



MAASAI MARA UNIVERSITY

**REGULAR UNIVERSITY EXAMINATIONS
2022/2023 ACADEMIC YEAR
FOURTH YEAR SECOND SEMESTER**

**SCHOOL OF EDUCATION
BACHELOR OF EDUCATION**

COMMON COURSE

**COURSE CODE: EDA 4203
COURSE TITLE: LEGAL ISSUES IN EDUCATION**

DATE: 21/04/2023

TIME: 0830-1030 HRS

INSTRUCTIONS TO CANDIDATE

Answer question 1 (ONE) and any other two questions

Question One (Compulsory)

a) Read the excerpt below and answer the question that follow:

Every employee in Kenya is entitled to enjoy the right to strike as articulated in the Constitution of Kenya (2010) and the Labour Relations Act (2007). Teachers in public schools in Kenya exercise the right to strike to compel the State, which is their employer, to address their pertinent needs. However, in most cases, courts have issued injunctions which prevent teachers from exercising their fundamental right to strike.

Questions:

- i. Provide **five justifications** why courts often stop teachers from going on strike. **(5 marks)**

- ii. Discuss any **five merits** of teachers going on strike **(5 marks)**

b) Read the excerpt below and answer the question that follow:

In July 2020, Masaibu Masubuko joined Kipepeo Primary School as a new deputy teacher—transferring from another school after facing allegations of sexual assault. Later in the month, he invited two female students from the Kipepeo Primary School, W.J. and L.N., to his house, where he ordered the girls to mop his house and prepare him lunch. During the visit, Mr. Masubuko raped L.N. and later attempted to rape W.J. The children managed to escape and reported the violation to the headteacher of the School.

Questions:

- i. Explain **five actions** the headteacher should have taken immediately the children reported the case. **(5marks)**

- ii. Discuss **five challenges** that the headteacher was likely to encounter in handling the case of rape for the two girls. **(5 marks)**

c) Discuss **five justifications** for the classification of education as a basic human right. **(10 marks)**

Question Two

a) Chapter Thirteen of the Constitution of Kenya (2010) provides for the values and principles in public service. Using practical examples, discuss any **five values** that a teacher should observe as a public servant.

(10 marks)

b) i) Discuss five challenges that school managers in Kenya experience in the course of implementing safety standards for classes. **(5 marks)**

ii) Propose five solutions to that challenges that school managers experience in their effort to implement safety programs in their institutions. **(5 marks)**

Question Three

a) Discuss **five reasons** for the continued use of corporal punishment in managing discipline in schools despite that it is illegal. **(10 marks)**

b) Discuss any **five** Circulars from the Teachers' Service Commission that have shaped the management of secondary education in Kenya.

(10 marks)

Question Four

a) Discuss **five reasons** why the freedom of worship is often violated in boarding primary schools in Kenya. **(10 marks)**

b) Discuss **five ways** in which the Teachers' Service Commission Code of Conducts and Ethics regulates the relationship between the teacher and the public.

(10 marks)

Question Five

a) Illustrate **five reasons** why all teachers in Kenya require understanding of Chapter Six of the Constitution. **(10 marks)**

b) You have been invited to guide principals of secondary schools in Kenya on the Law of Torts. Using practical examples, explain five torts you would cover in your presentation which are applicable to school administration in Kenya. **(10 marks)**

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