

Strengthening Governance and Accountability in Schools in Uganda:

The Case for Review of the Education
(Management Committee) Regulations
and the Education (Board of Governors)
Regulations of the Education Act 2008

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1.0 Introduction

In many respects, the Education Act 1970 and the subsequent Education (Pre-primary, Primary and Post-primary) Act 2008 are fundamentally similar. Most of the provisions in the Education Act 1970, relating to licensing and registration of teachers and schools, as well as management of schools, were maintained with only minor additions and revisions in the Education Act 2008. However, one of the areas that saw a fundamental paradigm shift in the new Act relates to community involvement in the management of education at the local level.

The Education Act 1970 provided for district and area education committees as non-political structures. The District Education Committee, appointed under the Local Government Act, was charged with the administration of all education services transferred to the districts. Similarly, the Minister responsible for education could “...appoint an education committee for any area of Uganda to be responsible for the administration of any educational services in that area which are not transferred to any district administration.”¹

Under the Education Act 2008, the provision for area education committee was omitted and the management of education services under local governments (districts) was transferred to the political structure of the District Council’s Standing Committee for Education.² While this was intended to democratize and promote community participation in the management of education services, it inadvertently introduced politics in the oversight functions of education management. The Education Act 2008 also detailed community participation in school management under Schedules 2 and 3; that is School Management Committee (SMC) and School Board of Governors (BoG) regulations for primary and post-primary institutions, respectively.

This paper examines the conceptual factors and their consequences, which have combined to undermine the effective functioning of SMCs and BoGs in school management as a rationale for a review of the two schedules in the current context. The paper also makes recommendations to the policy makers for consideration in the review.

1 GoU, The Education Act 1970 Section 5

2 The District Council is composed of elected members and therefore the referenced standing committee for education is part of the political structure.

2.0 Background

Community participation in school management has the potential to improve school effectiveness and positively impact the quality of education delivery. Advocates of school-based management argue that, “the closer the decision-making power is to local communities, the more relevant and efficient the consequent resolutions will be.”³ Effective community participation in school management, especially where social, economic and political conditions allow, would support translation of policy intent into context specific implementation that leads to improved learning outcomes.

Like in most of sub-Saharan Africa, communities in Uganda, in one form or another, were responsible for founding and operating schools long before independence and before post-colonial governments moved to nationalize schools for national integration. Primarily, these communities were defined by faith-based organizations of the pioneering European Christian missionaries and Muslims. Even at this early point in the development of education in Uganda, there was recognition of the role of community participation in the schools’ management.

*As an attempt to stimulate the interest of parents and at the same time reduce cost, the school was organized into a house system. The boys' parents built the houses and were responsible for maintaining the boys while at school.*⁴

At this point, right up to independence, the central government subsidized education cost by sending subvention to agencies that owned and operated schools. The communities remained firmly in the control and management of their schools. The voluntary agencies that operated schools had their own structures for the organization, administration, and supervision of the schools under their jurisdiction.⁵

The post-colonial governments sought national integration through state-sponsored education consequently nationalizing most of the “community schools” and establishing central control structures. This also came with the first wave of programmes aimed at expanding access to education for all citizens by taking over funding of schools. More government funding to schools required more government control of public finances sent to the schools. In Uganda, this led to the creation of government structures to manage education down to the

3 Nishimura Mikiko (2016) Community Participation in School Management in Developing Countries (pg. 9)

4 Scanlon, David (1963). Education in Uganda, U.S. Department of Health, Education, and Welfare, Office of Education (Pg. 9)

5 Scanlon (pg. 22)

community level.⁶ However, subsequent economic constraints of the 1970s and 1980s resulted in diminishing value of government funding to schools. It became necessary for parents to get more involved in funding schools and consequently participating in their management. The growth of the Parents Teachers Associations (PTAs) in this period reflected limited central control of school management resulting from limited government funding.

International development agenda under Education for All (EFA) 1990 and Millennium Development Goals (MDGs) 2000 brought to the fore the push for bringing education to “every citizen in every society”.⁷ The resulting international commitments and funding partnerships resulted in the introduction of “free and compulsory education” programmes in many developing countries. In Uganda, Universal Primary Education (UPE) was introduced in 1997 and Universal Post-Primary Education and Training (UPPET) ten years later. Under UPE and UPPET, levying fees on parents is prohibited, meaning all financial resources in schools are supposed to come from government.⁸ Given that funds for UPE and UPPET are supposed to be managed by School Management Committees (SMCs) and Boards of Governors (BoGs), appointed and supervised by the local governments, the PTAs have become less engaged in school management.

