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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION - 2020

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON THE PETITION REGARDING FUNDING OF CO-CURRICULAR
ACTIVITIES IN SCHOOLS BY HON. ROBERT MBUI, MP

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|  THE NATIONAL ASSEMBLY PAPERS LAID | |
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CHAIRPERSON'S FOREWORD

This Report contains the Committee's proceedings on the consideration of the Petition regarding funding of co-curricular activities in primary schools.

The Petition was submitted to the National Assembly by the Hon. Robert Mbui, MP for Kathiani Constituency on behalf of primary school parents on 18th October, 2018. The Petition was subsequently committed to the Departmental Committee on Education and Research for consideration and reporting pursuant to Standing Order 227.

The Petitioners drew the attention of the Committee to Article 43 (1) (f) of the Constitution of Kenya and section 28 of the Basic Education Act, 2013 which entitles every Kenyan child to free and compulsory basic education and obligates the State and parents to facilitate access to quality basic education.

That co-curricular activities in primary schools which include drama, sporting activities and music are an integral part of education process that not only ensures that the education process produces all-rounded persons but also serves as an income earner to learners who pursue co-curricular related careers.

In furtherance of the Government policy to provide free basic education, the Ministry of Education banned charging extra levies in primary schools and provided under capitation of Kshs. 76 per pupil to fund co-curricular activities vide a circular dated 7th February, 2017.

The said capitation of Kshs. 76 per pupil is given to primary schools and they have been instructed to share at various levels of utility. The financing arrangement leaves the school with a meagre funding of Kshs. 46 per pupil, which is not adequate for regular purchase of consumable co-curricular activities equipment, and also sustain the mandatory co-curricular activities in primary schools.

The situation if not mitigated, many budding talents in public primary schools may fail to realise for lack of opportunity to go beyond school level;

The Petitioner specifically prayed through the National Assembly's Departmental Committee on Education and Research that:

1. The Ministry of Education consider upscaling of Government capitation for co-curricular activities in primary schools from Kshs. 76 to Kshs. 150 per pupil or more with a view to avail sufficient activity fees at various levels;
2. The Ministry of Education initiates an audit of the cost of co-curricular activities per pupil at school level with a view to recommending a reasonable capitation for co-curricular activities in subsequent sporting years;
3. The share of the said capitation for sub-county, county and region be submitted directly to the relevant offices; and,
4. The Committee makes other recommendations, order or direction that it deems fit in the circumstances of this matter.

In considering the Petition the Committee held a total of six (6) sittings. During the sittings the Committee received oral and written submissions from the Petitioner, Kenya Primary Schools Head-teachers Association and the Cabinet Secretary for Education. The Committee thereafter considered and deliberated on the prayers by the Petitioner.

The records of evidence adduced, documents and notes received by the Committee form the basis of the Committee's observations/findings and recommendations as outlined in the Report and can be obtained in the Parliament Library.

Acknowledgement

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitating it to fulfil its mandate.

The Committee is also grateful to all stakeholders who appeared before it to present their views on the Petition and finally the Committee Secretariat for the services rendered. It is their commitment and dedication to duty that made the work of the Committee and production of this Report possible.

On behalf of the Members of the Departmental Committee on Education and Research, it is my pleasant duty and privilege to table the **Report on the Petition regarding Funding of Co-curricular Activities in Primary Schools** pursuant to Standing Order 227.

Hon. Florence M. Mutua, MP

1.0 PREFACE

The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216.

1.1 Mandate of the Committee

The Committee is mandated, among others, to: -

- i) 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) study the programmes and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii) study and review all legislation referred to it;
- iv) 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) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- vii) examine treaties, agreements and conventions;
- viii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x) examine any questions raised by Members on a matter within its mandate.

The Committee, according to the Second Schedule of the Standing Orders, examines the following subjects:

- (i) Education;
- (ii) Training; and,
- (iii) Research.

