



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 TEACHERS SERVICE COMMISSION (TSC) BILL, 2012

PARLIAMENT BUILDINGS
NAIROBI

AUGUST, 2012

Special
Dispensation
Clerk
D/S Clerk
P.C.A.
14/8/2012

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LIST OF ACRONYMS

TSC	- Teacher Service Commission
KLRC	- Kenya Law Reform Commission
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

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 Tuesday, 5th June, 2012, the Teachers Service Commission 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 21st and 26th June, 2012 and awaits the Committee of the Whole House.

The Departmental Committee on Education, Research and Technology during its 36th Sitting on Thursday, 26th July 2012 and the 37th Sitting on Friday 27th July 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 Law Reform Commission, the Kenya National Union of Teachers (KNUT), the Kenya Union of Post Primary education teachers (KUPPET), the Kenya Secondary Schools Heads Association (KESSHA) and the Kenya Private Schools Association (KEPSA).

COMMITTEE'S OBSERVATIONS AND CONCLUSIONS

The Committee observed and concluded that:

- i. The definition of a teacher attracted heated debate. However, the definition proposed in the amendments adequately addressed issues raised by the stakeholders.
- ii. The definitions of a principal/head teacher equally attracted a considerable debate. The contention was on the part that required the principal/head teachers to be responsible to the Cabinet Secretary on implementing educational policy, guidelines and professional practices and optimal utilization of resources. The Committee resolved that to avoid a situation where the head teacher was responsible to two authorities, the definition should be silent on reporting mechanisms which should be handled by the TSC and the Ministry of Education administratively.
- iii. The registered unions representing the interests of registered teachers had requested for a creation of an independent appeals tribunal. The Committee considered the request and concluded that the issue was adequately handled by article 237(3)(c) of the constitution and Clause 13(1) of the Bill.
- iv. There was a proposal to amend Clause 35(2) to obligate the Commission to provide funds for teachers training as envisaged in Clause 35(1) of the Bill. The Committee in arriving in its decision took cognizance of the fact that such provisions which expressly conferred such rights to employees may be difficult to implement. The Committee also felt that the provision of Clause 35(1) indirectly gives TSC the requisite power and a range of options to ensure compliance without expressly compelling it to provide funds to train teachers. The Committee resolved to amend this section as proposed to take care of the issues raised by the Unions and at the same time avoid making it mandatory for TSC to provide funds for training teachers(as envisaged in the Bill).
- v. The Minister of Education had requested the Committee to move the amendments in the spirit of consultative approach adopted in the process of

arriving at the amendments. The Committee agreed to move the amendments as requested and the Chairman of the Committee was tasked to move the amendments.

PROPOSED AMENDMENTS

The Committee further during its 39th Sitting held on Wednesday 8th August, 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) inserting the following new definitions in proper alphabetical sequence-

“learner” means a person undergoing instruction in an educational institution;

“head teacher” means the lead educator or administrator in a primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

“principal” means the lead educator or administrator in a post-primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

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

“teacher” means a person who has been trained as a teacher as provided for in law and registered as a teacher”

CLAUSE 5

THAT the Bill be amended in Clause 5 by inserting the words “for a non-renewable term of six years” immediately after the word “basis” appearing at the end of sub-clause (2).

CLAUSE 6

THAT Clause 6 of the Bill be amended in sub-clause (3) by deleting the words “matters relating to” appearing immediately after the words “experience in”.

CLAUSE 8

THAT the Bill be amended in Clause 8-

- (a) by deleting the words “Principal Secretary” appearing in paragraph (d) of sub-clause (2) and substituting therefor the words “Cabinet Secretary” ;
- (b) by deleting the words “Cabinet Secretary” appearing in paragraph (f) of sub-clause (2) and substituting therefor the words “registered trade unions” ;
- (c) by inserting the following new paragraph in sub-clause (2) –
 - (g) one person nominated by a recognized association of private schools;
- (d) by deleting the words “or member ” appearing in the repeated sub-clause (2) ;
- (e) by inserting the words “within seven days of his or her appointment” at the end of sub-clause (3);
- (f) by deleting the words “sub-section (4)” appearing in sub-clause (7) and substituting therefor the words “sub-section (6)”;
- (g) by inserting the words “within five days” immediately after the word “shall” appearing in sub-clause (8);

(h) by deleting the words “as soon as is reasonably practicable” appearing in sub-clause (10) and substituting therefor the words “within five days”.

CLAUSE 11

THAT Clause 11 of the Bill be amended by inserting the words “including the appointment of head teachers and principals” at the end of paragraph (e).