The Education (Pre-primary, Primary and Post-primary) Act 2008 sought to strengthen the effectiveness of SMCs and BoGs by providing detailed regulations in the Second Schedule and Third Schedule respectively. However, different reports continue to show that school management bodies, especially SMCs, remain largely ineffective and in some cases nonfunctional.⁹ A recent study by Gerard Prinsen and Kristof Titeca also revealed that there is general lack of keen interest in becoming or remaining SMC members among the local elite due to lack of rewards.¹⁰ By implication, unattractive SMCs cannot have quality or effective functioning.

6 The Education Act 1970 Sections 4 and 5, provided for establishment of District Education Committees and Area Education Committees to be responsible for administration of any education service in their jurisdiction. It also provided

7 Uganda National Commission for UNESCO (2012), Count Down to 2015: Is Uganda on Track? Assessment of Progress to Attainment EFA Goals in Uganda Pg. 1

8 Overtime, as inflation has reduced the value of UPE capitation grants to schools, parents are increasingly being asked to “contribute” some money for school operations.

9 MoES, Report of the Taskforce on the Performance in National Examinations (PLE, UCE AND UACE) page 11, points to “inadequate community participation manifested through weak SMCs, PTAs & BoGs and limited parents’ engagement in the schools” is one of the common causes of poor academic performance.

10 Gerard Prinsen and Kristof Titeca “Uganda’s Decentralized Primary Education: Musical Chairs and Inverted Elite Capture in School Management Committees” in Public Admin. Dev. 28, 149–164 (2008)

3.0 Overview of the Education Act 2008 Regulations – Second and Third Schedules

The 2nd Schedule of the Education (Pre-primary, Primary and Post-primary) Act 2008 is referred to as the Education (Management Committee) Regulations, and the 3rd Schedule as the Education (Board of Governors) Regulations. The 2nd Schedule applies to the management of primary schools while the 3rd Schedule applies to the management of post-primary education institutions, excluding tertiary institutions. This section presents an overview of the two Schedules with the intention to identify the inherent conceptual weaknesses and or gaps that could be partly responsible for the performance challenges the two school management bodies are faced with in the current context.

3.1 Composition of SMCs and BoGs

The basic rationale for the composition of the SMCs and BoGs, as evidenced in the membership, was to ensure extensive representative participation of communities in school management. Under decentralization, decision-making and resources allocation for social services provision require that the lowest levels of the community participate. For SMCs and BoGs, the parents and lower local councils are represented. Table 1. below shows how the different constituencies are represented on the two respective management bodies:

