



REPUBLIC OF KENYA

KENYA NATIONAL ASSEMBLY

PARLIAMENT
OF KENYA
LIBRARY

TENTH PARLIAMENT – FOURTH SESSION

THE DEPARTMENTAL COMMITTEE
ON
EDUCATION, RESEARCH AND TECHNOLOGY

REPORT ON
THE BASIC EDUCATION BILL, 2012

PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2012

TABLE OF CONTENTS

LIST OF ACRONYMS iii

PREFACE iv

COMMITTEE’S OBSERVATIONS AND CONCLUSIONS vi

PROPOSED AMENDMENTS..... vi

ACKNOWLEDGEMENTS.....xxiii

LIST OF ACRONYMS

TSC	- Teacher Service Commission
NCCK	- National Council of Churches of Kenya
KNUT	- Kenya National Union of Teachers
KUPPET	- Kenya Union of Post Primary education teachers
KESHA	- Kenya Secondary Schools Heads Association
KEPSA	- Kenya Private Schools Association
MOE	- Ministry of Education
KEPSA	- Kenya Private Sector Alliance
KAIIS	- Kenya Association of Independent International Schools
KENTPTA	- Kenya National Teachers Parents Association
KNAP	- Kenya National Association of Parents

PREFACE

Mr. Speaker Sir,

The Departmental Committee of Education, Research and Technology is established under the **Standing Order No. 198 (3)**, and has the following functions:

- i. To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;**
- ii. To study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;**
- iii. To study and review all legislations referred to it;**
- iv. To study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;**
- v. To investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to it by the House or a Minister; and**
- vi. To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.**

The provisions of the *Standing Order 198* state the Terms of Reference (TOR) for the Departmental Committee of Education, Research and Technology as:

- i) Education;**
- ii) Training;**
- iii) Research; and**
- iv) Technological Advancement.**

The *Standing Orders* also empowers the Committee to make its own selection of the subjects regarding the policy, management and administration among others of the Ministries and Departments falling under its jurisdiction.

COMMITTEE'S MEMBERSHIP

The committee comprises of the following members:-

The Hon. David K. Koech, MP	- Chairperson
The Hon. Francis T. Nyammo, MP	- Vice-Chairperson
The Hon. B. C. Muturi Mwangi, MP	- Member
The Hon. Mwaura Kiburi David, MP	- Member
The Hon. Dr. Joyce Laboso, MP	- Member
The Hon. Mohammed Sirat, MP	- Member
The Hon. Dr. Wilber Ottichilo K., MP	- Member
The Hon. Alfred Odhiambo, MP	- Member
The Hon. Dache John Pesa, MP	- Member
The Hon. Shakila Abdalla, MP	- Member

On Wednesday, 26th September, 2012, the Basic Education Bill, 2012 was read a first time and referred to the relevant Departmental Committee of the House pursuant to the provisions of the Standing Order No. 111 of the National Assembly. The Bill further went through the Second Reading on 10th October, 2012 and awaits the Committee of the Whole House.

The Departmental Committee on Education, Research and Technology during its 54th Sitting on Monday, 29th October, 2012 and the 58th Sitting on Thursday 1st November, 2012 held consultative meetings with various stakeholders where the Committee received and considered oral and written submissions from the stakeholders.

The Stakeholders included the Ministry of Education, the Teachers Service Commission, the Kenya Private Sector Alliance, the Kenya National Union of Teachers (KNUT), the Kenya Union of Post Primary education teachers (KUPPET), the National Association of Parents, the Kenya Episcopal Conference, the Kenya Association of Independent International Schools, the Transparency International Kenya, the Voice of the Family in Africa International, the National Council of Churches of Kenya, the Ministry of State for the Development of Northern Kenya and other Arid Lands, the Law Society of Kenya, the Kenya Secondary Schools Heads Association (KESSHA) and the Kenya Private Schools Association (KEPSA) among others.

COMMITTEE'S OBSERVATIONS AND CONCLUSIONS

The Committee observed and concluded that:

- i. The Basic Education Bill, 2012 was developed to align the education sector to the Kenyan Constitution, 2010 and Vision 2030 and is based on the Policy Framework on the Education and Training, 2012. The Bill repeals the Education Act of 1968.
- ii. The sponsors' wanted to have a role in the identification and posting of head teachers/principals of schools. The Committee noted that although the role of the sponsor was critical in the management of the schools, the identification of head teachers and principals should be left to the Teachers Service Commission as an autonomous body responsible for registration, recruitment and posting of teachers.
- iii. The representation of various institutions and organizations especially the sponsors, religious entities, trade unions, Parents Teachers Association and the private sector in the management of schools needed to be enhanced in order to bolster the spirit of consultation and participation in decision making process.
- iv. The role of the sponsor should include provision of financial and infrastructure support to the school(s).The Committee noted that some individuals or organizations had masqueraded as sponsors to certain schools without clear roles and support to the schools. The Sponsors must therefore be called so by deeds and through their continuous support to the schools.
- v. The application for the establishment of a basic education institution must take into account the existence of mobile schools in Nomadic areas. This would allow registration of such schools without a physical address.
- vi. The issues revolving around the property rights including ownership of land that some schools stood on should be handled through the relevant property and land statutes/laws.

PROPOSED AMENDMENTS

The Committee further during its 60th Sitting held on Tuesday 27th November, 2012 considered and unanimously approved the proposed amendments to the Bill as follows:

CLAUSE 2

THAT the Bill be amended in Clause 2 by-

- (a) by deleting the definition of the word “Duksi” and substituting therefor the following new definition-

“Duksi” means Islamic elementary institution that offers Quranic education and other related subjects

- (b) by deleting the definition of the word “Madrassa” and substituting therefor the following new definition-

“madrassa” refers to structural Muslim educational institutions or schools that offer Islamic and other subjects and are laddered from primary to secondary.

- (c) by deleting the definition of the word “head teacher” and substituting therefor the following new definition-

“head teacher” means the lead administrator or educator in a primary education institution under this Act appointed by the Teachers Service Commission and includes a manager of a private institution, and is responsible to the Cabinet Secretary for implementation of educational policy guidelines and professional practices that provide synergy for optimal utilization of resources in provision of education;

- (d) by deleting the definition of the word “Director General” and substituting therefor the following new definition-

“Director General” means a person appointed under the Public Service Commission Act, and responsible to the Cabinet Secretary and in-charge of all technical/ professional matters

- (e) by inserting the words “in consultation with the proprietor” immediately after the word “regulations” appearing in the definition of the word “manager”

- (f) by deleting the definition of the word “teacher” and substituting therefor the following new definition-

“teacher” means a professional facilitator of knowledge

- (g) deleting the word “prescribed” in the definition of the word “curriculum” and substituting thereof the word “approved”.
- (h) deleting the words “ non-formal education” in the first part of the definition of the word “school”
- (i) deleting paragraph (a) of the definition of the word “school” and substituting thereof the following new paragraph (a)

(a) any institution or assembly for which a Cabinet Secretary other than the Cabinet Secretary responsible for matters relating to basic education and training, is responsible.

