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Original Article

The Case for a National Educational Policy on Alternative Disciplinary Measures for Learners in Kenyan Schools: Lessons from South Africa

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ABSTRACT

Oftentimes discipline to the children has been guided by the values, principles and religious provisions such as sparing the rod and spoiling the child among others. Such values continue to perpetuate the notion that physical punishment for children is necessary to ensure that they grow uprightly and, in a manner that will be beneficial to them in their personal development. This paper being a comparative study on the national policies for alternative disciplinary processes for learners in Kenyan and South African Schools aims to break down the existing legislations and policies that prohibit corporal punishment in Kenya. The methodology within this paper is pure desk research that relies on articles, books, journals and other sources from academic and professional platforms that highlight the topical issues being tackled herewith. The problems of the existing framework on corporal punishment in Kenya are dissected to bring out its shortcomings. The landscape and indiscipline within the Kenyan education system are highlighted as well as that of South Africa. South Africa having established reforms against corporal punishment becomes a crucial jurisdiction for this study as it provides lessons that Kenya can learn from the South African Experience. From this paper, it is evident that the prohibition of corporal punishment within the education system does not in any way create a gap in terms of disciplining children but rather creates an alternative means of instilling discipline in children, an alternative that is effective in nature and one that has a positive impact.

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INTRODUCTION

The Constitution of Kenya, 2010 has had significant legal and institutional implications on the administration and management of the education sector, including the issue of learner discipline. Article 53(1)(d) of the Constitution of Kenya, 2010 guarantees every child the right to protection from cruel and inhuman punishment, while Article 29(e) expressly recognizes the right of every person not to be subjected to corporal punishment. These provisions are reinforced by Section 25(1) of the Children Act, 2022 which guarantees the right of every child to freedom from cruel, inhuman or unusual punishment; and Section 25(3) of the Children Act, 2022 which makes it an offence to subject a child to corporal punishment. Section 36(1) of the Basic Education Act, 2013 also specifically prohibits physical punishment of learners in Kenyan schools. These legal provisions emphasize the prohibition of corporal punishment, including in school, as a crucial means to protect children from the risk of violence.

The Ministry of Education has adopted policy guidance on school discipline, these guidelines enumerate measures against implementing corporal punishment in schools and against learners. The Ministry of Education has further formulated the Positive Discipline Handbook for teachers that is to be implemented. The intention of the handbook is to inculcate positive discipline in the training curriculum and is to be assessed in the teaching training colleges. Key education sector actors, including the Teachers Service Commission, have also adopted policy instruments that categorically prohibit corporal punishment or the use of physical force to inflict pain on learners.

Despite these reforms, Kenya's legal and policy framework pays modest attention to the appropriate forms of alternative corrective action that should be used to tackle cases of learner indiscipline in Kenyan schools. The lack of specific educational policy guidance on school discipline leaves administrators and managers of schools in a predicament when they are confronted with uncontrollable or even dangerous learner behaviour. If the school administrators or educators use firm methods of controlling and disciplining students, they may risk breaching the law; and if they refrain from doing so, they may risk serious injury, threat to life and destruction of school property.

Recent years have witnessed the resurgence of serious and widespread learner indiscipline across Kenyan schools. This trend has been characterized, among other things, by coordinated acts of arson with the intention of destroying school property, drugs and substance abuse, bullying, and violence against educators. There have been periods in the Kenyan school calendar that have been disrupted by the nationwide closure of schools and the arrest and prosecution of learners. So troubling has this recent wave of resurgent indiscipline in Kenyan schools been that it resulted in proposals at the ministerial level to abolish boarding schools for secondary students. This state of affairs points to a gap in Kenya's educational policy. There is a lack of specific regulations on the permissible punishment-based corrective measures that educators can use to effectively respond to and deter learner indiscipline while still discharging their duty of care to the learners.

Recognizing the difficulty currently facing administrators and managers of education institutions grappling with the problem of resurgent indiscipline, this article aims to contribute to the process of reforming Kenya's education policy on school discipline in three key ways. First, it identifies South Africa as a suitable case study from which Kenya can draw lessons to initiate a stakeholder engagement to design appropriate regulations on school discipline. Secondly, using a purely desktop methodology, the article compares the school discipline-related

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education policy instruments of South Africa with those of Kenya to identify their relative merits and deficiencies. Lastly, the article synthesizes the best practice norms derived from the South African experience and proposes their integration into Kenya's education policy reform plan, with a focus on strengthening school discipline while safeguarding learners' rights.