Table 1. Current composition of SMC and BoG

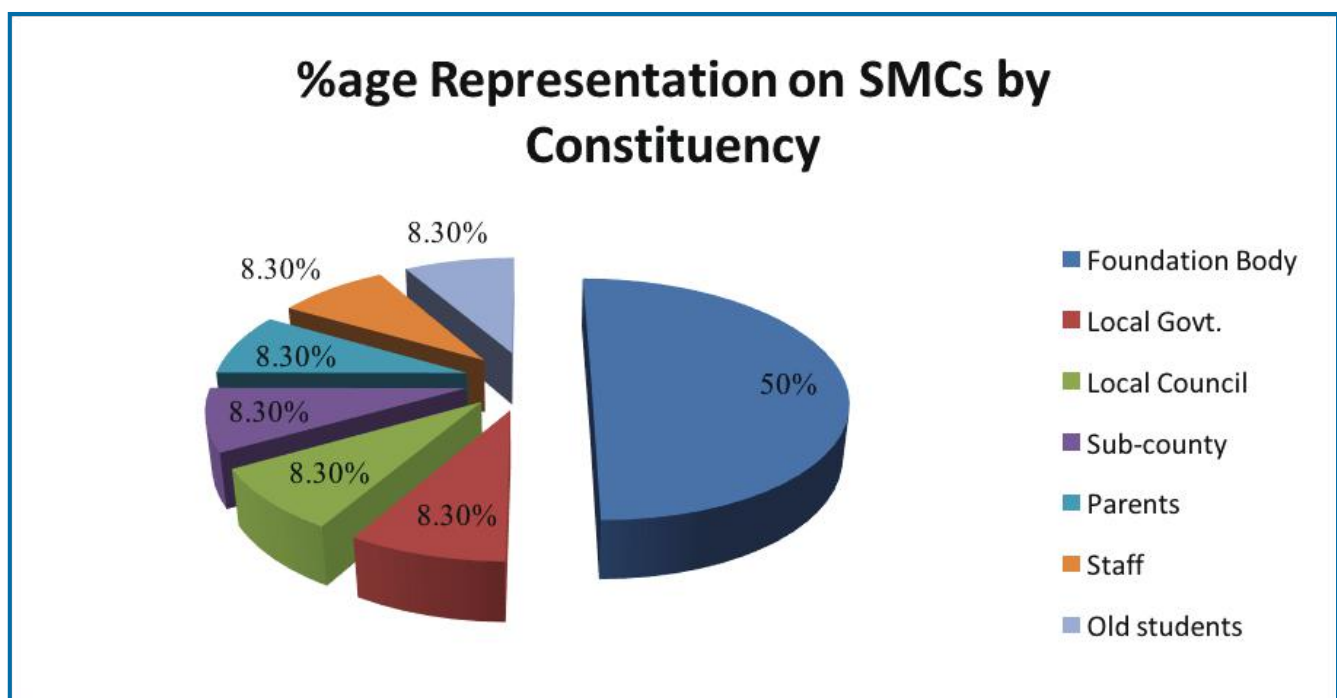
Constituency	Number of Members	%age Representation	Nomination of the Members
SMCs			
Foundation body ¹¹	6 members	50%	By Foundation body
Local Government	1 member	8.3%	By LG Standing Committee for Education
Local Council	1 member	8.3%	Secretary in charge of education at Parish
Sub-county	1 member	8.3%	By Sub-county/ division
Parents/ Guardians	1 member	8.3%	By PTA at the AGM
School staff	1 member	8.3%	By the staff at a staff meeting
Former learners	1 member	8.3%	By OBs/ OGs
BoGs			
Foundation body	5 members	41.6%	By Foundation body
Local Government	1 member	8.3%	By LG Standing Committee for Education
Local Council	1 member	8.3%	Secretary in charge of education at Parish
Sub-county	1 member	8.3%	By Sub-county/ division
Parents/ Guardians	2 members	16.6%	By PTA at the AGM
School staff	2 members	16.6%	By the staff at a staff meeting
Former learners	1 member	8.3%	By OBs/ OGs

Source Generated by ISER

¹¹ The Foundation body is defined as an individual, group or organization which founds and manages an education institution. At least two of the six should women. Education Act 2008.

It is important to note that unlike under PTA where parents, who have the highest stake in the school because of the education of their children, are fully represented, only one (less than 10%) of the SMC members directly represents parents, and only two (16.6%) on the BoG. The rationale for having more parents' representation on BoGs, which oversee secondary schools, than on primary schools' SMCs is not clear. One would argue that primary schools are more anchored in the community and that children at this level require more parental participation in the decisions that influence their education.

Figure 1. Percentage (%) Composition of SMCs



It may be argued that the foundation body representatives, as well as those of the political structures, potentially represent parents' interests; however, this is not necessarily the case for two main reasons. First, the liberalization of education provision has seen a dramatic increase in the number of private schools founded, in most cases, by entrepreneurs for profit. In this case, 50% of the SMC membership and 41% of BoG represent interests of the school owner(s), not necessarily parents. Indeed, even in non-profit schools, operated by Faith-based Organizations (FBOs), the interests on the foundation body may not necessarily align with those of the parents, especially because many communities hosting such schools are increasingly multi-religious and multi-cultural. Moreover, the distinction between profit and non-profit private schools is a tenuous one at best, since parents in both are charged comparable fees.