- (h) inserting the following new definitions in proper alphabetical sequence-

“Mobile school” means a formal flexible institution that allows for mobility of pupils and teachers and is specifically designed to suit the needs of migrant communities

“Programmes of pastoral instruction” means the curriculum designed by different Christian Churches in collaboration with the Ministry of Education and approved by the Cabinet Secretary to teach learner’s knowledge and practices of their specific faith traditions”

“Private school” means a school established, owned or operated by private individuals, entrepreneurs and institutions

- (j) Deleting the definition of “untrained teacher”

CLAUSE 4

THAT the Bill be amended in Clause 4 by –

- (a) inserting the words “from pre-primary to primary class two” immediately after the word “choice” appearing in paragraph (f)

CLAUSE 5

THAT the Bill be amended in Clause 5 by-

- (a) deleting the word “assigned” appearing in paragraph (e) of sub-clause (2) and substituting therefor the word “referred”

(b) Inserting a new sub-clause (3)

(3) The National Education Board shall generate and cause to be published an annual report on the state of education service delivery in the country

CLAUSE 7

THAT the Bill be amended by-

(a) Introducing a new Clause 7

(1) The National Education Board shall consist of a Chairperson and eight other members appointed by the Cabinet Secretary in accordance with section 10 of this Act

(b) Inserting a new sub clause (2) as follows-

(2) The chairperson shall serve a term of four years renewable once”

(c) Inserting a new sub clause (3) as follows-

(3) The members shall serve for a term of three years renewable once

CLAUSE 8

THAT the Bill be amended in Clause 8(1) by-

(a) inserting a new paragraph(d) in sub-clause(1)

(d) has had a distinguished career in their respective fields

(b) inserting the words “and human rights” immediately after the word “governance’ appearing in sub paragraph(b)(iv) of sub-clause(2)

CLAUSE 10

THAT the Bill be amended in Clause 10 by-

(a) deleting the words “a representative of” appearing immediately before the word “the Cabinet Secretary” in paragraph (b) of sub-clause (2)

(b) deleting paragraph (e) in sub-clause(2) and substituting therefor a new paragraph(e)

(e) three persons representing religious groups as follows;

- (i) One person to represent the NCCCK and the Evangelical fellowship of Kenya
- (ii) One person to represent the Kenya Episcopal Conference
- (iii) One person to represent the Supreme Council of Kenya Muslims

(c) deleting paragraph (f) in sub-clause(2) and substituting therefor a new paragraph(f) as follows-

(f) one person to represent the Kenya Private Sector Alliance

(d) deleting the words ‘one person’ in paragraph (h) of sub-clause (2) and substituting therefor the words “two persons”

(f) Inserting a new paragraph (i)

(i) one person to represent the Parents Association

CLAUSE 12

THAT the Bill be amended in Clause 12 by-

(a) deleting the word “may” appearing immediately after the word “Secretary” in the clause and substituting therefor the word “shall”

CLAUSE 17

THAT the Bill be amended in Clause 17(1) by-

(a) by deleting the words “there shall be a county Education Board for every County” and substituting therefor the words “there is established a Board to be known as County Education Board for every county”

(a) Inserting a new sub-clause (2)

(2) The County Education Board in each county shall be an agent of the National Education Board

CLAUSE 18

THAT the Bill be amended in Clause 18 by-

(a) deleting the word “village” appearing in paragraph (a) of sub-clause (1) and substituting therefor the words “youth”

- (b) inserting the words “and school based audit report” immediately after the word “implementation” appearing in paragraph (k) of sub clause (1)
- (c) Inserting a new sub clause (2) as follows
 - (2) “The County Education Board may in consultation with the National Education Board and relevant stakeholders appoint a sub county education office with clear functions and powers”

CLAUSE 20

THAT the Bill be amended in Clause by-

- (a) deleting the “eight” appearing in sub-clause(1) and substituting therefor the word “twelve”
- (b) deleting the words “ eminent educationist” appearing in paragraph (a) of sub-clause (1) and substituting therefor the words “educationist of at least five years standing”
- (c) deleting the words “county governor” appearing in paragraph (c) of sub clause (1) and substituting thereof the words “County Executive in charge of education”
- (d) deleting the words “a representative of Teachers Service Commission” appearing in paragraph (d) of sub-clause (1) and substituting thereof the words “Teachers Service Commission County Director”
- (e) deleting the word “a” appearing in paragraph (h) of sub-clause (1) and substituting therefor the word “two”
- (f) deleting paragraph (e) of sub-clause (1) and substituting therefor a new paragraph(e)
 - (e) where applicable, one person each representing;
 - (i) The NCKK and the Evangelical fellowship of Kenya
 - (ii) The Kenya Episcopal Conference
 - (iii) The Muslims Education Council
- (g) deleting the words “a representative” appearing in (g) of sub-clause (1) and substituting thereof the words “two representatives”

(h) inserting new paragraph “(j)” in sub-clause (1) as follows:-

“(j) one representative of primary school head teachers’ association and one secondary school principals’ association provided they are not of the same gender”

CLAUSE 23

THAT the Bill be amended in Clause 23 by-

(a) deleting the words, ‘remuneration, fees’ appearing in the clause

CLAUSE 25

THAT the Bill be amended in Clause 25 by-

(a) inserting a new paragraph (h) to establish a committee dealing with discipline and conflict resolution. For instance “dispute resolution Committee”

(b) deleting the word “village” appearing in paragraph(e) of sub-clause(2) and substituting therefor the word “youth”

CLAUSE 26

THAT the Bill be amended in Clause 26 by-

(a) deleting the sub-clause (a)

(b) deleting the words “recommendation of” appearing in paragraph(b) and substitute therefor the words “participate and make recommendations”

(c) deleting the paragraph(d) and substituting therefor the following new paragraph(d)

(d) provide supervisory and advisory services in matter regarding spiritual development in schools including the appointment of chaplains at their own expense.

(d) deleting the words “maintenance of religious traditions in the school” appearing in paragraph (e) of clause (26) and substituting therefor the words “maintenance of spiritual development while safeguarding the denomination or religious adherence of others”

(e) inserting the following new paragraph in clause (26) –

(f) Offering financial and infrastructural support;

CLAUSE 27

THAT the Bill be amended in Clause 27 by-

- (a) deleting the words “non formal” appearing in paragraph (a) of sub clause (2)

CLAUSE 28

THAT the Bill be amended in Clause 28 by-

- (a) inserting the words “in consultation with the county education board provided no child shall be locked out of school because of not paying such charges” immediately after the word “Secretary” appearing in paragraph (b) of sub-clause (2)

(b) Inserting a new paragraph(c) as follows:-

- (c)no person shall collect levies without issuing an official receipt

CLAUSE 29

THAT the Bill be amended in Clause 29 by-

- (a) Deleting the sub-clause(1) and substituting therefor the following new paragraph as clause 29(1)–

“Every parent whose child is a Kenyan”

- (b) deleting the word “Director-General” appearing in sub-clause (4) and substituting therefor the words “County Director of Education”

CLAUSE 30

THAT the Bill be amended in Clause 30 by-

- (a) deleting the word “admit” in sub clause(1) and substituting therefor the words “present for admission”
- (b) deleting the word “five” appearing in sub-clause (2) and substituting therefor the word “two”
- (c) inserting the following proviso “Provided that every parent shall have the right to participate in the character development of the child”.

