

Presentation to the Parliament Committee on Education and Sports on the petition on the High Tuition and Non-Tuition Fees Charged by Government– Aided Schools.

1. About the Initiative for Social and Economic Rights

The Initiative for Social and Economic Rights (ISER) is a Non-Government Organization whose mission is to promote the effective understanding, monitoring, implementation, accountability and full realization of social and economic rights in Uganda. Under the Right to Education Program, ISER does among others monitor and document human rights issues in education service delivery. It is in this regard that ISER brought to the attention of Parliament the issue of regulation of and access to schools (government aided), especially those that receive state funding.

Honorable Chair, on my own behalf and on behalf of ISER, I extend our sincere appreciation to you, the Committee and the entire Parliament for the efforts made to ensure access to education by the poor and vulnerable children in the country. I thank you once again for inviting us to explain the importance of this petition when the third term is almost coming to an end, and we hope that this inquiry will be expedited to inform the school charges in government aided schools for the subsequent school calendar terms starting with term one of 2019.

2. Background to the petition

On February 15th 2017, ISER presented a petition to the Speaker of Parliament seeking Parliament intervention in the high fees structures in government aided secondary schools (**marked A**). The petition specifically urged parliament to undertake an inquiry into the issue of the different kinds of fees charged by government aided schools and make recommendations to the Ministry of Education and Sports.

This petition came as a result of the emerging public concerns of high school charges by the government aided secondary schools that are not implementing the Universal Secondary Education (USE) program that hindered even children who have excelled in Primary Leaving Examinations (PLE) to access the schools due to high tuition fees. Currently, government is operating three finance models for secondary education as elaborated;

i. Public, and government aided secondary schools implementing the Universal Secondary Education program

Government through the Ministry of Education and Sports provides capitation grant of UGX 41,000 and UGX 80,000 for O and A – level students per term, salaries for teachers and infrastructure. These schools are not supposed to charge any tuition and non- tuition fees save for circumstances where parents agree through the Parents –Teacher Associations and Board of Governors to provide food for their children.

ii. Public Private Partnership schools implementing the USE program

Government partnered with private schools to implement the USE program. There are three types of PPPs implementing the USE program; for profits schools, not – for profit schools and

community schools.¹ However, majority of the PPP schools are for profit.² Government provides capitation grant of UGX 47,000 and UGX 85,000 for O and A- level students respectively per term enrolled. In turn, the PPPs are required to teach the enrolled students without charging them any additional cost.

Note that government has since suspended the USE program in PPPs for new students *vide circular: Phasing out Universal Secondary Education program in private schools*, but there are continuing students under the scheme.

iii. Government aided schools not implementing the USE program

These include public and religious founded schools that receive government funding in terms of salaries for teachers and support for infrastructure but are not implementing USE program. Access to these schools is based on payment of both tuition and non – tuition fees and high excellence in PLE. Over the years, the cost of accessing these schools has been skyrocketing to match with those of high end private schools despite receiving state funding in terms of teachers’ salaries which is the highest spending item for schools.

3. The implication of the High cost of Government Aided Schools on the impact of access to education for all

The introduction of UPE and USE programs was based on research findings by government and other agencies that fees were a barrier to access education by children from poor background.³ However, the government grant aided schools that did not take on the implementation of the USE program are highly expensive, comparable to and in some cases more expensive than purely private schools that are for profit (**marked B**). As a result of these high fees, government –aided schools are now a preserve of a few – mainly children from rich and wealth families. Children from poor backgrounds who excel can’t get admitted in government aided schools because of high tuition and non-tuition fees.

The National Household Survey, indicates that poverty levels in the country have increased from 19.7% in 2012/2013 to 21.4% in 2016/17⁴ which implies a number of households are unable to access basic social services such as education. The same survey reports that 35% of the school dropout rates are as a result of high charges in schools that are charging high school fees.⁵

¹ Initiative for Social and Economic Rights (2016) A Threat or Opportunity? Public – Private Partnerships in Education in Uganda. P.3

² Ibid

³ MINISTRY OF EDUCATION AND SPORTS, “A Comprehensive Report on Universal Post Primary Education & Training (UPPET/USE) & Universal Post O-Level Education & Training (UPOLET) National Headcount Exercise 2013”, Kampala, Education Planning and Policy Analysis Department, 2013

⁴ Uganda Bureau of Statistics: The National Household Survey 2016/17

⁵ Ibid

The Education and Sports Sector Strategic Plan⁶ and the Second National Development Plan⁷ commit to deliver equitable access to relevant and quality education and training as a way of achieving the Sustainable Development Goals (SDGs). Specifically, SDG 4 seeks to ensure inclusive and equitable quality education and promote life-long learning opportunities for all. The high fees charged by the government aided schools defeats the spirit of the country's Vision 2040 and the Sustainable Development Goals (SDGs) of Leaving No One Behind. Therefore, the high school charges in government aided schools does not only undermine the country's national development agenda but also amounts to discrimination contrary to Article 21 of the Constitution of the Republic of Uganda.