Secondly, the political structures representatives (Parish, Local Council and Local Government) lack clarity

regarding who they should report and account to. They are nominated by the respective political councils; however, apart from the parish level¹², the people choosing them may not have a direct interest in the school and, therefore, may not task them to account for performance on the SMC. Similarly, they may not feel accountable to the parents of the school since they were not identified by the latter to represent them. The community members did not directly elect them to SMCs or BoGs; rather, they elected them for political representation as councilors at the respective levels. Consequently, they are more likely to account to the electorate for their role on the councils rather than to parents for their role on SMC/BoG. Although, in practice, the representatives are usually chosen to sit on the SMCs and BoGs of the schools in the areas of their political representation, this is not provided for in the regulations and may be ignored.

The staff representation on SMCs (1) and BoGs (2) makes the more logic. When the views and interests of the staff are effectively represented in the management of schools, there is bound to be better motivation and therefore, better learning environment. However, while the provision for two staff representatives on BoGs avails an opportunity for gender balance, the one staff representative on SMCs undermines this, especially given that there is also only one representative for parents.

The representative of the former students only makes sense in schools where the old students' associations are vibrant and engaged in the school. The majority of rural community primary schools and low cost secondary schools do not have such associations. In effect, the former students' representative is inconsequential because in reality he/she represents no particular interest in some of the schools.

The SMC and BoG compositions do not also adequately provide for representation of special interest groups. In terms of gender representation, the SMC regulations only specify that at least two of the six members of the foundation body representatives should be women. In effect, out of the twelve SMC members, there could be only two (16.6%) women. It is even worse for BoG, where the regulations require only one of the five members of the foundation body representatives to be a woman. This is particularly ineffective given that women have been known to be more engaged in the education of their children than the men¹³. It is also against equality and discrimination provisions of the Constitution¹⁴. There is no provision for representation of People with

12 The parish representative to SMC is elected by the local council (parish level) executive committee and should be the Secretary in-charge of education at a parish council. The representative of the local government is nominated by the district council's standing committee responsible for education and the representative of the sub-county/division is elected at that level - The Education (Management committee) Regulations 2nd Schedule Part II Section 3 (3).

13 Cynthia B. Lloyd and Ann K. Blanc, Children's Schooling in sub-Saharan Africa: The Role of Fathers, Mothers, and Others, in Population Council (Jun., 1996) Population and Development Review, Vol. 22, No. 2), conclude that "female household heads are more likely to invest resources, including time, money, and emotional support, in facilitating the education of children living in their household". Page 288

Disabilities (PWDs) and other minorities, which flies in the face of efforts towards inclusive education and inclusive participation in the school management of education.

For comparative purposes, in Indian states like Himachal Pradesh and Gujarat, regulations for SMCs, which like in Uganda have a membership of twelve, provide that 50% shall be women. In addition, it is expressly provided that 75% of the members of the Committee shall be from amongst parents or guardians of children. And while no specific percentages are provided regarding Persons With Disabilities (PWDs) and other disadvantaged groups, the regulations recommend proportionate representation for the parents or guardians of children belonging to disadvantaged groups of learners.¹⁵

From the foregoing, it is apparent that the current composition of SMCs and BoGs is problematic, and is very likely to be one of the major factors undermining their functionality and effectiveness in the management of schools. There is need for a review to ensure more representation of parents and special interest groups.

3.2 Qualifications of SMC and BoG Members

One of the ongoing discussions about the membership of SMCs and BoGs relates to the educational qualifications of the representatives. The Education Act 2008 regulations do not provide for any qualification criteria. This is meant to allow for inclusive representation and to undermine the possibility of the elite capturing management structures in social service provision. The unintended and negative consequence of this otherwise well intended provision has been the inclusion to SMCs and BoGs of people without basic knowledge and competences to meaningfully contribute to the management of an education institution.¹⁶ In rural communities, it is common to find illiterate members of SMCs. Gerard Prinsen and Kristof Titeca established that one in four of the SMCs members required assistance to fill a questionnaire in English language.¹⁷

At the secondary level, possibly because of the absence of a provision for use of the local area language, the practice has tended to appointing BoG members with a basic level of education being secondary. This practice, in itself, is justification for a review of the third schedule of the regulations. The implication is that in spite of the regulation provisions lacking in this aspect, practitioners have seen the need for requiring a certain level of

¹⁴ Article 21 of the 1995 Constitution

¹⁵ Sunil Kumar, Roles and Functions of School Management Committees (SMCs) of Government Middle Schools in District Kullu of Himachal Pradesh: A Case Study, <http://oaji.net/articles/2016/1201-1476446631.pdf>