A BRIEF NOTE ON METHODOLOGY AND SCOPE

Based on this foregoing background, this article seeks to highlight and bolster the components of the prohibition of corporal punishment in Kenya. The research methodology employed by this article is purely desk research that relies on articles and journals from renowned websites such as Lexis Nexis, Google Scholar and J-stor among others to gather imperative information and content that relates to the topical issues. News articles from recognized websites that highlight the current issues shall be considered as well without leaving behind books and research papers that have roots in matters prohibition of Corporal punishment.

The review was conducted through the utilization of strategies related to the identification of relevant literature sources. The keywords related to the perusal of identified literature materials included: corporal punishment, Kenyan schools, child rights, legal frameworks, disciplinary practices, alternative to disciplinary practices and prohibition of punishment in South African Schools. The identified keywords were crucial in an extensive search and perusal that was done across multiple databases and platforms online such as J-Stor and on Google Scholar. Initially, there were 50 materials and resources identified but after careful consideration only the referenced materials were settled on being a mix of legal provisions, books, case studies, online articles, journals and other scholarly resources.

In exploring corporal punishment, various sources were evaluated for a comprehensive understanding. Three common types were reviewed but not heavily relied upon for specific reasons. Anecdotal reports, while insightful into individual experiences, lack the empirical rigor needed for academic research. Older studies from the 1980s and 1990s, such as; Bauer, G. B., Dubanoski, R., Yamauchi, L. A., & Honbo, K. A. M. (1990). Corporal punishment and the schools. Education and Urban Society, 22(3), 285-299., Smith, D. E., & Mosby, G. (2003). Jamaican child-rearing practices: the role of corporal punishment. Adolescence, 38(150)., and Straus, M. A., & Mathur, A. K. (1996). Social change and the trends in approval of corporal punishment by parents from 1968 to 1994. Prevention And Intervention In Childhood And Adolescence, 91-106. The enumerated sources did not integrate recent advancements in psychology and education. Instead, recent studies were prioritized. The focus was on global or comparative studies to ensure a current, globally relevant understanding of corporal punishment.

Overall, from the search it was identified that the United Nations Committee on the Rights of a Child defines corporal punishment as punishment realized by the use of physical force designed to cause physical pain and discomfort regardless of the degree (Durrant *et al*., 2020). The UN Committee on the Rights of the Child goes further to mention a list of actions amounting to corporal punishment which include: hitting with hands or objects, burning, throwing objects, pinching, grabbing and scratching among many others.

LEGAL AND POLICY FRAMEWORK ON CORPORAL PUNISHMENT IN KENYA

The Constitution of Kenya 2010 is progressive in nature and provides for the protection of fundamental freedoms and rights of every individual. The marginalized and vulnerable groups in Kenya such as persons with disability and children are protected. The Constitution of Kenya, 2010 has had a significant impact on how the country's education system. Learner discipline is one of the areas areas in which the 2010 Constitution has made a big difference. In particular, Articles 53(1)(d) and 29(e) of the 2010 Constitution provide significant legal protections for the rights of Kenyan students' rights and establish the normative standards for the

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permissible modes of punishment in education institutions.

According to Article 53(1)(d) of the 2010 Constitution, every child has the right to be protected against cruel and inhuman treatment. Since it aims to safeguard learners from cruel and inhumane punishment that could have an adverse impact on their well-being, this rule is especially significant when it comes to the implementation of discipline in schools. Article 29(e) of the 2010 Constitution reinforces the protection against cruel and inhumane treatment of children by enshrining the right of every individual not to be subjected to corporal punishment. The prohibition of corporal punishment in Kenya's educational institutions is consistent with the general trend that emphasizes the value of treating every person with respect and dignity.

The 2010 Constitution also recognizes the domestic applicability of international law, including treaty instruments on children's rights, in the Kenyan legal system. Indeed, Articles 2(5) and 2(6) of the 2010 Constitution give effect to the application of international law in Kenya through the provision that the general rules of international law, treaties and conventions ratified by Kenya shall be part of the applicable law under the constitution of Kenya. The most significant treaty instruments in this regard are the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC). Additionally, the Convention on the Rights of the Child, which Kenya has ratified, and other international human rights conventions support this prohibition.