CLAUSE 31

THAT the Bill be amended in Clause 31 by-

- (a) inserting the word “public” before the word “school” appearing in the Clause

CLAUSE 32

THAT the Bill be amended in Clause 32 by-

- (a) inserting the words “or at the attainment of school going age of four years” immediately after the word “ regulations” appearing in sub-clause(1)

CLAUSE 33

THAT the Bill be amended in Clause 33 by-

- (a) inserting the words “provided that this does not apply to a school registered for a particular gender” immediately after the word “culture” appearing in sub-clause(2)
- (b) inserting the words “unless such test is for placement” immediately after the word “test” appearing in the last line of sub-clause(3)

CLAUSE 35

THAT the Bill be amended in Clause 35 by-

- (a) Renumbering sub-clause(1) to read (1)(a)
- (b) Inserting sub- clause (1)(b) as follows-
 - b) no pupil shall be subjected to holiday tuition whether paid for or otherwise

CLAUSE 37

THAT the Bill be amended in Clause 37 by-

- (a) inserting the word “adequate” immediately after the word “including” appearing in the first line of the paragraph (d)
- (b) inserting the words “following prescribed staffing norms” immediately after the words “non teaching staff” appearing in the first line of the paragraph (d)
- (c) Inserting a new paragraph(i) as follows-
 - (i) advise the national government on financing of infrastructure development for basic education

CLAUSE 38

THAT the Bill be amended in Clause 38 by-

- (a) deleting the word “investigate” and substitute thereof the words “cause investigation of” immediately after the word “shall” appearing in sub-clause (1)
- (b) deleting the words “ the school” appearing immediately after the words “attend school” in sub-clause(2)
- (c) deleting paragraph (d) of sub-clause (2) and substituting therefor the following new sub-clause(2)(d)
 - (2)(d) Submit a report on the child to a correctional institution.
- (d) Renumbering sub clause 38(2) to read 38(3)
- (e) deleting the words “five million” appearing in the last paragraph of the clause and substituting therefor the words “five hundred thousand”
- (f) deleting the words “five years” appearing in the last paragraph of the clause and substituting therefor the words “two years”

CLAUSE 40

THAT the Bill be amended in Clause 40 by-

- (a) inserting the following new paragraphs in clause 40 :-
 - (3)** The Cabinet Secretary will in consultation with National Education Board advise the government on how to promote financing of technical, vocational and talent education to reduce wastage of primary school graduates.
 - (4)** The Cabinet Secretary on advice of the National Education Board will advice the government on how to promote environmental protection education for sustainable development”

CLAUSE 41

THAT the Bill be amended in Clause 41 by-

- (a) Inserting the words “the public schools be further classified as government schools and sponsored schools” immediately after the word “government” appearing in paragraph (a) of the clause.
- (b) Deleting paragraph(b) of the clause and renumbering paragraph(c) as (b)
- (c) Inserting a new paragraph (c) as follows:-
 - (c) No organization, community, sponsor or individual shall convert a public basic education institution to private status without consultation with the National Education Board and approval by the Cabinet Secretary.

CLAUSE 42

THAT the Bill be amended in Clause 42 by-

- (a) Inserting the word “public” immediately after the word “maintain” appearing in sub-clause(1)

CLAUSE 43

THAT the Bill be amended in Clause 43 by-

- (b) Inserting a new paragraph (h) to sub clause (2) as follows-

“(h) establish a mechanism for monitoring and evaluation to advice the government on quality of special needs education infrastructure facilities”

CLAUSE 44

THAT the Bill be amended in Clause 44 by-

- (a) deleting the word “EARCs” appearing in sub clause (1) and substituting thereof the words “education assessment and research centers”

CLAUSE 48

THAT the Bill be amended in Clause 48 by-

- (a) inserting the words “registered by Teachers Service Commssion” immediately after the word “not” appearing in paragraph(d) of sub-clause (2)
- (b) inserting the words “for one year renewable once” immediately after the word “provisional” appearing in sub-clause (3)

CLAUSE 50

THAT the Bill be amended in Clause 50 by-

- (a) deleting the word “prescribed” appearing in paragraph(c) of sub-clause (1) and substituting therefor the word “approved”

CLAUSE 52

THAT the Bill be amended in Clause 52 by-

- (a) deleting the word “appointed” appearing in sub-clause (5) and substituting therefor the word “deployed”

CLAUSE 53

THAT the Bill be amended in Clause 53 by-

- (a) deleting the words “and private” appearing in sub-clause (1)
- (b) insert a new paragraph (f) in sub clause (1)
 - (f) Middle level institutions of basic education
- (c) deleting the word “secondary” appearing in sub clause (2)
- (d) inserting the following new sub clause (3)
 - (3) private schools shall establish parents teachers associations

CLAUSE 54

THAT the Bill be amended in Clause 54 by-

- (a) deleting the words “representing” in paragraph (a) of sub clause (1) and substituting thereof the words “elected to represent”
- (b) inserting the words “elected by the teachers” immediately after the word “school” appearing in paragraph (c) of sub clause (1)
- (c) deleting paragraph (1)(e) and substituting it with a new paragraph as follows-
 - “(e) one person to represent special interest groups in the community”
- (d) inserting the following new paragraph (g) in sub-clause(1)
 - “(g) a representative of the student’s council who shall be an ex-official member”
- (e) inserting the following new paragraph
 - (4A) For public schools the Chairperson of the Board of Management shall be elected by the members in their first meeting
- (f) deleting the words “or private” appearing in sub-clause (6)

CLAUSE 57

THAT the Bill be amended in Clause 57 by-

- (a) inserting a new Clause 57A as follows-
 - xvii

(57A) Any person who contravenes Clause 50 (d) and 57 (d) and (i) shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both”

CLAUSE 58

THAT the Bill be amended in Clause 58 by-

(a) inserting the words “public school or” immediately after the word “Every” in the first line of the Clause.

CLAUSE 61

THAT the Bill be amended in Clause 61 by-

(a) deleting the entire clause and substituting thereof the following new Clause-

“The Cabinet Secretary shall by regulation recommend such allowances to be paid to the Members of the Board of Management provided that such allowances are approved by the Salaries and Remunerations Commission”

CLAUSE 62

THAT the Bill be amended in Clause 62 by-

(a) deleting the word “Commission” appearing in sub-clause(1) and substituting therefor the word “Council”

(b) deleting the word “Commission” appearing in sub-clause(2) and substituting therefor the word “Council”

CLAUSE 72

THAT the Bill be amended in Clause 72 by-

(a) inserting the words “on the basis of approved criteria” immediately after the word “programmes” appearing in sub-clause (2)

(b) deleting the word “agency” appearing in sub clause (2) and substituting thereof the following word “agencies”

(c) deleting sub-clause (3)

CLAUSE 80

THAT the Bill be amended in Clause 80 by-

(a) inserting the words “as may be prescribed by regulations” immediately after the word “for” appearing in paragraph(e) of sub-clause(2)

CLAUSE 81

THAT the Bill be amended in Clause 81 by-

- (b) inserting the words “if a static school and, general grazing area and family name for a mobile school” immediately after the word “institution” appearing in the last line of paragraph(a) of the clause

CLAUSE 85

THAT the Bill be amended in Clause 85 by-

- (a) deleting the words “period of twelve months ending on 30th June in each year” appearing in the clause and substituting therefor the words “government financial year”

