the salary of their teachers**, but are constrained on teacher registrations (MoE, 2015). As opposed to Uganda where the majority of teachers are qualified, research finds only 43% to 59% of LCPS teachers in Kenya to hold formal qualifications, while all their public counterparts are certified (Allavida, 2011; Ngware et al., 2013). To address this low rate, the Kenyan government has taken a progressive approach: it requires at least 30% of teachers in LCPSs to have a formal certificate at time of registration, with the remaining staff needing to complete training within three years of application. This 30% requirement is achievable by most LCPSs, given that approximatively half of the teachers are qualified, while the the three-year deadline encourages improvements in quality overtime, thus providing a solution adapted to the Kenyan context.

Summary:

Indicators	Uganda		Kenya	
Indicator 2.1: Teacher qualification standards, appointment, dismissal and salary are set at the school level.	Appointment, dismissal, and salary of teachers set at the school level All teachers registered with the ministry	4	Appointment, dismissal, and salary of teachers set at the school level 30% of teachers to hold a formal certificate, 70% to complete training within 3 years of application	4

<u>Indicator 2.2: Class-size decisions are made at the school level.</u>

Uganda

In Uganda, regulations require schools to maintain ‘appropriate sitting facilities’ with a Pupil-teacher ratio (PTR) of 40 pupils per teacher (MoES, 2013). This requirement contrasts with an actual average PTR in public schools of 54:1, and of 22:1 in registered private schools, including elite schools (EMIS, 2016). Therefore, LCPSs face restrictions on PTR that could not be met by public schools but that remain twice the average ratio registered in official private schools. While this data provides imperfect information – as it does not include informal LCPSs – it suggests that **the current requirement of 40:1 is achievable by LCPSs** and provide them with some autonomy.

Kenya

As in Uganda, regulations in Kenya require LCPSs to maintain a **PTR below 55:1** (MoE, 2015). Research in Nairobi found the PTR to be at 44:1 in public schools – however estimated at more than 50:1 in informal settlements – as compared to 26:1 in LCPSs (SACMEQ, 2011; Dixon and Tooley, 2012; Oketch and Ngware, 2012). As such, the required PTR is aligned with performances in the public sector and nearly twice the observed PTR in LCPSs, thus being **achievable by these schools.** In addition, the government requires the Pupil-textbook ratio to be below 3:1 in lower primary, and 2:1 in upper primary (MoE, 2015). This ratio in LCPSs is estimated at 2:1 in Nairobi's informal settlements (Allavida, 2011; Oketch and Ngware, 2012) suggesting class-size regulations to be achievable.

Summary:

Indicators	Uganda		Kenya	
Indicator 2.2: Class-size decisions are made at the school level.	Regulations require an achievable PTR of 40:1	4	Regulations require an achievable PTR of 55:1 and Pupil-textbook ratio of 2:1 (upper-primary)	4

3. Holding Schools Accountable

Indicator 3.1: Government sets standards regarding what students need to learn, and students are required to take standardized examinations.

Uganda

The government of Uganda requires LCPSs students to follow the national curriculum and to sit national examination. While the official enrolment in private schools in 2016 was of 20.8%, private school students represented 28% of the pupils taking the PLE – the Primary Leaving Examination (MoES, 2016; UNEB, 2016). These numbers suggest that **a large majority of students from both registered and unregistered private schools follow the national curriculum and take national examinations**, thus complying with these guidelines.

Kenya

As in Uganda, all Kenyan children are required to be **taught the national curriculum and to take part in national examinations**. Data on the number of students from private school taking the Kenya Certificate of Primary Education (KCPE) is not provided by the government, however most private schools are reported to register their students to the KCPE due to the examination's key importance for entry into secondary schools (Zuilkowski et al., 2017): LCPSs are thus able to comply with the regulation.

Summary:

Indicators	Uganda		Kenya	
Indicator 3.1: Government sets standards regarding what students need to learn, and students are required to take standardized examinations.	Students follow the national curriculum and take the Primary Leaving Examination	4	Students follow the national curriculum and take the Kenya Certificate of Primary Education	4

Indicator 3.2: Government performs inspection of schools as determined by school need, and schools produce school improvement plans.