CLAUSE 13

THAT Clause 13 of the Bill be amended by inserting the words “employed by the Commission” at the end of sub-clause (5).

CLAUSE 14

THAT Clause 14 of the Bill be amended in sub-clause (1) by deleting the words “as it may determine” and substituting therefor the words “in accordance with the Regulations”.

CLAUSE 18

THAT Clause 18 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)-

(2A) Further to subsection (2), the Commission may second its staff to other national government institutions at the request of those institutions.

CLAUSE 26

THAT Clause 26 of the Bill be amended in paragraph (a) by deleting the word “conduct” and substituting therefor the words “moral character”.

CLAUSE 27

THAT Clause 27 of the Bill be amended-

(a) in paragraph (c) by deleting the word “child” and substituting therefor the word “learner”;

(b) in paragraph (f) by deleting the words “ the Commission” and substituting therefor the words “a registered medical practitioner”;

CLAUSE 31

THAT Clause 31 of the Bill be amended in sub-clause (1) by deleting the words “holding such inquiry as the Commission thinks fit” and substituting therefor the words “observing due process”.

CLAUSE 34

THAT Clause 34 of the Bill be amended in sub-clause (3) by -

(a) deleting the opening paragraph and substituting therefore the following new paragraph-

“The Commission after interdicting a teacher may take the following disciplinary actions against the registered teacher-”

(b) deleting paragraph (b)”;

(c) deleting the words “eighteen months” appearing in paragraph (d) and substituting therefor the words “six months”;

CLAUSE 35

THAT Clause 35 of the Bill be amended in sub-clause (3) by deleting the words “shall not engage in the teaching service” appearing at the end of the sub-clause and substituting therefor the words “shall be dealt with in accordance with the Regulations”.

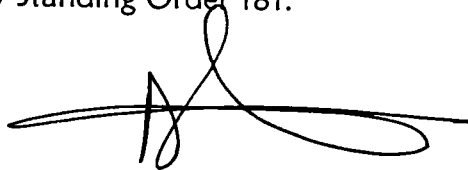
ACKNOWLEDGEMENTS

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 Teachers Service Commission 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: 08/08/2012

MINUTES OF THE 36TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON THURSDAY, 26TH JULY, 2012 AT COMMITTEE ROOM 09, MAIN PARLIAMENT BUILDING AT 10.00 A.M.

PRESENT

Hon. David Koech, M.P.	- Chairperson
Hon. F. T. Nyammo, M. P.	- Vice-chairperson
Hon. David Njuguna, M.P.	
Hon. B. Muturi Mwangi, M.P.	
Hon. Mohammed Sirat, M.P.	
Hon. John D. Pesa, M.P.	

ABSENT WITH APOLOGY

Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. Shakilla Abdalla, M.P.
Hon. Alfred Bwire Odhiambo, M.P.
Hon. (Dr.) Joyce Laboso, M.P.

IN ATTENDANCE

**TEACHERS SERVICE COMMISSION (TSC) AND
LAW REFORM COMMISSION (KLRC)**

Mr. Gabriel K Lengoiboni	- Secretary/CEO TSC
Mr. Meshack Llanziva	- Commissioner TSC
Ms. Rose M. Sereti	- Commissioner TSC
Mr. Joash Dache	- Commission Secretary, KLRC
Mr. Allan M. Sitima	- Legal Officer TSC
Ms. Edna Moraa	- Legal Officer TSC
Mr. S. M. Kansi	- TSC
Ms. Nancy Macheza	- TSC
Mr. Kevin Lugano	- KLRC Intern

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Derick Koli	- Third Clerk Assistant
Ms. Rebecca Tonkei	- Research Officer 1
Ms. Lynette Otieno	- Parliamentary Intern

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. He thanked the Teachers Service Commission and the Kenya Law Reform Commission for attending the meeting and clarified that the meeting was called so that TSC could take the Committee through the Bill clause by clause taking into account all the proposed amendments. He thereafter called for a round of introductions.

The Committee and the stakeholders present proposed the following amendments:

CLAUSE 2

THAT the Bill be amended in Clause 2 by-

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

“Learner” means a person undergoing instruction in an educational institution

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

“teacher” means a person who has been trained as a teacher as provided for in law and registered as a teacher”

CLAUSE 5

THAT the Bill be amended in Clause 5 by inserting the words “for a non-renewable term of six years” immediately after the word “basis” appearing at the end of sub-clause (2).