CLAUSE 86

THAT the Bill be amended in Clause 86 by-

- (a) inserting the following new paragraph in sub-clause (2)
 - (f) Infrastructural development
- (b) deleting the words “the Cabinet Secretary” appearing in sub-clause (3) and substituting therefor the word “Parliament”

CLAUSE 88

THAT the Bill be amended in Clause 88 by-

- (a) inserting the words “ for public schools” immediately after the words “school-based auditing” appearing in sub clause (1)
- (b) inserting the words “ such” immediately after the words “officers responsible for” appearing in sub clause (2)
- (c) inserting the words “ for public schools” immediately after the words “school-based auditing” appearing in sub clause (3)

CLAUSE 91

THAT the Bill be amended in Clause 91 by-

- (a) Renumbering sub clause 91(1) and 91(2) as 91(1)(a) and 91(1)(b) respectively.
- (b) Renumbering the current sub section 91(2) to read 91(3)

(c) inserting a new sub clause 91(2) as follows-

(2) the Education Appeals tribunal will comprise of the following:

- (i) The chairperson of the National Education Board
- (ii) The Director-General
- (iii) The Secretary- TSC
- (iv) A representative of Education Standards and Quality Assurance Council
- (v) a representative of Kenya Private Sector Alliance
- (vi) A representative of the Attorney General
- (vii) Chief Executive Officer National Council for Nomadic Education in Kenya

CLAUSE 92

THAT the Bill be amended in Clause 92 by-

- (a) deleting paragraph (e)(i) and (ii) in sub-clause (2) and substitute therefor the words “integration of the madrassa, duksi and pastoral programmes of instructions into the formal education system as appropriate to improve access and retention”
- (b) deleting clause 92(f) and renumbering 92(g) accordingly
- (c) inserting the words “in accordance with international best practices” immediately after the word “standards appearing in the last line of paragraph(a) of sub-clause (3)
- (d) deleting the words “Schools Management Committees” and substituting therefor the words “ Boards of Management”
- (e) inserting a new sub-clauses(1) and (2) as follows:
 - (1) There is established a National Council for Nomadic Education in Kenya (NACONEK)
 - (2) Notwithstanding sub-clause (1) National Council for Nomadic Education in Kenya shall be constituted in a manner set out in the Six Schedule.

Third Schedule

- (a) Inserting the word “teacher” immediately after the word “head” appearing in sub clause 2(5)

- (e) deleting the words “a representative” appearing in (f) of sub-clause (2) and substituting thereof the words “two representatives”
- (f) inserting new paragraph “(g)” in sub-clause (2) as follows:-

“(g) one representative of primary school head teachers’ association and one secondary school principals’ association provided they are not of the same gender”

Fifth Schedule

- (a) Deleting paragraph (a) of sub-clause(1) and substitute therefor the words “The functions of the County Committee shall be to advise the Cabinet Secretary on the development and coordination of activities in Adult and Continuing Education”
- (b) inserting the words “Promote adult literacy” immediately after the word “stimulate” appearing in paragraph (d) of sub-clause(1)
- (c) deleting the words “not more than” appearing in paragraph (b) of sub clause 2(1)
- (d) deleting the word “ten” appearing in paragraph (b) of sub clause 2(1) and substituting thereof the word “seven”
- (e) Deleting the words “not more than” appearing in paragraph (c) of sub clause 2(1)

Six Schedule

The Minister for Education undertook to introduce a new schedule (6) to the Bill to provide details including functions, membership, quorum, power of the council to regulate own procedure disclosure of interest and tenure among others for the National Council for Nomadic Education in Kenya

Fourth Schedule

- (a) inserting the following new Clause 1(f) at the beginning of the schedule

1(f) There shall be an executive Board of Management consisting of:-

- i) The chairperson of the Board
- ii) The secretary of the Board
- iii) The PTA chairperson
- iv) Two other board members

- (b) Renumbering the current Clause (1) as “(1)(2)

- (c) deleting the words “period of twelve months ending on the thirtieth day of June of each year” appearing in clause(20) and substituting therefor the words “financial year of the government”

- (d) delete the words “remuneration or” immediately after the word “such” appearing in Clause 11 of the schedule

- (e) inserting the word “ of the government” immediately after the word “year” appearing in sub clause 22(2)

Part II

That part II of the fourth schedule be amended by-

- (a) deleting the “eight” appearing in sub-clause(1) and substituting therefor the word “twelve”

- (b) deleting the words “ renowned educationist” appearing in paragraph (a) of sub-clause (2) and substituting therefor the words “educationist of at least five years standing”

- (c) deleting the words “a representative” appearing in (b) of sub-clause (2) and substituting thereof the words “two representatives”

- (d) deleting paragraph (d) of sub-clause (2) and substituting therefor a new paragraph(d)

- (d) where applicable, one person each representing ;
- (i) The National Council for Churches of Kenya and the Evangelical Fellowship of Kenya
 - (ii) The Kenya Episcopal Conference
 - (iii) The Muslims Education Council

ACKNOWLEDGEMENTS

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate. The Committee also appreciates the Secretariat for the preparation of this report.

Finally, I wish to express my appreciation to the Honourable Members of the Committee who sacrificed their time to participate in the activities of the Committee and preparation of this report.

Mr. Speaker Sir,

It is therefore my pleasant duty and privilege, on behalf of the Departmental Committee of Education, Research and Technology to table this report on the proposed amendments to the Basic Education Bill, 2012 and commend it to the House for debate and adoption pursuant to provisions of the National Assembly Standing Order 181.



Signed

CHAIRPERSON

(HON. DAVID KOECH, MP)

Date: 27/11/2012

MINUTES OF THE 54TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON MONDAY, 29TH SEPTEMBER, 2012 AT COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDING AT 3.30 P.M.

PRESENT

Hon. David Koech, M.P. - Chairperson
Hon. F. T. Nyammo, M. P. - Vice-chairperson
Hon. John D. Pesa, M.P.
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. David Njuguna, M.P.
Hon. Mohammed Sirat, M.P.

ABSENT WITH APOLOGY

Hon. Alfred Bwire Odhiambo, M.P.
Hon. B. Muturi Mwangi, M.P.
Hon. Shakilla Abdalla, M.P.
Hon. (Dr.) Joyce Laboso, M.P.

IN ATTENDANCE

Hon. Mutula Kilonzo, MP
Prof. G.I Godia
Mr. Kiragu M.
Mr. Peter Kimondo
Mr. Kennedy Buhen
Mr. Johnson Mwangi
Mr. Mukulu N. Kariuki
Mr. Kinara I. Nyabwari
Mr. Elijah Mungui
Mr. Margaret N. Munge
Robert Masese
Mr. Peter Ondundo
Mr. Ikiungu Johnson

MINISTRY OF EDUCATION

- Minister for Education
- PS MOE
- MOE
- MOE
- MOE
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- MOE
- MOE

IN ATTENDANCE

Mr. Derick Koli
Mr. George Otienon
Ms. Rose Ometere

KENYA NATIONAL ASSEMBLY

- Clerk Assistant
- Clerk Assistant
- Hansard

MIN.NO. 210/2012:

PRELIMINARIES

The Chairman called the meeting to order at thirty minutes past three o'clock in the afternoon and the meeting started with a word of prayer. The Chairman thereafter welcomed the Minister for Education and other officials from the Ministry and thanked them for attending the meeting and called for a round of introductions.