The Committee oversees the following:

- (a) Ministry of Education comprising the following State Departments:
 - (i) Early Learning and Basic Education
 - (ii) University Education
 - (iii) Vocational and Technical Training
 - (iv) Post Training and Skills Development
- (b) The Teachers Service Commission

1.2 Committee Membership

The Committee comprises of the following Members: -

Chairperson

1. Hon. Florence Mutua, MP
Busia County

Orange Democratic Movement Party

Vice Chairperson

2. Hon. Ngunjiri Wambugu
Nyeri Town Constituency

Jubilee Party

3. Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
Orange Democratic Movement Party
4. Hon. (Dr.) Pamela Ochieng, MP
Migori County
Orange Democratic Movement Party
5. Hon. (Eng.) Nzambia Kithua, MP
Kilome Constituency
Wiper Democratic Movement Kenya
6. Hon. (Prof.) Zadoc Abel Ogutu, MP
Bomachoge Borabu Constituency
Independent
7. Hon. Eric Muchangi Njiru, MP
Runyenjes Constituency
Jubilee Party
8. Hon. Eve Obara, MBS, MP
Kabondo Kasipul Constituency
Orange Democratic Movement Party
9. Hon. Jackson Lekumontare, MP
Samburu East Constituency
KANU Party
10. Hon. Jerusha Momanyi, MP
Nyamira County
Jubilee Party
11. Hon. John Oroo Oyioka, MP
Bonchari Constituency
Peoples Democratic Party
12. Hon. Joseph Tonui, MP
Kuresoi South Constituency
Jubilee Party
13. Hon. Omboko Milemba, MP
Emuhuya Constituency
Amani National Congress
14. Hon. Peter Lochakapong, MP
Sigor Constituency
Jubilee Party
15. Hon. Wilson Sossion, MP
Nominated Member
16. Hon. Dr. Wilson Kogo, MP
Chesumei Constituency
Jubilee Party
17. Hon. (Dr.) Daniel Tuitoek, MP
Mogotio Constituency
Jubilee Party
18. Hon. Gichuki Mugambi, MP
Othaya Constituency
Jubilee Party
19. Hon. Paul Mwirigi, MP
Igembe South Constituency
Jubilee Party

1.3 Committee Secretariat

Mr. Daniel Mutunga
Principal Clerk Assistant I
Lead Clerk

Mr. Philip Lekarkar
Clerk Assistant II

Ms. Christine Odhiambo
Legal Counsel I

Mr. Eric Kanyi
Fiscal Analyst III

Ms. Winnie Kiziah
Media Relations Officer

Mr. Collins Mahamba
Audio Officer

Mr. Manuel Leparachao
Serjeant-at-Arms

2.0 CONSIDERATION OF THE PETITION

The Committee invited the Hon. Robert Mbui, MP to present the Petition on behalf of the Petitioners and thereafter the officials of the Kenya Primary Schools Headteachers Association and the Cabinet Secretary for the Ministry of Education to present their views on the Petition which informed the Committee findings and recommendations contained in this Report.

2.1 SUBMISSION BY THE PETITIONER HON. ROBERT MBUI, MP

Hon. Robert Mbui, MP on behalf of the petitioners submitted to the Committee as follows:

Article 43 (1) (f) of the Constitution of Kenya read together with section 28 of the Basic Education Act, 2013 entitles every Kenyan child to free and compulsory basic education and obligates the State and parents to facilitate access to quality basic education;

Co-curricular activities are an integral part of education process that not only ensures that the education process produces all-rounded persons but also serves as an income earner to learners who pursue co-curricular related careers;

Section 54(7)(r) of the Basic Education Act further recognizes the importance of co-curricular activities by obligating the County Director of Education to manage it alongside other sports education, talent development among others, in counties;

In furtherance of Government policy to provide free basic education, the Ministry of Education banned charging extra levies in primary schools and provided under capitation of Kshs. 76 per pupil to fund co-curricular activities vide a circular dated 7th February, 2017;

The said capitation of Kshs. 76 per pupil is given to primary schools and they have been instructed to share at various levels of utility as indicated hereunder:-

- a) School level – Kshs 46 per pupil
- b) Sub-county level- Kshs. 15 per pupil
- c) County level – Kshs. 10 per pupil
- d) Regional level – Kshs. 5 per pupil

The financing arrangement leaves the school with a meagre funding of Kshs. 46 per pupil, which is not adequate for regular purchase of consumable co-curricular activities equipment, and also sustain the mandatory co-curricular activities in primary schools;

The situation if not mitigated many budding talents in public primary schools may fail to blossom for lack of opportunity to go beyond school level;

Efforts to have the Ministry of Education review its capitation on co-curricular activities upwards or approving supplementary levies to be charged by schools have not yielded satisfactory action;

That the matters presented in this Petition are not pending in any court of law, tribunal or independent body.