Statutory Provisions

The Children Act, of 2022 took effect in 2022 replacing the 2001 act. This new act is characterized by enhanced legal provisions that entrench the protection of the large population of Children in Kenya by prioritizing their best interest and ensuring that their human rights are respected. The Children Act gives effect to the provision of Article 53 of the Constitution of Kenya 2010. A key feature of this new act is the repealing of the right of reasonable punishment that was bestowed to parents and other authorities that oversee the children. Another crucial aspect of the act is the efforts to protect the children from any forms of online abuse, harassment and exploitation. The Basic Education Act, of 2013 is another imperative legislation as far as matters of discipline of school-going children are concerned. The Basic Education Act has the main purpose of ensuring that all children are provided with free basic education that is compulsory to them. One of the guiding principles of the application of the act is the prohibition of any forms of discrimination, corporal punishment as well as the eradication of any forms of cruel and inhumane treatment of children. A key feature of the act is the outright prohibition of any form of physical punishment and mental harassment of the Children.

Section 25(1) of the Children Act, 2022, which safeguards every child's right to freedom from cruel, inhumane, or unusual punishment, strengthens the provisions in Kenya's 2010 Constitution. This provision underscores the government's dedication to protecting children from all forms of potential violence and abuse, including corporal punishment in schools. Section 25(3) of the Children Act, 2022 prescribes a criminal conviction for liability under the Prevention of Torture Act for any acts that may deprive a child of their liberty, subjects a child to torture or any form of cruel and inhumane treatment that is degrading such as corporal punishment. The criminal liability also extends to subjecting the children to any form of cultural or religious activity that dehumanizes or is injurious to the physical and mental well-being of a child.

Section 36(1) of the Basic Education Act of 2013 prohibits physical punishment of students in Kenyan schools. This provision indicates that the use by educators of physical punishment to discipline students is not legally permissible. This provision creates the conditions conducive to ensuring that students are treated with respect and dignity and that their rights are upheld while they are in school.

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Sectoral Policies

Key actors in the education system, like the Teachers Service Commission, have also adopted policy frameworks that unequivocally forbid corporal punishment and the use of physical force to cause harm to students. This is a positive step toward guaranteeing that students are shielded from physical abuse and that children's rights are upheld in the educational field. The government's dedication to ensuring that children's rights are safeguarded and upheld in the education sector is evidenced by the adoption of sectorial policies by significant players in the field of education.

However, there have been difficulties in banning corporal punishment into effect in Kenya's educational system. In certain schools, corporal punishment is still occasionally employed, and frequently teachers are not sufficiently trained in alternate methods of discipline. This emphasizes the significance of teacher preparation programs and ongoing professional development in ensuring that the use of alternate forms of discipline is effectively implemented.

Problem with the Current Framework

The legal and policy framework in Kenya for dealing with student indiscipline hasn't given much thought to other corrective measures. When dealing with disruptive or dangerous student behaviour, puts administrators and managers of schools in a tough predicament. On the one hand, they run the risk of breaking the law and violating the student's constitutional rights if they apply tried-and-true methods of punishment. However, if they do nothing, they risk suffering serious repercussions like harm, a threat to their lives, and damage to the school's property.

The goal of Kenya's constitutional ban on corporal punishment as well as other regulations like the Children Act, 2022 and the Basic Education Act, 2013 is to safeguard students' rights and general welfare. However, schools are in a difficult situation because there is little information on alternate types of punishment. It is vital to have a thorough and cohesive educational policy on school discipline to solve this problem. This policy should forbid corporal punishment and offer workable solutions for dealing with student indiscipline.

Such a policy must be per the Constitution and other legal requirements, be based on the principles of human rights and protect children. It ought to give explicit instructions on the proper methods of disciplinary action that can be employed to deal with student indiscipline, such as counselling, conflict management, and restorative justice. The policy must also consider the different needs of students, especially those who have impairments, and guarantee that all disciplinary measures are nonviolent and non-discriminatory.

The policy should also provide transparent and responsible systems for observing compliance with and enforcing its terms. This could entail the creation of committees or other organizations tasked with monitoring the execution of the policy as well as ongoing reporting and review to guarantee its efficacy.