CLAUSE 8

THAT the Bill be amended in Clause 8-

(a) by deleting the words “Principal Secretary” appearing in paragraph (d) of sub-clause (2) and substituting therefor the words “Cabinet Secretary” ;

(b) by deleting the words “or member ” appearing in the repeated sub-clause (2) ;

(c) by inserting the words “within seven days of his or her appointment” at the end of sub-clause (3);

(d) by deleting the words “sub-section (4)” appearing in sub-clause (7) and substituting therefor the words “sub-section (6)”;

(e) by inserting the words “within five days” immediately after the word “shall” appearing in sub-clause (8);

(f) By deleting the words “as soon as is reasonably practicable” appearing in sub-clause (10) and substituting therefor the words “within five days”.

CLAUSE 14

THAT Clause 14 of the Bill be amended in sub-clause (1) by deleting the words “as it may determine” and substituting therefor the words “in accordance with the Regulations”.

CLAUSE 18

THAT Clause 18 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)-

(2A) Further to subsection (2), the Commission may second its staff to other national government institutions at the request of those institutions.

CLAUSE 26

THAT Clause 26 of the Bill be amended in paragraph (a) by deleting the word “conduct” and substituting therefor the words “moral character”.

CLAUSE 27

THAT Clause 27 of the Bill be amended-

(a) in paragraph (c) by deleting the word “child” and substituting therefor the word “learner”;

(b) in paragraph (f) by deleting the words “ the Commission” and substituting therefor the words “a registered medical practitioner”;

CLAUSE 31

THAT Clause 31 of the Bill be amended in sub-clause (1) by deleting the words “holding such inquiry as the Commission thinks fit” and substituting therefor the words “observing due process”.

MIN.NO. 162/2012:

ANY OTHER BUSINESS

The Chairman requested the TSC to attend its sitting on Friday 27th July 2012 in order to interact with other stakeholders scheduled to attend the meeting.

MIN.NO. 163/2012:

DATE OF THE NEXT MEETING

The next meeting was to be held on Friday 27th July 2012 in Committee Room 09 at 10:00am.

MIN.NO. 164/2012:

ADJOURNMENT

There being no other business, the Committee adjourned the sitting at thirty minutes past two o'clock.

Signed:
(Chairperson)



Date: 08/08/2012

MINUTES OF THE 37TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON FRIDAY, 27TH JULY, 2012 AT COMMITTEE ROOM 09, MAIN PARLIAMENT BUILDING AT 10.00 A.M.

PRESENT

Hon. David Koech, M.P. - Chairperson
Hon. David Njuguna, M.P.
Hon. John D. Pesa, M.P.

ABSENT WITH APOLOGY

Hon. F. T. Nyammo, M. P. - Vice-chairperson
Hon. (Dr.) Wilbur Ottichilo, M.P.
Hon. B. Muturi Mwangi, M.P.
Hon. Shakilla Abdalla, M.P.
Hon. Alfred Bwire Odhiambo, M.P.
Hon. Mohammed Sirat, M.P.
Hon. (Dr.) Joyce Laboso, M.P.

IN ATTENDANCE

MINISTRY OF EDUCATION, TEACHERS SERVICE COMMISSION (TSC), KNUT, KUPPET, KESSHA, AND KEPSA

Hon. Mutula Kilonzo,MP	- Minister for Education
Mr. Gabriel K Lengoiboni	- Secretary/CEO TSC
Mr. Meshack Llanziva	- Commissioner TSC
Mr. Allan M. Sitima	- Legal Officer TSC
Ms. Lydia Nzomo	- Director KIE, MOE
Mr. Onesmus Kiminza	- Senior Deputy Director, MOE
Mr. Kiragu Magoch	- Director, MOE
Mr. Isaac Kamande	- Chief Economist, MOE
Mr. Kennedy Buhire	- Public relations officer, MOE
Mr. Cleopas Tirop	- National Chairman, KESSHA
Mr. Stephen Njoroge	- Nairobi Branch Chairman, KESSHA
Mr. Wilson Sossion	- National Chairman, KNUT
Mr. Albanus Mutisya	- National Treasurer, KNUT
Mr. Ernest Wangai	- National Chairman, KEPSA
Mr. Ngoro M. Peter	- CEO KEPSA
Mr. Akelo M.T. Misori	- General Secretary, KUPPET
Dr. Eusebio Wanyama	- Legal Consultant for KUPPET

IN ATTENDANCE

Mr. Derick Koli
Ms. Rebecca Tonkei
Ms. Lynette Otieno

KENYA NATIONAL ASSEMBLY

- Third Clerk Assistant
- Research Officer 1
- Parliamentary Intern

MIN.NO. 165/2012:

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 thanked the Minister and other stakeholders present for attending the meeting and stated that the meeting was a continuation of the meeting held on Thursday 26th July 2012 to discuss and scrutinize the TSC Bill, 2012. He thereafter called for a round of introductions and invited the Minister for Education to make a statement.