Uganda

Official guidelines in Uganda **require schools to be inspected every two years**, with the resulting reports being handed to headteachers, who have to share it with School Management Committees. **Improvement plans then have to be written** based on inspectors' recommendations (OAG, 2010). However, several studies – including by the ministry – have pointed to **poor inspection capacities** (OAG, 2010; ESSAPR, 2013; ISER, 2015; National Planning Authorities, 2015). Research found that inspections are hampered by low staffing and bribery, and that schools often do not receive inspection reports nor produce improvement plans (ibid).

Kenya

In Kenya, inspections guidelines are detailed in the Handbook for Inspections provided to officers but **details on inspection criteria and timing are not publicly shared** (MoE, 2013). Further, this research finds **no reports of school improvement plans.** Regarding the quality of inspections, several studies find the directorate to be under-staffed, poorly funded, and with unclear structures and regulations (MoE, 2012; Mugasia and Sugut, 2017). As a result, **inspections are infrequent,** and schools often do not implement inspectors' recommendations (ibid).

The Kenya Primary Education Development project (PRIEDE), launched by the government in 2015, offers some solutions to this issue. The programme specifically targets schools with a low KCPE score and provides them with closer monitoring. Support includes detailed feedback on KCPE results, annual audits, and resources to develop school improvement plans (MoE, 2016). However, this project remains restricted to struggling public schools and does not yet target the private sector (ibid).

Summary:

Indicators	Uganda		Kenya	
Indicator 3.2: Government performs inspection of schools as determined by school need, and schools produce school improvement plans.	Clear inspection protocol with improvement plans, but poor inspection capacities	2	Unclear inspection protocol and poor inspection capacities	1

Indicator 3.3: School performance leads to rewards and escalating sanctions

Uganda

In Uganda, **performance standards are not clearly outlined.** Schools with low PLE results are not inspected nor sanctioned (MoES, 2018), and inspectors can only provide "recommendations" to schools, without having any enforcement power to require improvements or to sanction poorly performing schools (MoES, 2008; OAG, 2010). Moreover, while schools are officially required to produce a performance improvement plan upon inspection, a national audit found none of the 49 schools interviewed to comply with this requirement (OAG, 2010). More generally, **guidelines regulating the private delivery of education focus exclusively on input monitoring** (PTR, land size, curriculum), without providing indications on performance standards.

Kenya

In Kenya, **school performances are scarcely tied to rewards or escalating sanctions**. KCPE scores, while providing information to the government, are not acted upon (MoE, 2013). Similarly, inspectors are only given the right to "enter and inspect any school", without being able to sanction LCPSs following non-enforcement of inspection recommendations (MoE, 2013; Mugasia and Sugut, 2017). More generally, while the state provides clear and achievable guidelines for APBET institutions, these **guidelines focus on input requirements without monitoring performances**. By targeting specifically poorly performing schools and providing them with additional resources, the PRIEDE project offers some solutions to this issue, but has yet to be expanded to the private sector (MoE, 2016).

Summary:

Indicators	Uganda		Kenya	
Indicator 3.3: School performance leads to rewards and escalating sanctions.	Performances in the private sector are not tied to rewards or sanctions	1	Performances in the private sector are not tied to rewards or sanctions	1

4. Empowering Parents

Indicator 4.1: Information on results of standardized tests (disaggregated by school, socioeconomic status, gender, etc.) is made available from multiple sources.

Uganda

In Uganda, results from the Primary Leaving Examination are made **public and widely shared** by the government, as well as the country's largest newspapers (UNEB, 2018; The Observer, 2018; Kizza, 2018; Oramire, 2018). They are also **segregated** by regions and districts, schools, gender, subjects, and grading division, providing parents and policymakers with a wide array of easily accessible information on the quality of primary schooling (ibid).

Kenya

In Kenya, individual scores from the KCPE are provided, but the government decided in 2014 to **end the publication of nation-wide segregated results**, limiting the information available on school performances (Ramani, 2015). In 2015, the government also waived KCPE registration fees for public schools while maintaining them for LCPSs, making access to information more difficult for parents sending their children to private schools (ibid). While the government announced in 2016 that it will waive fees for LCPSs and provide more detailed results, these changes have yet to be implemented (Kiplang'at, 2016).