Resurgent Indiscipline in Kenyan Schools

The resurgence of indiscipline in schools has become a rising problem for Kenya's education system in recent years. As a result, there have been many more instances of violence against educators, drug and alcohol misuse, bullying, and arson. The issue has gotten to a dangerous level, disrupting the academic year and resulting in the arrest and prosecution of students. For instance, in the year 2022, a student behind the burning of Moi Girls was sentenced to a five-year jail term by the High Court in Nairobi. The sentencing was after the student was allegedly involved in starting a school fire back then in 2017 (Kweyu, 2022), the fire destroyed school property and led to the death of 10 of her colleagues at the school.

The deadliest school arson case in Kenya's history is the Kyanguli dormitory massacre where 67 students died in the fire in Machakos County. Since then, there has been a recent resurgence that led to the answering of a parliamentary summon on arson cases in schools by the Ministry of Education in 2021 (Kiambo, 2022). The response

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by the ministry indicated that the issue was serious with 302 student arrests being made and out of the total 41 (Kiambo, 2022) students were arraigned in court.

Poverty is one of the main factors contributing to the issue of resurgent indiscipline in Kenyan schools. Since many students originate from disadvantaged families, they lack drive and feel hopeless. These students may act out in numerous ways to cope with the challenges they experience in their personal lives. Poverty can also result in a lack of sufficient resources, such as textbooks, educational facilities, and classroom supplies. A lack of interest and participation on the part of the students may contribute to less serious types of indiscipline.

Another factor contributing to the resurgence of indiscipline in Kenyan schools is inadequate teacher training and support. To effectively manage students and foster a healthy learning environment, teachers must have the requisite abilities and expertise. When teachers lack the necessary training, they may find it difficult to deal with disobedient students, which can cause chaos and a lack of control in the classroom. Negligence of student welfare (Waithaka, 2017) and lack of proper infrastructural activities may also lead to insurgent negative behaviour by the students.

An integrated strategy is required to address the issue of resurgent indiscipline in Kenyan schools. Increasing the number of educational resources – such as textbooks, supplies, and infrastructure – is one way. This will help to enhance the learning environment overall and boost student engagement and motivation. To encourage parents to participate actively in their children's education and to offer the necessary support and direction, parental participation programs can also be implemented.

Adding funds for teacher assistance and training is an additional solution. To effectively manage students and foster a healthy learning environment, teachers must have the requisite abilities and expertise. This will aid in preventing the development of less serious instances of indiscipline into more significant ones.

LESSONS FOR THE REFORM OF KENYA'S SCHOOL DISCIPLINE SYSTEM: SOUTH AFRICA AS A CASE STUDY

As identified earlier the goal of this study is to compare the current status quo of school discipline in South Africa and Kenya to find the best techniques that Kenya may use and uphold in its school discipline reforms. To better understand the process of stakeholder engagement and policy creation in the field of school discipline, the study adopts a comparative approach and uses South Africa as a case study. Given its experience in managing school discipline, South Africa is chosen as a good case study for Kenya in the first step of this procedure. This includes a study of the many parties engaged in the procedure, including governmental organizations, instructors, students, and parents, as well as how they collaborate to develop efficient rules.

The Treatment of Corporal Punishment in South African Schools

South Africa was the first nation in Africa to outlaw corporal punishment in schools in the late 90's. After this prohibition was established in the Constitution, several more legislative and policy actions to support alternate kinds of discipline were taken (Abolition of Corporal Punishment Act 33 of 1997, 1997). In contrast, Kenya's ban on physical punishment in schools did not go into effect until 2010, the result of years of agitation by supporters of children's rights. However, there have been claims of an uptick in indiscipline in Kenyan schools after the prohibition was put into place.

Before 1994 corporal punishment was the relied mode of enforcing discipline in South African Schools and it was mostly used against unruly children in schools. Research from renowned education affairs professor Robert Morrel indicates that boys both black and white were the ones that were exposed to corporal punishment while there were no cases of girls (Morrell, 2001). With the end of the apartheid, the system in South Africa was marked with revolutions within the

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education sector leading to the formulation of the National Educational Policy Act (NEPA) and the South African School Act of 1996 marked an era of recognising dignity for the people and respect of human rights (Harber, 2001). The legislations formulated were within the spirit of the South African Constitution principles, in fact, the courts in the case *S v Williams* recognized that corporal punishment and violent discipline in schools are inconsistent with the values that the constitution stands for.