¹⁶ Wahitu, Fred in School-based accountability and management of Universal Primary Education in Uganda 2017, reports findings on SMCs indicating that school committee members lacked basic technical skills and sometimes

¹⁷ Gerard Prinsen and Kristof Titeca (2008) "Uganda's Decentralised Primary Education: Musical Chairs and Inverted Elite Capture in School Management Committees" in Public Admin. Dev. 28. Pg. 155

education for one to be a member of BoG. Indeed, some of the functions stipulated in the regulations for BoG justify this practice. In terms of financial management of the school, **Regulation 29 on Accounts:** stipulates as follows:

1. *The board shall keep or cause to be kept at the school proper books of accounts with respect to*
 - a. *all sums of money received and expended by it on the school and the matters in respect of which receipt and expenditure; and*
 - b. *all assets and liabilities of the school.*
2. *The Board shall cause to be prepared within three months after the commencement of each financial year, in respect of the proceeding financial year:*
 - a. *an income and expenditure account;*
 - b. *a balance sheet in the form approved by the Minister or district secretary for education; and*
 - c. *the auditor's report.*

Financial management, even at this oversight level, requires a certain level of technical competence derived from appropriate education background.

It is granted that even the illiterate may have capacity to discuss issues affecting the running of the school in their community, especially given that the regulations provide for use of the local language in SMC meeting proceedings¹⁸. Nevertheless, the roles assigned to SMCs and BoGs, as illustrated above, include aspects which may require a certain level of education.

Under Part XI, Regulation 25 (Estimates) SMC regulations, it is also the function of the SMC to prepare and lodge with the relevant authorities the annual estimates of income and expenditure of the school. The head teacher administers the school on behalf of the SMC and this would imply a supervisory oversight for SMC in relationship with the head teacher. However, because of limited technical capacity of many of the SMC members, supervision of the head teacher performance is almost impossible. In practice, the head teacher, who is the ex-official member and mandated to give technical advice to SMC, becomes the supervisor of the SMC and directs it on how to perform its duties.¹⁹

18 Education Act 2008, 2nd Schedule, The Education (Management Committee) Regulations, Section 12

19 Wahitu, 2017, page 138 “SMC powers and authority have been taken over by the head teacher. This creates a situation where other SMC members feel incapable of performing their expected role as stipulated in the Education Act (2008).”

3.3 SMC and BoG Functions, Accountability and Reporting Mechanisms

The most critical provision for any committee is its terms of reference, which in this case relate to the functions and reporting. Effectiveness of a committee begins with clarity regarding the specific functions outlined for it.²⁰ When this clarity is lacking, the committee may end up neglecting some of its responsibilities or doing what it is not supposed to. Clarity of functions goes with clarity of the reporting and accountability mechanism. A review of the Education Act 2008 regulations, for both SMCs and BoGs, reveals that there is a degree of vagueness in terms of both functions and reporting.

3.3.1 Functions of SMCs and BoGs

Functions of the SMCs, as outlined in Part V Regulation 13 of the Education Management regulations, are generic and even restrictive. In fact, other than functions (1) and (2), the others are not functions, but rather how the SMC should function.²¹ Function (1) provides that, “a management committee shall manage the school for which it has been established...” However, function (2) specifies that the day-to-day administrative work shall be performed by the head teacher on behalf of the management committee. With this provision, and in the absence of specific functions assigned to the SMC, it is easy for a head teacher to assume all the management powers.

Ministry of Education and Sports’ School Management Committee Handbook, which unpacks and specifies the roles of the School Management Committees, was developed in 2005 and revised in 2007, a year before the current Education Act 2008 came into force. Apart from being out of date, it lacks the force of law as it has not been gazetted under the prevailing law.²²

Interestingly, although the regulations are about the SMC of which the head teacher, strictly speaking, is not a member, they go to great length in providing specific and detailed functions of the head teacher under Part VII. The regulations then go on to imply other functions for SMCs under *Regulation 19 – Funds of a Management Committee, Regulation 20 – Accounts and Audit, Regulation 21 – Property of the school, Regulation 22*

20 Dr Mary Halton of Chartered Accountants, Ireland notes that, “that role clarity in the boardroom is a driving factor in board effectiveness.” <https://www.charteredaccountants.ie/Accountancy-Ireland/Articles2/ethics-and-governance/Latest-News/board-effectiveness-the-importance-of-role-clarity-october-2016>