Summary:

Indicators	Uganda		Kenya	
Indicator 4.1: Information on results of standardized tests (disaggregated by school, socioeconomic status, gender, etc.) is made available from multiple sources.	Segregated PLE results widely shared and available	4	Individual KCPE results available, but no nation-wide segregated results	2

Indicator 4.2: Other information on school performances is made available from multiple sources.

Uganda

Except from examination results, **other sources of information on school performances in Uganda are scarcely available**. Inspection reports are not shared with parents and information from inspection often do not reach them (MoES, 2008; OAG, 2010). The country's Education Management Information System (EMIS) generates quality segregated data on basic statistics such as enrolment rates, repetition rates, PTR and PLE pass rates (EMIS, 2016). However, this information is only available at the national and regional level and does not provide parents with school-level comparative information (National Planning Authorities, 2015). Finally, communication between officials and parents is also very limited, with 74% of the parents interviewed by Namusobya et al. (2015) being unaware of any of the several actions undertaken by policymakers to improve the education sector.

Kenya

As in Uganda, **information on school performances is scarce in Kenya**. Zuilkowski et al. (2017) highlight that **parents in Kenya lack access to comparative information on schools** which could be provided by the government such as percentages of trained teachers, KCPE results, PTR ratios, and results from inspections. The UNESCO notably awarded a 33% score to Kenya's EMIS system due to the limited amount of statistics it provides (Bernal et al., 2010). One of the main objective of the 2015 PRIEDE programme is to strengthen the state's capacity to collect and share data on educational outcomes (MoE, 2016). Extending the programme to the private sector could thus provide parents with more information on school performances in the future.

Summary:

Indicators	Uganda		Kenya	
Indicator 4.2: Other information on school performances, including school inspections, is made available from multiple sources.	Except from examination results, very limited information on school performances shared with parents	1	Except from examination results, very limited information on school performances shared with parents	1

<u>Indicator 4.3: Parents are encouraged to voice their opinions.</u>

Uganda

In Uganda, research has found parents to have a limited voice capacity. The country is ruled as a de-facto one-party state and parents' access to policymakers is hampered by the **prevalence of the teacher-politician relationship** (Freedom House, 2018; World Bank, 2017). The Uganda National Teachers' Union (UNATA) represents two in every three teachers and has the capacity often lacking to parents to organise collective actions and voice teachers' opinion (Namara and Kasaija, 2016; World Bank, 2017). The union has notably co-financed several highly critical reports on LCPSs, to which parents are unable to answer (Mtsumi et al., 2015; Riep and Machacek, 2016). A limited voice capacity is also reported at the local level, with Suzuki (2002) finding an important **power imbalance between officials and parents which hinders parent participation**.

Kenya

In Kenya, parents' voice is similarly hampered by the **closer relationship between teachers and politicians.** Teachers in the country have historically represented an important voting block for politicians and have maintained close ties with them, notably through the KNUT, the Kenya National Union of Teachers (Wales et al., 2016; Kimenyi, 2013). The KNUT has also financed and shared with the government several highly critical reports on LCPSs, some in association with the UNATA (Dorsi and McKernan, 2015; Mtsumi et al., 2015; Riep and Machacek, 2016).

However, parents in Kenya have a stronger capacity to answer to this influence, as **they are represented in official institutions by the National Association of Parents** and can also express their opinions through regular multiparty elections (Ngige, 2015; Freedom House, 2018). While preferences of officials are reported to often prime over parents' opinions, and elections remain regularly undermined by corruption and violence, they provide parents with access to a limited form of voice (Ibrahim and Orodho, 2014; Freedom House, 2018).

Summary:

Indicators	Uganda		Kenya	
Indicator 4.3: Parents are encouraged to voice their opinions.	Power imbalance between officials/teachers and parents	1	Power imbalance between officials/teachers and parents Some limited representation	2

Overview of Findings

The overview of all the indicators studied and their resulting findings is provided in appendix 3. The next section builds on these findings to extract the main lessons that can be learnt from the Ugandan and Kenyan cases on the state monitoring of LCPSs.