4. Legal and policy framework governing the financing of Government grant aided schools in Uganda

Article 30 of the Constitution of the Republic of Uganda states that “All persons have a right to education.” This is elaborated in Objective XVIII of the National Objectives and Directive Principles of State Policy which provides that (i) the State shall promote free and compulsory basic education, and (ii) the state shall take appropriate measures to afford every citizen equal opportunity to attain the highest educational standard possible. Parliament and the Executive are commended for enacting laws to give effect to these provisions of the constitution. Section 6 (b) of the Education Act, 2008 recognizes Government grant-aided education institutions as one of the categories of the schools in the country. Section 7 of the Education Act, 2008 further provides for qualifications for schools to be categorized as government grant aided schools which includes fulfilling the requirements of the regulations for licensing and registration. The grant aiding is determined based on expression of interest by the foundation body of the school to be or continue to be grant aided.

Under Section 8 of the Education Act 2008, the responsibilities of government towards grant aided education institutions include; ensuring that trained teachers are deployed; paying salaries and allowances to teachers; appointing heads for Government and grant-aided education institutions and deploying such heads to institutions in consultation with foundation bodies; paying salaries and wages to all established non-teaching staff; paying statutory grants; providing educational materials and other capital development inputs; providing national selection and admission guidelines for all pupils or students to be enrolled; monitoring behavior and performance of staff both teaching and non-teaching; and ensuring safety and security of children in schools and all education institutions.

From the foregoing, legally, government is mandated to shoulder the biggest financial burden in the running and operation of government aided schools by providing both recurrent and development funding which are essential for the smooth running of the schools. Indeed, in practice, government recruits and remunerates teachers in grant aided schools, it also provides teaching materials and infrastructure support. Therefore, there is no basis for these schools to charge

⁶ FY 2017/2018 – 2019/2020

⁷ 2015/16 – 2019/20

exorbitant charges from learners as if they are purely private schools for profit since the state is committing the highest financial requirements. In light of this, any continued state funding of government aided schools amidst their high charges contravenes Article 21 of the Constitution.

5. Intervention by the Ministry of Education and Sports around the high school fees structure by the Government Aided Schools.

Following the presentation of the petition by ISER to the Rt. Hon Speaker of Parliament in February 2017, the Ministry of Education and Sports issued a circular that contained guidelines that restricted schools not to increase tuition and non-tuition fees without approval by Permanent Secretary Ministry of Education and Sports and or Chief Administrative Officer/Town clerk. However, from our analysis of the Ministry of Education and Sports circulars issued on the matter, they have been more on halting the increase of schools fees and maintaining the status quo but not undertaking a review of the school fees structures of the government aided schools (**marked C**). It has also been reported that the Ministry of Education and Sports further established a committee to look into the matter but the committee's findings on the matter have not been published. We believe that the Ministry of Education and Sports has not been emphatic on following up the implementation of its directives, yet section 7(2) of the Education Act, 2008 gives the ministry powers to determine which schools to continue to be grant aided. This should constitute a basis for the Ministry of Education and Sports to strictly ensure compliance by grant-aided schools. We therefore call upon this committee to;

- i. Consider the fact that much as the petition calls for inquiry into the high tuition and non – tuition fees charged by the government aided secondary schools, it is our prayer that the inquiry should also extend to government aided primary schools because over the years, their charges are also increasingly becoming high yet primary education is the foundation of education (**marked D**).
- ii. Direct the Ministry of Education and Sports to give concrete justifications for the continued investment of colossal public resources into government aided schools that are charging similar fees to those of private and mainly accessed by children from well to do backgrounds.
- iii. Direct the Ministry of Education and Sports to set and strictly implement the bear minimum cost that is supposed to be charged by government aided secondary and primary schools that are not implementing the USE and UPE programs respectively.

6. Conclusion

Education is a social good – and government has a responsibility to ensure access for all regardless of social and economic status. It is the only vehicle through which the vulnerable, weak and marginalized children of society can uplift themselves out of poverty and fully participate in the development of their communities.⁸ The cost of education should therefore reflect the

⁸ CESCR General Comment No. 13: The Right to Education (Art. 13), Para 1

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understanding of education as an equalizing tool that redresses inequality and discrimination in society by affording all the children equal opportunity to access education.

Yours sincerely,



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