21 Function (3) is instead about personal liability of SMC members; Function (4) talks about consultation with foundation body in case of head teacher transfer even though SMC does not carry out the transfers; Functions (5), (6) and (7) give SMC a right to appeal transfer of teachers and stipulate how this may be done;

22 Ministry of Education and Sports, The School Management Committee Handbook, 2005, Revised 2007. Page 4

– *powers to write off obsolete equipment and Regulation 25 – Estimates.* This lack of coherence in outlining the roles and functions of SMCs is a potential source of confusion and conflict in school management.

In the BoG regulations (3rd Schedule) **Part III Regulation 9**, functions are introduced as follows, “For the avoidance of doubt, a Board shall have the functions conferred on it by the Minister or district secretary for education,” before giving “additional functions of the Board”. In effect, the stipulated functions of the Board are subordinated to the directive functions from the Minister.²³ Indeed, Section 3(2)(b) of the Education Act 2008 empowers the Minister from time to time to issue statutory instruments regarding the management of schools, among other aspects of education.

It should be noted, however, that the Minister has not issued any statutory instrument regarding BoGs (or indeed SMCs) eleven years after the Act came into force. Under this scenario, the “additional functional of the board” forms the basis for the functionality of the BoGs. The guidelines for BoGs issued from time to time through the respective departments of the Ministry responsible for secondary education are not gazetted and therefore do not carry the force of statutory instruments.²⁴

The additional functions of the Board outlined in the 3rd Schedule relate to: governing the school; administering the property and funds of the school; providing for the welfare of learners and staff; fixing fees and other charges with the Minister’s approval. Key as these are, they are short on specifics which would eliminate power struggles, especially in schools where the owner(s), the head teacher and BoG find themselves at variance on an issue. In the absence of such specific functions, BoGs in many schools are neutered and remain dysfunctional. However, like under the 2nd schedule, and for whatever reason, other functions of the BoG are given elsewhere in the schedule and these relate to: discipline, terms and conditions of service of staff; and funds of the Board.

A review of the schedule would lead to a detailed and harmonized statutory instrument to strengthen and clarify the functions of BoGs.

23 The reference to district secretary for education is inapplicable as the management of secondary education is still a central government function.

24 Ministry of Education and Sports departments of Government Secondary Schools and Private Schools and Institutions have draft guidelines for BoGs, which are used when inducting newly appointed BoGs.

3.3.2 SMCs and BoGs Accountability and Reporting Mechanisms

The reporting mechanism for SMCs and BoGs is another grey area which undermines their performance accountability. Although members of SMCs and BoGs are nominated by different constituencies, they are approved and appointed by the District Education Officer (DEO) in consultation with the district council's standing committee responsible for education²⁵ and the Minister respectively.

Under the 2nd Schedule, the DEO may remove any member from the SMC in consultation with the district council's standing committee responsible for education on a number of grounds, including incompetence.²⁶ However, there is no provision for SMC to regularly report to the DEO regarding their management of the school. The closest provision in this regard is **Part X, Regulation 24** which stipulates that the SMC shall meet and discuss with the DEO matters arising from their audited accounts. This does not only restrict the scope of reporting to just one aspect of school management, but it is also dependent on there being audited accounts.

Part IV, Regulation 12 – Minutes, requires that minutes of SMC meetings be distributed to members of the committee responsible for education at the sub-county or its equivalent, the DEO and foundation body. **Regulation 25 – Estimates** provides for SMC to “prepare and lodge with the sub-county, district executive committee, DEO, CAO and foundation body annual estimates of income and expenditure”. While these are a form of reporting, they lack scope and clarification of actions the recipients of the reports may take. Worse still, nowhere is the SMC required to report to or consult parents, not even through the PTA. Without this, the SMC's reporting and accountability to the community, as the real stakeholders in the school, is compromised.

Under the 3rd Schedule and current practice, BoGs are primarily responsible to the Minister for Education. Under **Regulation 16. Minutes of the Board**, the confirmed minutes of the Board should be forwarded by the secretary (head teacher) to the following: the foundation body, the Permanent Secretary, Chief Administrative Officer or Town Clerk and the District Education Officer. However, as discussed under SMCs, these minutes seem to be simply a formality without any clear course of action the recipient may take in case there is need for corrective measures. Similarly, there is no provision for reporting or accounting to the parents or learners, who have the most direct interest in the effective management of the school.