5. Analysis of Findings

Step 1 – Promoting Accountability: the extent to which existing entry requirements encourage LCPSs to register with the government, creating a long route of accountability.

Uganda obtained a score of 2.5/4 in this category, while Kenya scored 3.5/4. Both countries are characterised by renewed efforts to encourage the formalisation of the LCPS sector. They have promulgated new Education Acts and registration guidelines for private schools, which are found to be simplified and meetable by LCPSs. This is particularly the case in Kenya – which justifies its higher score – as APBET guidelines are targeted at low-cost private schools and entry requirements are thus specifically adapted to this type of schools. By restricting the implementation of APBET institutions to the country's main informal settlements, the Kenyan government offers a solution to the debate between universalists and proponents of LCPSs, which could be reproduced by other countries. This restriction allows to preserve the provision of quality public schooling as the priority in Kenya, which is the main concern of universalists (Adelabu and Rose, 2004; Lewin, 2007; Härmä, 2013); while it also leverages LCPSs to meet the excess demand for schooling in areas where public schools are lacking, as promoted by supporters of LCPSs (Mcloughlin, 2013; Baum et al., 2018; Oketch et al., 2010).

While registration requirements have been streamlined in Uganda and Kenya, the main impediment to LCPSs' formalisation remains bureaucratic practices. This is especially the case in Uganda where LCPSs have reported cases of government harassment, bribing, and delayed registration procedures (Härmä, 2017), but also in Kenya where poor bureaucratic practices have limited the effectiveness of the new 2015 guidelines (Otieno, 2018). These findings support Gibson et al.'s (2011) conclusions in Lagos, who highlighted the need to address "informal culture practices that undermine the private sector" as an important step towards strengthening the monitoring of LCPSs. Improving bureaucratic practices would not only benefit the formalisation of LCPSs, but also enhance the quality of public primary schooling, which is affected by similar issues (Lewin, 2007). However, the bureaucracies of both Uganda and Kenya remain heavily hampered by corruption and inefficiencies, making improvements in this sector a challenging and long-term goal (Freedom House, 2018).

Step 2 – Encouraging Autonomy: the extent to which operating requirements allow LCPSs to set their input in order to maximise efficiency.

Both Uganda and Kenya scored 4/4 in this category. Operating guidelines in the two countries set minimal and reachable requirements for LCPSs that promote quality standards without hindering performances. Class-size requirements are adapted to private schools with required Pupil-teacher and Pupil-textbook ratios setting minimum quality standards while being reachable by LCPSs. Similarly, the appointment, dismissal, and salary of teachers are set at the school level in both countries, and teacher registration requirements are adapted to local conditions. Kenya's guidelines, which require 30% of LCPS teachers to be registered at time of application but the progressive certification of the remaining staff, offers a particularly interesting strategy for other countries: it allows to incentivise initial registration by making standards adapted and achievable, while also encouraging improvement in quality overtime.

These findings depart from previous conclusions on the state monitoring of LCPSs. In Lagos, Gibson et al. (2011) identified the need to improve an overly constraining regulatory framework as a priority. Similarly, the SABER initiative highlighted limited school autonomy and excessive restrictions on schools' operations as one of the principal weaknesses of existing regulations in the ten countries it studies (SABER, 2018). The cases of Uganda and Kenya thus attests that, while excessive regulations remain a barrier in many countries, addressing this issue is an achievable goal for governments that are wiling to review and adapt their regulations.

Step 3 – Holding Schools Accountable: the extent to which schools are held accountable for their performances.

There is a gap in Uganda and Kenya between efficient input regulations and lacking output monitoring, with the two countries scoring 2.33/4 and 2/4 respectively in the latter category. Students in both countries take national examinations, and schools have to be inspected, but this information is not acted upon by governments. Similarly, regulations provide fitted input requirements but do not mention performances. This entails that once schools are registered, governments have very limited capacities to ensure that quality is maintained over time and to penalise schools that fail to meet basic quality requirements.