MIN. NO.211/2012:

THE BASIC EDUCATION BILL, 2012

The Chairman thereafter invited the Minister for Education to take the Committee through the Basic Education Bill, 2012 Clause by Clause and asked him to make comments where necessary on areas that the stakeholders had proposed amendments or raised concerns.

The Minister thanked the chairman and emphasized that the Basic Education Bill, 2012 was among the most progressive legislations the Ministry has proposed in the recent past because it repeals the Education Act of 1968. The Minister also thanked the Committee for its cooperation and cordial relations with the Ministry.

The Committee was taken through the Bill by the Minister and during the meeting the following amendments were proposed:-

CLAUSE 2

THAT the Bill be amended in Clause 2 by-

- (a) by deleting the definition of the word "Duksi" and substituting therefor the following new definition-

"Duksi" means Islamic elementary institution that offers Quranic education and other related subjects

- (b) by deleting the definition of the word "Madrassa" and substituting therefor the following new definition-

"madrassa" refers to structural Muslim educational institutions or schools that offer Islamic and other subjects and are laddered from primary to secondary.

- (c) by deleting the definition of the word “Director General” and substituting therefor the following new definition-

“Director General” means a person appointed under the Public Service Commission Act, and responsible to the Cabinet Secretary and in-charge of all technical/ professional matters

- (d) by deleting the definition of the word “teacher” and substituting therefor the following new definition-

“teacher” means a professional facilitator of knowledge

- (e) deleting the word “prescribed” in the definition of the word “curriculum” and substituting thereof the word “approved”.

- (f) deleting the words “ non-formal education” in the first part of the definition of the word “school”

- (g) deleting paragraph (a) of the definition of the word “school” and substituting thereof the following new paragraph (a)

(a) any institution or assembly for which a Cabinet Secretary other than the Cabinet Secretary responsible for matters relating to basic education and training, is responsible.

- (h) Inserting the following new definitions in proper alphabetical sequence-

“Mobile school” means a formal flexible institution that allows for mobility of pupils and teachers and is specifically designed to suit the needs of migrant communities

- (h) Deleting the definition of “untrained teacher”

CLAUSE 4

THAT the Bill be amended in Clause 4 by –

- (a) inserting the words “from pre-primary to primary class two” immediately after the word “choice” appearing in paragraph (f)

CLAUSE 5

THAT the Bill be amended in Clause 5 by-

(a) deleting the word “assigned” appearing in paragraph (e) of sub-clause (2) and substituting therefor the word “referred”

(b) Inserting a new sub-clause (3)

(3) The National Education Board shall generate and cause to be published an annual report on the state of education service delivery in the country

CLAUSE 7

THAT the Bill be amended by-

(a) Introducing a new Clause 7

(1) The National Education Board shall consist of a Chairperson and eight other members appointed by the Cabinet Secretary in accordance with section 10 of this Act

(b) Inserting a new sub clause (2) as follows-

(2) The chairperson shall serve a term of four years renewable once”

(c) Inserting a new sub clause (3) as follows-

(3) The members shall serve for a term of three years renewable once

CLAUSE 8

THAT the Bill be amended in Clause 8(1) by-

(a) inserting the words “and human rights” immediately after the word “governance’ appearing in sub paragraph(b)(iv) of sub-clause(2)

(b) inserting a new paragraph(d) in sub-clause(1)

(d) has had a distinguished career in their respective fields

CLAUSE 18

THAT the Bill be amended in Clause 18 by-

- (a) deleting the word “village” appearing in paragraph (a) of sub-clause (1) and substituting therefor the words “youth”

CLAUSE 26

THAT the Bill be amended in Clause 26 by-

- (a) deleting the paragraph(d) and substituting therefor the following new paragraph(d)

- (d) provide supervisory and advisory services in matter regarding spiritual development in schools including the appointment of chaplains at their own expense.

- (b) deleting the words “maintenance of religious traditions in the school” appearing in paragraph (e) of clause (26) and substituting therefor the words “maintenance of spiritual development while safeguarding the denomination or religious adherence of others”

- (c) inserting the following new paragraph in clause (26) –

- (f) Offering financial and infrastructural support;

CLAUSE 27

THAT the Bill be amended in Clause 27 by-

- (a) deleting the words “non formal” appearing in paragraph (a) of sub clause (2)

CLAUSE 28

THAT the Bill be amended in Clause 28 by-

- (a) inserting the words “in consultation with the county education board provided no child shall be locked out of school because of not paying such charges” immediately after the word “Secretary” appearing in paragraph (b) of sub-clause (2)

CLAUSE 29

THAT the Bill be amended in Clause 29 by-

- (a) Deleting the sub-clause(1) and substituting therefor the following new paragraph as clause 29(1)–

“Every parent whose child is a Kenyan”

- (b) deleting the word “Director-General” appearing in sub-clause (4) and substituting therefor the words “County Director of Education”

CLAUSE 30

THAT the Bill be amended in Clause 30 by-

- (a) deleting the word “admit” in sub clause(1) and substituting therefor the words “present for admission”
- (b) deleting the word “five” appearing in sub-clause (2) and substituting therefor the word “two”
- (c) inserting the following proviso “Provided that every parent shall have the right to participate in the character development of the child”.

CLAUSE 32

THAT the Bill be amended in Clause 32 by-

- (a) inserting the words “or at the attainment of school going age of four years” immediately after the word “ regulations” appearing in sub-clause(1)

CLAUSE 33

THAT the Bill be amended in Clause 33 by-

- (a) inserting the words “provided that this does not apply to a school registered for a particular gender” immediately after the word “culture” appearing in sub-clause(2)
- (b) inserting the words “unless such test is for placement” immediately after the word “test” appearing in the last line of sub-clause(3)

CLAUSE 35

THAT the Bill be amended in Clause 35 by-

(a) Renumbering sub-clause(1) to read (1)(a)

(b) Inserting sub- clause (1)(b) as follows-

b) no pupil shall be subjected to holiday tuition whether paid for or otherwise

CLAUSE 37

THAT the Bill be amended in Clause 37 by-

(a) inserting the word “adequate” immediately after the word “including” appearing in the first line of the paragraph (d)

(b) inserting the words “following prescribed staffing norms” immediately after the words “non teaching staff” appearing in the first line of the paragraph (d)

(c) Inserting a new paragraph(i) as follows-

(i) advise the national government on financing of infrastructure development for basic education

CLAUSE 38

THAT the Bill be amended in Clause 38 by-

(a) deleting the word “investigate” and substitute thereof the words “cause investigation of” immediately after the word “shall” appearing in sub-clause (1)

(b) deleting the words “ the school” appearing immediately after the words “attend school” in sub-clause(2)

(c) deleting paragraph (d) of sub-clause (2) and substituting therefor the following new sub-clause(2)(d)

(2)(d) Submit a report on the child to a correctional institution.

(d) Renumbering sub clause 38(2) to read 38(3)

(e) deleting the words “five million” appearing in the last paragraph of the clause and substituting therefor the words “five hundred thousand”

(f) deleting the words “five years” appearing in the last paragraph of the clause and substituting therefor the words “two years”

CLAUSE 41

THAT the Bill be amended in Clause 41 by-

(a) Inserting the words “the public schools be further classified as government schools and sponsored schools” immediately after the word “government” appearing in paragraph (a) of the clause.