The Petitioner prayed through the Committee that:

1. The Ministry of Education consider upscaling of Government capitation for co-curricular activities in primary schools from Kshs. 76 to Kshs. 150 per pupil or more with a view to avail sufficient activity fees at various levels;

2. The Ministry of Education initiates an audit of the cost of co-curricular activities per pupil at school level with a view to recommending a reasonable capitation for co-curricular activities in subsequent sporting years;
3. The share of the said capitation for sub-county, county and region be submitted directly to the relevant offices; and
4. The Committee makes other recommendations, order or direction that it deems fit in the circumstances of this matter.

2.2 SUBMISSION BY KENYA PRIMARY SCHOOLS HEADTEACHERS ASSOCIATION (KEPSHA)

The Association through its Chairperson submitted to the Committee as follows:

The activity fund capitation grant was Kshs. 43 until 2014 when it was reviewed and has since ranged between Kshs. 74 and Kshs. 76.

The money is shared between the school, the Sub Counties and the Counties.

Head-teachers through Kenya Primary Schools Head-teachers Association had registered complaints on the inadequacy of the allocation to facilitate co-curricular activities in primary schools at the school level and the subsequent levels with the Ministry of Education but the amount has never been enhanced despite the increase in the cost of sports equipment, drama and music costumes and the costs of hosting or participation of the activities.

The schools are not allocated any fund to buy equipment e.g. goal posts, balls, shot putt, javelin etc. The purchase of such equipment should actually be funded independently.

Based on the inadequate funding, KEPSHA resolved in their Annual Delegates Conference to Petition the government to consider reviewing the activity fund as below:

| Vote head | Allocation | Total allocation yearly to a school with 400 pupils | Actual expenditure yearly per school with 400 children | Deficit |
|-----------|------------|---|---|---------------|
| Activity | Kshs. 74 | Kshs. 29, 600 | Co-curricular activities (Drama, music, athletics, ball games, children Council, athletics, debates, public speaking): The cost for an activity for example drama is as follows at one level only: Costumes and props - Kshs. 80,000 Transport of students - Kshs. 40,000 Meals for students - Kshs. 20 000 | Kshs 570, 400 |

| | | | | |
|--|--|--|--|--|
| | | | Total Kshs. - Kshs. 140 000 (Total No. of pupils involved 120). Total cost as required by each school is Kshs. 600,000/- | |
|--|--|--|--|--|

Based on the facts above it means that the Ministry has to allocate at least Kshs. 1,500 per child per year for the co-curricular activities to run smoothly throughout the year. This is based on Kshs. 600,000 divided by 400 pupils exclusive of sports/drama/music equipment.

Further, each school requires additional allocation of Kshs. 100 to purchase play equipment. This figure is based on KEPSHA estimation.

Consideration of enhancing the activity fee will facilitate smooth running of co-curricular activities at all levels.

The current allocation of activity fee of between Kshs. 74 and Kshs. 76 per pupil in primary school is inadequate to fund all the co-curricular activities in schools which include drama, music, athletics, ball games, children council, athletics, debates and public speaking in addition to purchase of sports equipment and costumes for drama and music activities.

Availability of sports equipment and facilities in schools is a crucial component in the development of sports in primary schools and in nurturing physical, mental, and social abilities of the pupils for holistic development.

The identification and development of talents in sports and creative arts is constrained by lack of facilities, requisite skills of the trainers/teachers and inadequate funds to organize and coordinate the co-curricular activities at the various levels.

2.3 SUBMISSION BY THE CABINET SECRETARY FOR THE MINISTRY OF EDUCATION

The Cabinet Secretary submitted that:

Co-curricular activities are an integral part of the school curriculum and the Ministry of Education should give more attention to the activities than it is doing currently. The Ministry of Education plans the co-curricular calendar of events in conjunction with various sport committees at different levels however full realization of the objectives co-curricular activities has been hindered by inadequate funding.

There is need to enhance capitation for co-curricular activities in public primary schools per pupil to promote co-curricular activities to identify and nurture of talents of learners particularly at an early age.

There is need for continuous financial audit of the co-curricular funds under the direct control of the school heads and at the different levels of educational offices to reasonable assurance that the funds are spent prudently and for the intended uses.