This conclusion echoes the findings of Gibson et al. (2011) who found regulations in Lagos to be restricted to "a list of suitable inputs without any regard to outputs or learning outcomes". At a larger scale, Baum et al. (2018) finds the majority of private school regulations across the developing world to focus solely on inputs rather than on quality outcomes. The shared conclusion reached by this research and previous works thus finds lack of performance monitoring to be a common issue the education sector.

Step 4 – Empowering Parents: the extent to which parents are given information on school performances and can in turn freely voice their opinion to the state.

The goal of this last section is to depart from an exclusive focus on the compact relationship to also consider client voice and client power. The research finds parents to greatly lack access to information and voice in Uganda and Kenya, with the countries both scoring their lowest score in this category (2 and 1.67 respectively). While Uganda provides parents with more information by detailing PLE results and relying on a stronger EMIS system, school-level information which could help parents make informed decisions remain scarce. In turn, parents have a limited capacity to express their opinion to politicians as their voices are often outpowered by teachers and officials. As predicted by the World Bank (2017), Uganda and Kenya notably both have powerful and well-organised teachers' unions that have been actively campaigning against LCPSs.

This lack of parent empowerment supports previous findings on the topic. The SABER reports notably found a consistent weak parent empowerment in the South Asian and Sub-Saharan countries studied (SABER, 2018), while Gibson et al. (2011) identified the need to address "the lack of reliable information available to parents" as a priority in Lagos. As such, voice failure – which breaches the long route of accountability – appears as a common problem in the state of monitoring of LCPSs.

This issue is particularly detrimental in the case of LCPSs. Previous research has outlined the challenges faced by states when monitoring education due to the difficulty of maintaining individual officials, headteachers and teachers accountable for service delivery (World Bank, 2003, 2007; Patrinos et al., 2009). This is especially the case with LCPSs since, as shown in Uganda and Kenya, state often have a very limited capacity to monitor service provision after school registration. As such, parents play a key role in supplementing state monitoring, by holding individuals accountable and providing feedback to the state on school performances. Failures to collaborate with parents thus weakens the state's capacity to monitor LCPSs (Heyneman and Stern, 2014; World Bank, 2017).

Summarised Findings

This research was based on two hypotheses, namely that (1) excessive regulations and (2) a lack of parent empowerment are the main impediments to an efficient state monitoring of LCPSs. The cases of Uganda and Kenya disprove the first hypothesis, as both countries have promulgated new and adapted regulations that provide accessible registration procedures alongside minimal and meetable operating requirements. Rather than excessive regulations, hinderance to the compact relationship identified in Uganda and Kenya revolved around lagging bureaucratic practices, and a lack of output monitoring to ensure the quality of service provision after registration.

Regarding the second hypothesis, the case of Uganda and Kenya validates lack of parent empowerment as an impediment to efficient state monitoring. This research finds parents to receive very limited information on school performances, with most information being reserved to officials, and to have a restricted ability to share their feedback on LCPSs to policymakers. This is problematic as parents can play an integral role in monitoring the provision of education, especially when states have limited capacities to monitor schools' performances.

Therefore, while regulations have been the major focus of previous studies (Heyneman and Stern, 2014; Härmä, 2017; Baum et al., 2018), this research illustrates the importance of looking at both sides of the accountability relationship: the state monitoring of LCPSs can be improved not only by addressing issues of bureaucratic practices and lack of output monitoring, but also by further considering the role of parents as monitors.

6. Conclusion

This study sought to explore the challenges of monitoring a growing and largely informal LCPS sector in Sub-Saharan Africa. While the growth of the LCPS sector has led to a polarized debate on their existence, only a limited body of research has analysed the role of the state in monitoring these schools to ensure both quality and accountability. To address this gap, this research has leveraged the comparative cases of Uganda and Kenya, by reviewing both official regulations and observed practices, to outline how these two countries monitor their extensive LCPS sectors.