Indeed, one of the most urgent reasons for the review of the two regulations is to provide for an effective mechanism of monitoring and appraising the performance of SMCs and BOGs.

²⁵ Education Act, 2nd Schedule Part II, Section 4.

²⁶ *ibid* Part III, Section 7 (3)

3.4 Qualifications of SMC and BoG Members

There are some contradictions and discrepancies in the schedule which need to be addressed through a review, including the following;

Regulation 9 of the Education Management regulations relates to quorum and it requires a third of the membership for a meeting to take place, but among the third, there should be a representative of the parents and two of the foundation body. While this is fundamentally good, it is bound to cause challenges given that there is only one representative for parents and when he/she is not there, there is no quorum.

Regulation 14 (4)b provides that each of the two sub-committees of the SMC shall elect one of the teachers' representatives to be secretary. However, according to the composition, there is only one staff representative on SMC.

As already indicated, Part VII – Functions of a Head teacher and Collection of Fees, does not sit comfortably under provisions for SMCs. It may be necessary to restrict this section to roles and functions of the Head teacher on the SMC.

Under **Regulation 19 – Funds of a Management Committee**, there seems to be an erroneous presumption that all schools are public or government aided and operating under UPE programme. Accordingly, Regulation 19 (5) provides that “funds for capital works at school shall be arranged by the education committee of the sub-county...”

4.0 Recommendations

The foregoing discussion of the two school management regulations has demonstrated a number of gaps, vagueness and disharmony which all justify a review to strengthen legal provisions for effective school management. Such a review will require an extensive and participatory process of consultations with key stakeholders. However, even from this preliminary overview, a number of recommendations can be made. This section summarizes some of the recommendations emerging from the analysis of the different aspects of the provisions in the 2nd and 3rd schedules.

4.1 General Recommendations

The overall recommendation of this paper is that Ministry of Education and Sports should, as matter of urgency, embark on reviewing the 2nd and 3rd schedules of the Education (Pre-primary, Primary and Post-primary) Act 2008. While tentative steps have been initiated by the Ministry to amend the entire Act, the need for functioning and effective school management bodies is urgent and cannot wait for a process that may take several years and is primarily the responsibility of the legislature.

It should be noted that *Section 59(2) of the Education Act on Amendment of Schedules*, stipulates that “The Minister may, by statutory instrument on the recommendation of the Director of Education, amend the Second or Third Schedule.” Clearly, this is a feasible process which can be undertaken immediately to address some of the main challenges affecting effectiveness of SMCs and BoGs.

4.2 Recommendations on the Composition of SMCs and BoGs

The overview of the composition of SMCs and BoGs reveals how parents’ representation has been subordinated to representation of other constituencies. Given that parents are the most direct stakeholders of the schools their children attend, the review of the 2nd and 3rd Schedules should consider increasing their representation to at least 50% and 40% respectively. This recommendation is also made on the recognition that while for some constituencies like the foundation body and political levels are provided channels through which they receive reports, there are none for parents. Increasing their representation would give them more voice in decision making regarding management of the schools of their children attend.

There should be a reduction in the representation of other constituencies and omission of others altogether. It is recommended here that the representation of the foundation body be reduced to three members for SMCs and four for BoGs. The representation of political structures on SMCs should also be reduced by omission of Local Government Council (District) representative. Given that the Local Government has overall oversight of education issues in the district, through the secretary for education and receives reports on schools from the DEO, it does not need to be represented on the management of each primary school in the district. Finally,

the old students' representative on SMC should also be omitted. While old students are known to spearhead development projects in their former schools, they can still do so through creating strong old students' associations that engage with SMCs and not necessarily by being on the committee.

At secondary level, which is still controlled by Central Government, the Local Government (district) may still be represented and so should the old students' association.