In response to the prayers in the Petitioners on co-curricular activities in public primary schools the Cabinet Secretary responded as follows:

i) Prayer I

On the prayer to the Ministry of Education to consider upscaling of Government capitation for co-curricular activities in public Primary schools from Kshs.76 to Kshs.150 per pupil or more with a view to avail sufficient activity fees at school level, the Cabinet Secretary responded as follows:-

That the Ministry concurred that there is need for the upscaling of government capitation for co-curricular activities in public primary schools per pupil with a view to availing sufficient activity fee at school level. The current free primary education total capitation per pupil of Kshs.1, 020 per pupil per year was set in 2003. However, after sixteen years (2003-2019) the capitation has been increased marginally to the current Kshs.1, 420 per pupil.

The Ministry of Education can only enhance the capitation for co-curricular activities if Parliament enhances the budget for capitation per pupil for public primary schools in the country.

ii) Prayer II

On the prayer to the Committee of Education and Research of the National to cause the Ministry of Education to initiate an audit of the cost of co-curricular activities per pupil at school level with a view to recommending a reasonable capitation for co-curricular activities in subsequent sporting years, The Cabinet Secretary responded that the Ministry of Education has already initiated the process of auditing the actual expenditure in co-curricular activities for each pupil/learner and a committee involving various stakeholders has been established. The committee is chaired by the Director General of Education. The review was to be completed by September, 2019.

iii) Prayer III

On the prayer for that the share of the capitation for sub-county, county and regional levels be submitted directly to the relevant offices, the Cabinet Secretary responded that from 2018/2019 financial year, the offices at the sub county, county and regional levels were directly funded for co-curricular activities by the Ministry.

3.0 COMMITTEE OBSERVATIONS

The Committee made the following observations:

1. Education and training sector in Kenya is hinged on the philosophy of provision of quality, inclusive and holistic education and training that promotes cognitive, psychomotor affective domains as well as life skills and lifelong learning for sustainable development.
2. Co-curricular activities are part of the education system which prepare and mould the students to be holistic hence the need to nurture the potential of every student and develop the intellectual, social and emotional growth of the child thus the importance of the sports, arts, cultural activities and science and engineering fair.
3. The new competency based curriculum has underscored talent development as an important component of education that will enable learners to realize holistic education by developing skills, values and knowledge that will help them to become productive members of the society.
4. The current allocation of activity fees of between Kshs. 74 and Kshs. 76 per pupil in primary school is inadequate to fund all the co-curricular activities in schools which include drama, music, athletics, ball games, children council, athletics, debates and public speaking in addition to purchase of sports equipment and costumes for drama and music activities.
5. The activity fees of between Kshs. 74 and Kshs. 76 per pupil given to primary schools is shared at various levels of utility in sub-county, county and regional levels leaving the school with meagre amounts to facilitate co-curricular activities.

4.0 COMMITTEE RECOMMENDATIONS

In response to the Petitioners' prayers the Committee recommends that:-

1. The Ministry of Education should urgently conclude the on-going process of reviewing the actual expenditure in co-curricular activities for each pupil/learner at all school levels in consultation with all stakeholders with a view to recommending enhanced and reasonable capitation to support all co-curricular activities including drama, music, athletics, ball games, children council activities, athletics, debates and public speaking in subsequent sporting years.
2. The Ministry of Education should enhance capitation per pupil for co-curricular activities in public primary and secondary schools to nurture learners' talents to ensure that education process produces all-rounded persons.
3. The Ministry of Education should conduct continuous financial audit of the co-curricular funds under the direct control of the school heads and the different levels of educational offices to provide reasonable assurance that the funds are prudently spent and for the intended purposes.
4. The Ministry of Education should ensure that funds allocated to facilitate co-curricular activities are directly disbursed to respective levels of utility i.e the schools, sub county, county, regional and national levels.
5. The Ministry of Education should ensure that there is a variety of co-curricular activities in all schools to benefit many talented pupils and learners. Further the Ministry should develop clear programs for identification, nurturing and marketing of talents at all levels of education in line with the competency based curriculum.

6. The Ministry of Education should consider providing adequate sports equipment and facilities to primary and secondary schools for use during physical education lessons as programmed in the school time table and also for co-curricular activities.

SIGN  DATE 3/12/20

 HON. FLORENCE MUTUA, MP
CHAIRPERSON, COMMITTEE ON EDUCATION AND RESEARCH