The Minister for Education Hon. Mutula Kilonzo, MP informed the Committee that:

- i. He had received enormous cooperation from the various stakeholders on the refinement of the TSC Bill, 2012
- ii. All amendments should be moved by the Committee in the spirit of consultative approach adopted in the process of arriving at the amendments.
- iii. He was grateful to the Committee for its continued support and cooperation.
- iv. He would rather listen and respond to issues raised by other stakeholders during the discussions on the Bill.

MIN.NO. 166/2012:

CONSIDERATION OF TSC BILL, 2012

The Committee and the stakeholders in attendance endorsed the amendments proposed by the Committee during its thirty sixth sitting held on Thursday, 26th July 2012 and further proposed the following amendments:

CLAUSE 2

THAT the Bill be amended in Clause 2 by-

“Head teacher” means the lead educator or administrator in a primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

“Principal” means the lead educator or administrator in a post-primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

CLAUSE 6

THAT Clause 6 of the Bill be amended in sub-clause (3) by deleting the words “matters relating to” appearing immediately after the words “experience in”.

CLAUSE 8

THAT the Bill be amended in Clause 8-

(a) By deleting the words “Cabinet Secretary” appearing in paragraph (f) of sub-clause (2) and substituting therefor the words “registered trade unions” ;

(b) By inserting the following new paragraph in sub-clause (2) –

(g) One person nominated by a recognized association of private schools;

CLAUSE 11

THAT Clause 11 of the Bill be amended by inserting the words “including the appointment of head teachers and principals” at the end of paragraph (e).

CLAUSE 13

THAT Clause 13 of the Bill be amended by inserting the words “employed by the Commission” at the end of sub-clause (5).

CLAUSE 34

THAT Clause 34 of the Bill be amended in sub-clause (3) by -

(a) deleting the opening paragraph and substituting therefore the following new paragraph-

“The Commission after interdicting a teacher may take the following disciplinary actions against the registered teacher-”

(b) deleting paragraph (b)”;

(c) deleting the words “eighteen months” appearing in paragraph (d) and substituting therefor the words “six months”;

CLAUSE 35

THAT Clause 35 of the Bill be amended in sub-clause (3) by deleting the words “shall not engage in the teaching service” appearing at the end of the sub-clause and substituting therefor the words “shall be dealt with in accordance with the Regulations”.

The Committee Observations and Conclusions

The Committee observed and concluded that:

- i. The definition of a teacher attracted considerable debate. However, the definition proposed in the amendments adequately addressed issues raised by the stakeholders.
- ii. The definitions of a principal/head teacher equally attracted a considerable debate. The contention was on the part that required the principal/head teachers to be responsible to the Cabinet Secretary on implementing educational policy, guidelines and professional practices and optimal utilization of resources. The Committee resolved that to avoid a situation where the head teacher/principal was responsible to two authorities. The Committee decided that the definition should be silent about the reporting mechanisms which could be handled by the TSC and the Ministry of Education administratively.
- iii. The registered unions representing the interests of registered teachers had requested for a creation of an independent appeals tribunal. The Committee considered the request and concluded that the issue was adequately handled by article 237(3)(c) of the constitution and Clause 13(1) of the Bill.
- iv. There was a proposal to amend Clause 35(2) to obligate the Commission to provide funds for teachers training as envisaged in Clause 35(1) of the Bill. The Committee in arriving in its decision took cognizance of the fact that such provisions which expressly conferred such rights to employees may be difficult to implement due to scarcity of resources. The Committee also felt that the provision of Clause 35(1) indirectly gives TSC the requisite power and a range of options to ensure compliance without expressly compelling it to provide funds to train teachers. The Committee resolved to amend this section as proposed to take care of the issues raised by the Unions and at the same time avoid making it mandatory for TSC to provide funds for training teachers.
- v. The Minister of Education had requested the Committee to move the amendments in the spirit of the consultative approach adopted in the process of arriving at the amendments. The Committee agreed to move the amendments as requested and the Chairman of the Committee was tasked to move the amendments.