(b) Deleting paragraph(b) of the clause and renumbering paragraph(c) as (b)

CLAUSE 44

THAT the Bill be amended in Clause 44 by-

(a) deleting the word “EARCs” appearing in sub clause (1) and substituting thereof the words “education assessment and research centers”

CLAUSE 50

THAT the Bill be amended in Clause 50 by-

(a) deleting the word “prescribed” appearing in paragraph(c) of sub-clause (1) and substituting therefor the word “approved”

CLAUSE 52

THAT the Bill be amended in Clause 52 by-

(a) deleting the word “appointed” appearing in sub-clause (5) and substituting therefor the word “deployed”

CLAUSE 61

THAT the Bill be amended in Clause 61 by-

(a) deleting the entire clause and substituting thereof the following new Clause-

“The Cabinet Secretary shall by regulation recommend such allowances to be paid to the Members of the Board of Management provided that such allowances are approved by the Salaries and Remunerations Commission

CLAUSE 62

THAT the Bill be amended in Clause 62 by-

- (a) deleting the word “Commission” appearing in sub-clause(1) and substituting therefor the word “Council”
- (b) deleting the word “Commission” appearing in sub-clause(2) and substituting therefor the word “Council”

CLAUSE 72

THAT the Bill be amended in Clause 72 by-

- (a) inserting the words “on the basis of approved criteria” immediately after the word “programmes” appearing in sub-clause (2)
- (b) deleting the word “agency” appearing in sub clause (2) and substituting thereof the following word “agencies”
- (c) deleting sub-clause (3)

CLAUSE 80

THAT the Bill be amended in Clause 80 by-

- (a) inserting the words “as may be prescribed by regulations” immediately after the word “for” appearing in paragraph(e) of sub-clause(2)

CLAUSE 81

THAT the Bill be amended in Clause 81 by-

- (b) inserting the words “if a static school and, general grazing area and family name for a mobile school” immediately after the word “institution” appearing in the last line of paragraph(a) of the clause

CLAUSE 85

THAT the Bill be amended in Clause 85 by-

- (a) deleting the words “period of twelve months ending on 30th June in each year” appearing in the clause and substituting therefor the words “government financial year”

CLAUSE 86

THAT the Bill be amended in Clause 86 by-

- (a) inserting the following new paragraph in sub-clause (2)
 - (f) Infrastructural development
- (b) deleting the words “the Cabinet Secretary” appearing in sub-clause (3) and substituting therefor the word “Parliament”

CLAUSE 91

THAT the Bill be amended in Clause 91 by-

- (a) Renumbering sub clause 91(1) and 91(2) as 91(1)(a) and 91(1)(b) respectively.
- (b) Renumbering the current sub section 91(2) to read 91(3)
- (c) inserting a new sub clause 91(2) as follows-
 - (2) the Education Appeals tribunal will comprise of the following:
 - (i)The chairperson of the National Education Board
 - (ii) The Director-General
 - (iii) The Secretary- TSC
 - (iv) A representative of Education Standards and Quality Assurance Council
 - (v) a representative of Kenya Private Sector Alliance
 - (vi) A representative of the Attorney General
 - (vii) Chief Executive Officer National Council for Nomadic Education in Kenya

CLAUSE 92

THAT the Bill be amended in Clause 92 by-

- (a) deleting paragraph (e)(i) and (ii) in sub-clause (2) and substitute therefor the words “integration of the madrassa, duksi and pastoral programmes of instructions into the formal education system as appropriate to improve access and retention”
- (b) deleting clause 92(f) and renumbering 92(g) accordingly
- (c) inserting the words “in accordance with international best practices” immediately after the word “standards appearing in the last line of paragraph(a) of sub-clause (3)
- (d) deleting the words “Schools Management Committees” and substituting therefor the words “ Boards of Management”
- (e) inserting a new sub-clauses(1) and (2) as follows:
 - (1) There is established a National Council for Nomadic Education in Kenya (NACONEK)
 - (2) Notwithstanding sub-clause (1) National Council for Nomadic Education in Kenya shall be constituted in a manner set out in the Six Schedule.

Third Schedule

- (a) Inserting the word “teacher” immediately after the word “head” appearing in sub clause 2(5)

MIN.NO. 212/2012: DATE OF THE NEXT MEETING

The next meeting was to be held on Tuesday, 30th October, 2012 at 9.00 a.m.

MIN. NO.213/2012: ADJOURNMENT

There being no other business, the Committee adjourned the sitting at forty eight minutes past six o'clock.

SIGNED.....

(CHAIRMAN)

DATE.....

MINUTES OF THE 58TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION, RESEARCH AND TECHNOLOGY HELD ON THURSDAY, 1ST
NOVEMBER, 2012 AT COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL
HOUSE, PARLIAMENT BUILDING AT 10.00 A.M.

PRESENT

Hon. David Koech, M.P. - Chairperson
Hon. F. T. Nyammo, M.P. - Vice-chairperson
Hon. John D. Pesa, M.P.
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. David Njuguna, M.P.
Hon. Mohammed Sirat, M.P.

ABSENT WITH APOLOGY

Hon. Alfred Bwire Odhiambo, M.P.
Hon. B. Muturi Mwangi, M.P.
Hon. Shakilla Abdalla, M.P.
Hon. (Dr.) Joyce Laboso, M.P.

IN ATTENDANCE

MINISTRY OF EDUCATION AND OTHER
STAKEHOLDERS

Hon. Mutula Kilonzo,MP	- Minister for Education
Prof. G.I Godia	- PS MOE
Mr.Kiragu M.	- MOE
Mr. Peter Kimondo	- MOE
Mr. Kennedy Buhen	- MOE
Mr. Johnson Mwangi	- MOE
Mr. Mukulu N. Kariuki	- MOE
Mr. Kinara I. Nyabwari	- MOE
Mr. Elijah Mungui	- MOE
Mr. Margaret N. Munge	- MOE
Robert Masese	- MOE
Mr. Peter Ondundo	- MOE
Mr. Ikiungu Johnson	- MOE
Mr. Terry Childs	- KEPSA
Mr. Rob Williams	- KAIIS
Mr. Nathan Baraza	- KENTPTA
Ms. Rachael Oduor	- KNAP
Mr. Musau Ndunda	- KNAP
Cardinal John Njue	- Kenya Episcopal Conference

Bishop Maurice M. Mukumba	- Kenya Episcopal Conference
Bishop Maurice A. Crowley	- Kenya Episcopal Conference
Mr. Omboko Milemba	- KUPPET
Mr. Akello Misori	- KUPPET
Dr. E.P. Wanyama	- KUPPET
Mr. Ronald Taum	- KUPPET
Mr. Edward Kaso Obwocha	- KUPPET
Mr. Kabiru Macharia	- KNUT
Mr. Philip Odete	- Transparency International
Mr. E. M. Wangai	- Kenya Private Schools Association
Mr. Nodoro M. Peter	- Kenya Private Schools Association
Mr. Stephen Ng'a ng'a	- Voice of the Family International
Prof. Mumma	- Voice of the Family International

IN ATTENDANCE

Mr. Derick Koli
Mr. George Otieno
Ms. Rose Ometere

KENYA NATIONAL ASSEMBLY

- Clerk Assistant
- Clerk Assistant
- Hansard

MIN.NO. 218/2012:

PRELIMINARIES

The Chairman called the meeting to order at thirty minutes past ten o'clock in the morning and the meeting started with a word of prayer. The Chairman thereafter welcomed the Minister for Education and other stakeholders from various institutions and thanked them for attending the meeting and called for a round of introductions. The Chairman thereafter stated that the meeting was called so that all the stakeholders in the education sector could be accorded the opportunity to dialogue together and come up with a Bill that reflects the aspirations of all Kenyans. The chairman reminded all participants to be tolerant to each other's views.