Section 7 of the Children's Act South Africa, 2005 recognizes the best interests of the Child concerning all aspects of their lives and with this in mind, corporal punishment is also not allowed. The Employment Act recognizes corporal punishment by an educator as an offence and there are repercussions and sanctions to deter the practice given the fact that it was abolished (Learner Discipline and School Management - Western Cape, 2007.). The sanctions are usually put into effect after an abusive report has been made.

The district officers within an area where violations have been reported should conduct an investigation and depending on the outcome of specific cases the officer is supposed to forward the report to the Directorate for Labour Relations for a disciplinary hearing. Normally serious assault of a learner with intention of causing grievous bodily harm by an educator results in dismissal from employment. Victimisation, assault and threatening to assault are met by sanctions against the educator, the sanctions include but are not limited to demotion, suspension without pay and even a verbal or written warning.

Key Features of the School Discipline Regime in South Africa

A "zero tolerance" policy for bullying, violence, drug use, and other sorts of misbehaviour is one of the fundamental components of South Africa's school discipline system (Ndofirepi *et al*., 2012). The goal of this policy is to make school a secure and enjoyable place for pupils to learn. Schools also have a code of conduct that outlines acceptable conduct and the associated consequences for infractions. Another crucial element of South Africa's system of school discipline is restorative justice. It is a procedure that emphasizes healing the damage brought on by an incident and mending bridges between the persons concerned. Restorative justice is utilized in South African schools to resolve conflicts and mend divisions between students.

Students who have harmed others are given the chance to comprehend the consequences of their conduct, accept responsibility for their behaviour, and make apologies through the application of restorative justice. This strategy aims to treat the root reasons for misbehaviour and avoid recidivism, making it more successful than more conventional types of discipline like suspension or expulsion. Overall, the salient characteristics of South Africa's school disciplinary system stress the significance of upholding a secure and respected learning environment while also giving pupils chances to reflect on their errors and make corrections. The implementation of restorative justice distinguishes South Africa's school discipline system from those of many other nations.

It is also imperative to underscore the fact that even with the related elements that formulate a strong anti-corporal punishment regime there are still cases of violations reported. For instance, within the last years the GHS, 'Violence Against Children in South Africa', UNICEF and a National School Violence Study have exposed the existing prevalence of corporal punishments within Schools in South Africa. The GHS indicated that in 2014, there were 14 million learners in South Africa. As per the study conducted by GHS, 1.7 million learners out of the total population had experienced corporal punishment (Basic Education Rights Handbook - section 27, n.d.). Back then in 2012, the National Study on School Violence indicated that nearly 49.8% of 6000 learners in South Africa were exposed to corporal punishment.

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Lessons for Kenya from the South African Experience

Some of the key features that can be identified as effective from the South African education system include but are not limited to establishing school-based support structures for children to deal with problems that could lead to misbehaviour, such as counselling and support groups, providing teachers with training on different types of punishment and how to deal with disobedience in a productive manner. The identified measures also help to promote a supportive and safe educational environment by involving parents, local groups, and communities.

It is significant to emphasize that South African learners have benefited from the ban on corporal punishment in schools and this creates the need for Kenya to learn and borrow from South Africa. According to research, students who attend schools that forbid corporal punishment are more likely to say they feel protected, respected, and motivated to learn. As a result, academic performance has improved, and absenteeism, suspension, and dropout rates have decreased. With effective and pragmatic incorporation of some of the identified features in Kenya

By implementing similar policies and procedures, Kenya and more so its teachers can benefit from South Africa's experience. Kenya can provide school-going children with a secure and encouraging learning environment by instituting a "zero tolerance" policy on bullying, drugs, and other forms of disobedience. Detention, community service, and suspension are some alternatives to corporal punishment that can be used to enhance student behaviour and decrease misbehaviour. Teachers are the key players in such a move and more focus should be put towards entrenching restorative justice elements supported by the instructors since it is a good approach that is likely to ensure that the students do better as it relates to their discipline and academic performance.

The South African teacher training curriculum is also an imperative tool of influence in the Kenyan system as it relates to the end of corporal punishment in school because it exposes the trainee teachers to other better alternatives to corporal punishment. This approach may be adopted in Kenya by entrenching this best practice during each year of training for the teachers in the education system. Some of the alternatives to corporal punishment that teachers in South Africa are encouraged to resort to include; collaborative problem solving where both teachers and students work together to solve conflicting issues and problems (Alternatives_corporal_punishment.PDF, 2005).