The analysis of these cases found registration and operating regulations targeting LCPSs to be newly updated and adapted to the specific needs of low-cost private schools in both countries, suggesting regulations to be better fitted than previously hypothesised. However, the accountability linking states to schools remains hampered by limited capacities to monitor on-going performances after school registration, alongside lagging bureaucratic practices. Further, this study concluded that an emphasis on the compact relationship – state regulations – eluded the issue of parent empowerment. Monitoring the provision of a public good is not restricted to the compact, but also requires the inclusion of clients in the monitoring process, by providing them with information on service providers, and listening to their feedback on service provision. The analysis found the state to be underperforming its duties in this category, with parents being given very limited information and voice.

Beyond education, these findings can contribute to shed light on the broader challenge of monitoring public services – such as health care – once they have been privatised, as these services face the common difficulty of requiring both a long and short route of accountability. Future research would benefit from extending this analysis to additional privatised public services in order to further outline the challenges faced by states in these contexts. Expanding the scope of this research to other countries would also prove beneficial to refine the LCPS accountability framework.

The LCPS sector is growing throughout the developing world, and with it comes the responsibility for states to ensure the quality provision of education. Developing fitted regulations and further considering the role of parents in the education sector represent important steps towards harnessing the potential of LCPSs to help achieve universal primary education.

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Appendices

Appendix 1: Registration Requirements for Private Schools in Uganda and Kenya

	Uganda	Kenya
Land	• Proof of land ownership or lease valid for 8 years • Land large enough for playgrounds, school garden, and physical education, which must have been designed and constructed for purposes of a school.	• Proof of land ownership or lease valid for 8 years
Owner and teachers	• Owner with no criminal record, • Owner supported by three recommendation letters for two local officials and one local influencer	• Copies of all teachers' certificates
Cost	• Free at the national level but additional taxes between USD $50 to $100 in Nairobi (Nangonzi et al., 2014) • Total annual taxes estimated between $1778 et $2667 per year in Nairobi (Härmä, 2017)	• USD $150 including both provisional and full registration
Inspection	• Inspection reports by health and school inspectors	• Inspection reports by health and quality standard inspectors
Timing	• Application during the first year of operation • Obtention of full registration after two years of provisional licence	• NA

Sources: Ministry of Education and Sports Uganda (2013), Ministry of Education Kenya (2015)

Appendix 2: Operating Requirements for Private Schools in Uganda and Kenya

	Uganda	Kenya
Teacher Qualification	• Headteacher with a Grade V teaching certificate and registered with the Ministry • All teachers registered and/or licensed with the Ministry	• At least 30% of the teachers owning a teacher training certificate, with the rest undertaking training
Class-size decision	• Pupil to Teacher ratio below 40:1 • Appropriate sitting facilities	• Pupil to teacher ratio below 55:1 • Pupil Text Book Ratio under 3:1 in lower primary, 2:1 in upper primary
Land and Infrastructure	• At least 5 acres of land (Urban areas can be given special consideration) • Safe drinking water and one pit latrine for every 40 pupils by sex	• Classrooms can be smaller than in public schools, but a spacing of 0.3-meter aisles shall be maintained • Adequate sanitation
Syllabi and Examination	• Schools shall follow government syllabi and students shall sit national examinations	• Schools shall follow government syllabi and students shall sit national examinations
Other	• School management committee, school a bank account, at least one staff house on or near the school, security arrangement	• The school shall be managed by a Board of Management

Sources: Ministry of Education and Sports Uganda (2013), Ministry of Education Kenya (2015)