Table 2. Proposed Composition of SMCs and BoG

Constituency	Number of Members	%age Representation	Nomination of the Members
SMCs			
Foundation body ²⁷	3 members	25%	By Foundation body
Local Council	1 member	8.3%	Secretary in charge of education at Parish
Sub-county	1 member	8.3%	By Sub-county/ division
Parents/ Guardians	6 members	50%	By PTA at the AGM
School staff	1 member	8.3%	By the staff at a staff meeting
BoGs			
Foundation body	4 members	33.3%	By Foundation body
Local Government	1 member	8.3%	By LG Standing Committee for Education
Local Council	1 member	8.3%	By Local Council
Parents/ Guardians	5 members	41.63%	By PTA at the AGM
School staff	1 member	8.3%	By the staff at a staff meeting
Former Learners	1 member	8.3%	By OBs/ OGs

In terms of inclusiveness, there should be parity in gender representation for both SMCs and BoGs; at least 50% of the membership should be women. In addition, at least one of the six SMC members and one of the five BoG members should be either a person with disabilities or a parent with a Special Needs Education (SNE) child in the school.

²⁷ The Foundation body is defined as an individual, group or organization which founds and manages an education institution. At least two of the six should women. Education Act 2008

4.3 Recommendations on Qualifications of Members of SMCs and BoGs

A review of the Second Schedule of the Education (Management Committee) Regulations would consider the option of providing for leveraging certain competences in nominating members of the SMCs. It should be acknowledged that unlike the general representation on political structures, management of an education institution requires some basic competences. At the very least, there should be stipulation on qualification and or experience for the SMC chairperson and members who may be elected to chair the sub-committees.

Controversial as this may sound for advocates of inclusive participation in management of social affairs, there should be a basic requirement for qualifications of members on SMC and BoG, at the very least for the chairperson, vice chairperson, treasurer and the chairpersons of sub-committees. For SMCs, given that the chairperson supervises the head teacher, who is a degree holder, on technical matters, the recommending constituencies should first give priority to appointing holders of a Uganda Certificate of Education (UCE) or its equivalent. The vice chairperson, treasurer and the sub-committee chairs should also be of this qualification.

The chairperson, vice chairperson, treasurer of the BoG supervises a graduate head teacher and should at least be holders of Uganda Advanced Certificate of Education (UACE) or its equivalent. Also, the chairpersons of the sub – committees of the BoGs should possess the same level of qualification.

4.4 Recommendations on Functions of SMCs and BoGs

As discussed under the relevant section above, the review should ensure the functions and roles of the SMC and BoG are clearly spelt out and distinguished from the administrative functions of the Head teacher.

As statutory instruments which operationalize the Act, the schedules are in effect operational guidelines which need to be adequately detailed, especially as regards functions and roles.

4.5 Recommendations on Reporting Mechanism

Without a clear reporting channel through which SMCs and BoGs can account for their performance to the stakeholders and through which they can be held responsible for any failure, effective functioning cannot be realized. It is recommended that both the SMC and BoG chairpersons, not the Head teachers, should make annual reports to the Local Government standing committee on education and the DEO. Such reports should focus on and detail the management issues discussed, decisions taken, strategic plans proposed for the coming period, challenges faced and support required from the district to handle the challenges. In addition, the BoG chairperson should submit the annual report to the Permanent Secretary before the beginning of the first

school term. The Permanent Secretary shall synthesize the reports and highlight critical issues for the Minister's attention as actions.

4.6 Miscellaneous Recommendations

As noted, *Regulation 19 – Funds of a Management Committee* makes the presumption that all schools are public or government aided and operating under UPE programme. Accordingly, *Regulation 19 (5)* provides that “funds for capital works at school shall be arranged by the education committee of the sub-county...” The review should pay keen attention to the unique dynamics of private provision of education in order to make the schedules applicable and enforceable.

5.0 Conclusions

The Second Schedule and the Third Schedule Regulations, made under *Section 58 and 59* of the *Education (Pre-primary, Primary and Post-primary) Act 2008*, was a commendable attempt at improving school management through community participation and strengthening Governance and Accountability in Schools in Uganda. They provided an equitable representation of a cross section of constituencies. However, as shown by the foregoing discussion, there is a clear need for review and amendment to align them with provisions and commitments on inclusive participation of marginalized groups, clarify roles and functions and eliminate discrepancies for better functionality and effectiveness of SMCs in school management.

Section 59 (2) of the Education Act 2008, empowers the Minister responsible for education to amend the Second and Third Schedules and on this basis, the review process need not be as protracted as it would be, were the whole Act needed to be amended.



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