The curriculum in South Africa also encourages teachers and school administrators to practice positive reinforcement by praising good conduct among the students. Positive reinforcement usually involves verbal praise for good conduct and, the use of certificates and cool stickers all towards ensuring that the rest of the class members fall in line towards adopting good behavioural practices that promote learning and are in accordance with the school rules.

Kenya may also increase parental involvement in school disciplinary boards which are mostly composed of teachers only to ensure that they provide more alternatives to corporal punishment for their learners in School. It is imperative to underscore that there is a difference between punishment and discipline. Parents and teachers are likely to work together in a bid to promote proper discipline among their students rather than approaching indiscipline through punishments that cause suffering to the students with no significant change in their behaviours. Parents may onboard some of the non-abusive disciplinary measures that they use at home such as subjecting the learners to light chores to make them realize their mistakes and demanding an apology from them (Spare the Child) or even restricting them from going to fun activities such as trips to keep them in line.

Additionally, preparing and encouraging the teachers to protect their learners' rights and fostering a more just and fair system will ensure that due process is followed when dealing with school discipline issues (Shaikhnag & Assan,

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2014). Kenya may also create a more uplifting and productive school culture by offering regular refresher teacher training focusing on learner discipline and incorporating parents, communities, and local groups in establishing safe and supportive learning environments. The ban should be implemented gradually, and teachers should be given enough resources and support to help them switch to alternate kinds of discipline. This gradual approach will lessen the impact that a sudden change in disciplinary procedures may have on student learning while at the same time giving the instructors ample time to adapt to new forms of discipline.

CONCLUSION AND RECOMMENDATIONS

This study highlights the importance of education policy reform for tackling learner indiscipline in Kenya given the increasing cases of school indiscipline. It has been identified that the paper synthesizes the best practice norms derived from the South African experience and proposes their integration into Kenya's education policy reform plan. This study concludes that the prohibition of corporal punishment in schools is not a bad thing at all since from the South African Experience it is evident that the prohibition of punishment within schools can have a positive impact.

The prohibition of corporal punishment and its mechanism does not in any way leave a discipline gap in the system but gives room for alternative means of entrenching discipline in schools that are effective in nature. The ultimate goal of abolishing corporal punishments in schools is the creation of a safer and more inclusive learning environment for all students with the promotion of the right to education and human dignity being upheld.

Recommendations concerning the identified elements as they relate to corporal punishment and school discipline in Kenya are provided for the establishment of an effective and practical system. A new education policy is advocated for additionally, the new education policy must place a high priority on offering alternatives to corporal punishment, like counselling, restorative justice initiatives, and strategies for rewarding good behaviour. With the use of this strategy, the emphasis can be shifted from punishment to the growth and welfare of the students. Additionally, it will support the growth of a supportive school climate that values cooperation, respect, and positive actions. Additionally, to support teachers in adopting and successfully implementing alternative disciplinary measures, the policy must provide opportunities for teacher professional development.

The policy must also address the underlying factors that contribute to indiscipline in schools, such as poverty, marginalization, and a lack of support for students. It will be necessary to implement a holistic approach that engages many parties, such as the community, civil society organizations, and government institutions. Reducing the need for punishment and raising the standard of instruction for all students can both be accomplished by addressing the root causes of indiscipline in schools.

To guarantee that the new education policy is successfully implemented and yields the desired results, it must also include mechanisms for monitoring and assessment. This will involve routine assessments of alternative disciplinary approaches' efficacy, evaluations of the school's culture, and assessments of the policy's effects on learner results and well-being. Setting rules and expectations at the beginning of the classes needs to be adopted by educators, they need to be encouraged to state clearly what their expectations are and what would happen if the student expectations are not met. Also, schools need to embrace non-abusive disciplinary measures such as light tasks revolving around chores like watering plants around the school compounds for the students who do not adhere to rules as well as making them apologize in front of the class for bad behaviour as a deterrence for other members of the class and the students directly involved in disciplinary issues.

A thorough and fact-based policy response is needed in reaction to the outlawed use of physical punishment and the rise of misbehaviour in

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Kenyan schools. The protection of student's rights and the development of substitute disciplinary strategies that advance students' performance must be given top priority in the new education policy. By putting these suggestions into practice, it will be feasible to construct secure and welcoming learning environments that support the growth and achievement of all Kenyan students.

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