MIN. NO.219/2012:

THE BASIC EDUCATION BILL, 2012 (STAKEHOLDERS MEETING)

The Chairman thereafter invited the Minister for Education to take the Committee and other relevant stakeholders through the Basic Education Bill, 2012 Clause by Clause and asked him to make comments where necessary on areas that the stakeholders had proposed amendments or raised concerns.

The Minister thanked the chairman and other stakeholders present and reiterated that the Basic Education Bill, 2012 was among the most progressive legislations the Ministry had proposed in the recent past because it repeals the Education Act of 1968. The Minister further underscored his willingness to dialogue with other stakeholders and undertook to be flexible in order to expedite the process of consultations.

The Minister thereafter took the Committee through the Bill as directed by the chairman and during the meeting the following amendments were further proposed:-

CLAUSE 2

THAT the Bill be amended in Clause 2 by-

- (a) by deleting the definition of the word “head teacher” and substituting therefor the following new definition-

“head teacher” means the lead administrator or educator in a primary education institution under this Act appointed by the Teachers Service Commission and includes a manager of a private institution, and is responsible to the Cabinet Secretary for implementation of educational policy guidelines and professional practices that provide synergy for optimal utilization of resources in provision of education;

- (b) by inserting the words “in consultation with the proprietor” immediately after the word “regulations” appearing in the definition of the word “manager”
- (c) **“Programmes of pastoral instruction”** means the curriculum designed by different Christian Churches in collaboration with the Ministry of Education and approved by the Cabinet Secretary to teach learner’s knowledge and practices of their specific faith traditions”
- (d) **“Private school”** means a school established, owned or operated by private individuals, entrepreneurs and institutions

CLAUSE 10

THAT the Bill be amended in Clause 10 by-

(a) deleting the words “a representative of” appearing immediately before the word “the Cabinet Secretary” in paragraph (b) of sub-clause (2)

(b) deleting paragraph (e) in sub-clause(2) and substituting therefor a new paragraph(e)

(e) three persons representing religious groups as follows;

(i) One person to represent the NCCCK and the
Evangelical fellowship of Kenya

(ii) One person to represent the Kenya Episcopal
Conference

(iii) One person to represent the Supreme Council
of Kenya Muslims

(c) deleting paragraph (f) in sub-clause(2) and substituting therefor a new paragraph(f) as follows-

(f) one person to represent the Kenya Private Sector
Alliance

(d) deleting the words ‘one person” in paragraph (h) of sub-clause (2) and substituting therefor the words “two persons”

(f) Inserting a new paragraph (i)

(i) one person to represent the Parents Association

CLAUSE 12

THAT the Bill be amended in Clause 12 by-

(a) deleting the word “may” appearing immediately after the word “Secretary” in the clause and substituting therefor the word “shall”

CLAUSE 17

THAT the Bill be amended in Clause 17(1) by-

(a) by deleting the words “there shall be a county Education Board for every County” and substituting therefor the words “there is

established a Board to be known as County Education Board for every county”

(b) Inserting a new sub-clause (2)

(2) The County Education Board in each county shall be an agent of the national government

CLAUSE 18

THAT the Bill be amended in Clause 18 by-

(a) inserting the words “and school based audit report” immediately after the word “implementation” appearing in paragraph (k) of sub clause (1)

(b) Inserting a new sub clause (2) as follows

(2) “The County Education Board may in consultation with the National Education Board and relevant stakeholders appoint a sub county education office with clear functions and powers”

CLAUSE 20

THAT the Bill be amended in Clause by-

(a) deleting the “eight” appearing in sub-clause(1) and substituting therefor the word “twelve”

(b) deleting the words “ eminent educationist” appearing in paragraph (a) of sub-clause (1) and substituting therefor the words “educationist of at least five years standing”

(c) deleting the words “county governor” appearing in paragraph (c) of sub clause (1) and substituting thereof the words “County Executive in charge of education”

(d) deleting the words “a representative of Teachers Service Commission” appearing in paragraph (d) of sub-clause (1) and substituting thereof the words “Teachers Service Commission County Director”

(e) deleting the word “a” appearing in paragraph (h) of sub-clause (1) and substituting therefor the word “two”

(f) deleting paragraph (e) of sub-clause (1) and substituting therefor a new paragraph(e)

(e) where applicable, one person each representing;

(i) The NCKK and the Evangelical

fellowship of Kenya

(ii) The Kenya Episcopal Conference

(iii) The Muslims Education Council

(g) deleting the words “a representative” appearing in (g) of sub-clause (1) and substituting thereof the words “two representatives”

(h) inserting new paragraph “(j)” in sub-clause (1) as follows:-

“(j) one representative of primary school head teachers’ association and one secondary school principals’ association provided they are not of the same gender”

CLAUSE 25

THAT the Bill be amended in Clause 25 by-

(a) inserting a new paragraph (h) to establish a committee dealing with discipline and conflict resolution. For instance “dispute resolution Committee”

CLAUSE 26

THAT the Bill be amended in Clause 26 by-

(a) deleting the sub-clause (a)

(b) deleting the words “recommendation of” appearing in paragraph(b) and substitute therefor the words “participate and make recommendations”

CLAUSE 28

THAT the Bill be amended in Clause 28 by-

(a) Inserting a new paragraph(c) as follows:-

(c)no person shall collect levies without issuing an official receipt

CLAUSE 31

THAT the Bill be amended in Clause 31 by-

(a) inserting the word “public” before the word “school” appearing in the Clause

CLAUSE 40

THAT the Bill be amended in Clause 40 by-

(a) inserting the following new paragraphs in clause 40 :-

(3) The Cabinet Secretary will in consultation with National Education Board advise the government on how to promote financing of technical, vocational and talent education to reduce wastage of primary school graduates.

(4) The Cabinet Secretary on advice of the National Education Board will advise the government on how to promote environmental protection education for sustainable development”

CLAUSE 41

THAT the Bill be amended in Clause 41 by-

(a) Inserting a new paragraph (c) as follows:-

(c) No organization, community, sponsor or individual shall convert a public basic education institution to private status without consultation with the National Education Board and approval by the Cabinet Secretary.