Appendix 3: LCPS Accountability Framework Applied to Uganda and Kenya

Indicators	Uganda		Kenya	
Promoting Accountability				
Indicator 1.1: Information on requirements for LCPSs to register is available and up-to-date.	All guidelines and forms in a newly revised, clear and accessible document	4	All guidelines and forms in a newly revised, clear and accessible document	4
Indicator 1.2: Certification standards are adapted to low-cost private schools.	No specific provision	1	Guidelines specifically targeted at institutions operating in the informal settlements of Nairobi, Kisumu, and Mombasa	4
Indicator 1.3: Registration requirements do not prohibit registration.	Land ownership or 8-year lease, specialised buildings School Inspections and Recommendation letters	3	Land ownership or 8-year lease School Inspections	4
Indicator 1.4: Regulatory fees and administrative procedures do not prohibit entry into the market.	Free registration process Formal and informal fees Delays in registration	2	US $150 registration fee Issues of bribery and delays in registration	2
Average		**2.5**		**3.5**
Encouraging Autonomy				
Indicator 2.1: Teacher qualification standards, appointment, dismissal and salary are set at the school level.	Appointment, dismissal, and salary of teachers set at the school level All teachers registered with the ministry	4	Appointment, dismissal, and salary of teachers set at the school level 30% of teachers to hold a formal certificate, 70% to complete training within 3 years of application	4
Indicator 2.2: Class-size decisions are made at the school level.	Regulations require an achievable PTR of 40:1	4	Regulations require an achievable PTR of 55:1 and Pupil-textbook ratio of 2:1 (upper-primary)	4
Average		**4**		**4**

Holding Schools Accountable				
Indicator 3.1: Government sets standards regarding what students need to learn, and students are required to take standardized examinations.	Students follow the national curriculum and take the Primary Leaving Examination	4	Students follow the national curriculum and take the Kenya Certificate of Primary Education	4
Indicator 3.2: Government performs inspection of schools as determined by school need, and schools produce school improvement plans.	Clear inspection protocol with improvement plans, but poor inspection capacities	2	Unclear inspection protocol and poor inspection capacities	1
Indicator 3.3: School performance leads to rewards and escalating sanctions.	Performances in the private sector are not tied to rewards or sanctions	1	Performances in the private sector are not tied to rewards or sanctions	1
Average		**2.33**		**2**
Empowering Parents				
Indicator 4.1: Information on results of standardized tests (disaggregated by school, socioeconomic status, gender, etc.) is made available from multiple sources.	Segregated PLE results widely shared and available	4	Individual KCPE results available, but no nation-wide segregated results	2
Indicator 4.2: Other information on school performances, including school inspections, is made available from multiple sources.	Except from examination results, very limited information on school performances shared with parents	1	Except from examination results, very limited information on school performances shared with parents	1
Indicator 4.3: Parents are encouraged to voice their opinions.	Power imbalance between officials/teachers and parents	1	Power imbalance between officials/teachers and parents Some limited representation	2
Average		**2**		**1.67**

Source: Developed by author, based on Baum et al. (2014) and World Bank (2003)

Appendix 4: SABER-EPS Policy Goals and Indicators

Policy Goal	Indicators
Encouraging innovation by providers	- Teacher qualification standards are set at the school level - Appointment and deployment of teachers are decided at the school level - Teacher salary levels are set at the school level - Dismissals of teachers are decided at the school level - Method of curriculum delivery is decided at the school level - Class-size decisions are made at the school level - Management of operating budgets is conducted at the school level
Holding schools accountable	- Government sets standards regarding what students need to learn, including deadlines for meeting these standards - Students are required to take standardized examinations; results are disaggregated by school, socioeconomic status, gender, etc. - Schools are required to report on the use of public funds as a condition for continued funding - Government or an external agency performs inspection of schools as determined by school need - Schools produce school improvement plans - School performance leads to rewards and escalating sanctions.
Empowering all parents, students, and communities	- Information on results of standardized tests and school inspections is made available from multiple sources - Parents and students are included in the inspection and improvement planning processes - Admission processes for entry into publicly funded schools are not based on student background; instead, a lottery is used in cases of oversubscription - School choice is not hindered by requirements for additional monetary or non-monetary contributions from parents - Tax subsidies, scholarships, or cash transfers are available to low-income and disadvantaged families attending independent private schools.
Promoting diversity of supply	- Government allows different types of providers to operate a school - Certification standards do not prohibit entry into the market - Information on requirements to enter the market is available from multiple sources - Regulatory fees do not prohibit entry into the market - Publicly funded non-state schools and public schools receive equivalent student funding; funding is increased to meet specific student needs - Government provides incentives for market entry such as access to start-up funding, public land and public buildings - Schools receive information on the amount of public funding they will receive six months before the start of academic year - Government places no limits on the number, student enrollment, or location of privately managed schools; government does not restrict tuition levels at private independent schools.

Source: Baum et al. (2014)