CLAUSE 42

THAT the Bill be amended in Clause 42 by-

- (a) Inserting the word “public” immediately after the word “maintain” appearing in sub-clause(1)

CLAUSE 43

THAT the Bill be amended in Clause 43 by-

- (a) Inserting a new paragraph (h) to sub clause (2) as follows-

“(h) establish a mechanism for monitoring and evaluation to advise the government on quality of special needs education infrastructure facilities”

CLAUSE 48

THAT the Bill be amended in Clause 48 by-

- (a) inserting the words “registered by Teachers Service Commission” immediately after the word “not” appearing in paragraph(d) of sub-clause (2)
- (b) inserting the words “for one year renewable once” immediately after the word “provisional” appearing in sub-clause (3)

CLAUSE 53

THAT the Bill be amended in Clause 53 by-

- (a) deleting the words “and private” appearing in sub-clause (1)
- (b) insert a new paragraph (f) in sub clause (1)
 - (f) Middle level institutions of basic education
- (c) deleting the word “secondary” appearing in sub clause (2)
- (d) inserting the following new sub clause (3)

(3) private schools shall establish parents teachers associations

CLAUSE 54

THAT the Bill be amended in Clause 54 by-

- (a) deleting the words “representing” in paragraph (a) of sub clause (1) and substituting thereof the words “elected to represent”

- (b) inserting the words “elected by the teachers” immediately after the word “school” appearing in paragraph (c) of sub clause (1)
- (c) deleting paragraph (1)(e) and substituting it with a new paragraph as follows-
 - “(e) one person to represent special interest groups in the community”
- (d) inserting the following new paragraph (g) in sub-clause(1)
 - “(g) a representative of the student’s council who shall be an ex-official member”
- (e) inserting the following new paragraph

(4A) For public schools the Chairperson of the Board of Management shall be elected by the members in their first meeting

- (f) deleting the words “or private” appearing in sub-clause (6)

CLAUSE 57

THAT the Bill be amended in Clause 57 by-

- (a) inserting a new Clause 57A as follows-

(57A) Any person who contravenes Clause 50 (d) and 57 (d) and (i) shall be liable to a fine not exceeding five million shillings or to imprisonment for a term not exceeding five years or both”

CLAUSE 58

THAT the Bill be amended in Clause 58 by-

- (a) inserting the words “public school or” immediately after the word “Every” in the first line of the Clause.

CLAUSE 88

THAT the Bill be amended in Clause 88 by-

- (a) inserting the words “ for public schools” immediately after the words “school-based auditing” appearing in sub clause (1)

- (b) inserting the words “ such” immediately after the words “officers responsible for” appearing in sub clause (2)
- (c) inserting the words “ for public schools” immediately after the words “school-based auditing” appearing in sub clause (3)

Fourth Schedule

- (a) inserting the following new Clause 1(f) at the beginning of the schedule

1(f) There shall be an executive Board of Management consisting of:-

- i) The chairperson of the Board
- ii) The secretary of the Board
- iii) The PTA chairperson
- iv) Two other board members

- (a) Renumbering the current Clause (1) as “(1)(2)
- (b) deleting the words “period of twelve months ending on the thirtieth day of June of each year” appearing in clause(20) and substituting therefor the words “financial year of the government”
- (c) delete the words “remuneration or” immediately after the word “such” appearing in Clause 11 of the schedule
- (d) inserting the word “ of the government” immediately after the word “year” appearing in sub clause 22(2)

Part II

That part II of the fourth schedule be amended by-

- (a) deleting the “eight” appearing in sub-clause(1) and substituting therefor the word “twelve”

- (d) deleting the word “ten” appearing in paragraph (b) of sub clause 2(1) and substituting thereof the word “seven”
- (e) Deleting the words “not more than” appearing in paragraph (c) of sub clause 2(1)

Six Schedule

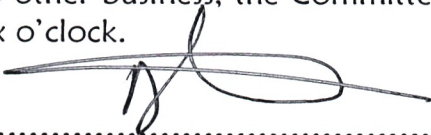
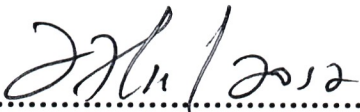
The Minister for Education undertook to introduce a new schedule to the Bill to provide details including functions, membership, quorum, power of the council to regulate own procedure disclosure of interest and tenure among others for the National Council for Nomadic Education in Kenya

MIN.NO. 220/2012: DATE OF THE NEXT MEETING

The next meeting was to be held on Thursday, 1st November, 2012 at 3.00 p.m.

MIN. NO.221/2012:ADJOURNMENT

There being no other business, the Committee adjourned the sitting at forty three minutes past six o'clock.

SIGNED.....
(CHAIRMAN)
DATE.....

(b) deleting the words “ renowned educationist” appearing in paragraph (a) of sub-clause (2) and substituting therefor the words “educationist of at least five years standing”

(c) deleting the words “a representative” appearing in (b) of sub-clause (2) and substituting thereof the words “two representatives”

(d) deleting paragraph (d) of sub-clause (2) and substituting therefor a new paragraph(d)

(d) where applicable, one person each representing ;

(i) The National Council for Churches of Kenya and
the Evangelical Fellowship of Kenya

(ii) The Kenya Episcopal Conference

(iii) The Muslims Education Council

(e) deleting the words “a representative” appearing in (f) of sub-clause (2) and substituting thereof the words “two representatives”

(f) inserting new paragraph “(g)” in sub-clause (2) as follows:-

“(g) one representative of primary school head teachers’ association and one secondary school principals’ association provided they are not of the same gender”

Fifth Schedule

(a) Deleting paragraph (a) of sub-clause(1) and substitute therefor the words “The functions of the County Committee shall be to advise the Cabinet Secretary on the development and coordination of activities in Adult and Continuing Education”

(b) inserting the words “Promote adult literacy” immediately after the word “stimulate” appearing in paragraph (d) of sub-clause(1)

(c) deleting the words “not more than” appearing in paragraph (b) of sub clause 2(1)

MINUTES OF THE 60TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON TUESDAY, 27TH NOVEMBER, 2012 AT THE MEMBER'S LOUNGE, MAIN PARLIAMENT BUILDING AT 10.00 A.M.

PRESENT

Hon. David Koech, M.P. - Chairperson
Hon. F. T. Nyammo, M.P. - Vice-chairperson
Hon. John D. Pesa, M.P.
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. Mohammed Sirat, M.P.
Hon. B. Muturi Mwangi, M.P.

ABSENT WITH APOLOGY

Hon. Alfred Bwire Odhiambo, M.P.
Hon. David Njuguna, M.P.
Hon. Shakilla Abdalla, M.P.
Hon. (Dr.) Joyce Laboso, M.P.

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Derick Koli - Clerk Assistant
Mr. George Otieno - Clerk Assistant

MIN.NO. 226/2012:

PRELIMINARIES

The Chairman called the meeting to order at thirty minutes past ten o'clock in the morning and the meeting started with a word of prayer. The Chairman thereafter welcomed the Members present to the meeting and informed them that the meeting was called to facilitate the adoption of the reports on the Basic Education Bill, 2012 and the Universities Bill, 2012. He thanked the Members for having sacrificed their time to attend all the consultative meetings on the two Bills during recess period.

MIN. NO.227/2012:

ADOPTION OF THE REPORT ON THE PROPOSED AMENDMENTS TO THE UNIVERSITIES BILL, 2012

The report on the proposed amendments to the Universities Bill, 2012 was considered and unanimously approved by the Members present. The Minutes of the 57th and 59th Sittings held on Tuesday 30th October, 2012 and 1st November, 2012 respectively were also confirmed. The Minutes of the 57th sitting were proposed by Hon. Wilbur Ottichilo,

MIN. NO.231/2012:

ADJOURNMENT

There being no other business, the Committee adjourned the sitting at twenty minutes to twelve o'clock.

SIGNED.....

(CHAIRMAN)

DATE.....