MIN.NO. 167/2012:

ANY OTHER BUSINESS

- i. The Chairman thanked the Minister and all the stakeholders present for the fruitful deliberations and requested them to follow the debate on the Bill when it goes to the Committee of the Whole House.
- ii. The Minister requested the Committee to consider the following:
 - a) Inviting the Minister for Finance to explain why FPE and FDSE funds had not been released. The Committee agreed to schedule the meeting for **2nd August 2012 at 11:00am**
 - b) Requesting the Offices of the Attorney General and the Chairman of the Commission for the Implementation of the Constitution to expedite the review of the Bills on education reforms.
 - c) Holding public hearings in each of the counties to examine the causes of the unrests in schools.
 - d) Convening a consultative meeting that brings together the office of the Attorney General, Kenya Law Reforms Commission, Commission for the Implementation of the Constitution (CIC), the Ministry of Education and the Ministry of Higher Education, Science and Technology to discuss the timeframes for Bills on education reforms as requested by the Commission for the Implementation of the Constitution. The Committee agreed to schedule the meeting for **2nd August 2012 at 9:30am**

MIN.NO. 168/2012:

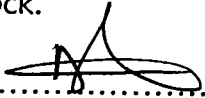
DATE OF THE NEXT MEETING

The next meeting was to be held on 2nd August 2012 at 9:30am

MIN.NO. 169/2012:

ADJOURNMENT

There being no other business, the Committee adjourned the sitting at fifteen minutes past two o'clock.

Signed:  Date: 08/08/2012

(Chairperson)

MINUTES OF THE 39TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION, RESEARCH AND TECHNOLOGY HELD ON WEDNESDAY, 8TH AUGUST, 2012 AT COMMITTEE ROOM 07, MAIN PARLIAMENT BUILDING AT 12.30 P.M.

PRESENT

Hon. David Koech, M.P.	- Chairperson
Hon. F. T. Nyammo, M. P.	- Vice-chairperson
Hon. (Dr.) Wilbur Ottichilo, M.P.	
Hon. B. Muturi Mwangi, M.P.	
Hon. Shakilla Abdalla, M.P.	
Hon. Alfred Bwire Odhiambo, M.P.	

ABSENT WITH APOLOGY

Hon. Mohammed Sirat, M.P.
Hon. (Dr.) Joyce Laboso, M.P.
Hon. John D. Pesa, M.P.
Hon. David Njuguna, M.P.

IN ATTENDANCE

Mr. Derick Koli
Mr. George Otieno
Ms. Lynette Otieno

KENYA NATIONAL ASSEMBLY

- Third Clerk Assistant
- Third Clerk Assistant
- Parliamentary Intern

MIN.NO. 175/2012:

PRELIMINARIES

The Chairman called the meeting to order at thirty minutes past twelve o'clock in the afternoon and the meeting started with a word of prayer. The Chairman thanked the Members present for their endurance and clarified that the meeting was important so that the issues related to TSC, Bill, 2012 could be concluded.

MIN.NO. 176/2012: ADOPTION OF THE REPORT AND PROPOSED AMENDMENTS TO THE TSC BILL, 2012

The Committee deliberated on both the report and the proposed amendments to the TSC Bill, 2012 and unanimous adopted the report and the proposed amendments. The adoption of the report, minutes of the 36th and 37th sittings and the amendments was proposed and seconded by Hon. F. T. Nyamu, MP and Hon. Alfred Odiambo, MP and signed by the Chairman. The proposed amendments to the TSC Bill, 2012 were as follows:

CLAUSE 2

THAT the Bill be amended in Clause 2 by-

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

“learner” means a person undergoing instruction in an educational institution;

“head teacher” means the lead educator or administrator in a primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

“principal” means the lead educator or administrator in a post-primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

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

“teacher” means a person who has been trained as a teacher as provided for in law and registered as a teacher”

CLAUSE 5

THAT the Bill be amended in Clause 5 by inserting the words “for a non-renewable term of six years” immediately after the word “basis” appearing at the end of sub-clause (2).

CLAUSE 6

THAT Clause 6 of the Bill be amended in sub-clause (3) by deleting the words “matters relating to” appearing immediately after the words “experience in”.

CLAUSE 8

THAT the Bill be amended in Clause 8-

- (a) by deleting the words “Principal Secretary” appearing in paragraph (d) of sub-clause (2) and substituting therefor the words “Cabinet Secretary” ;
- (b) by deleting the words “Cabinet Secretary” appearing in paragraph (f) of sub-clause (2) and substituting therefor the words “registered trade unions” ;
- (c) by inserting the following new paragraph in sub-clause (2) –
 - (g) one person nominated by a recognized association of private schools;
- (d) by deleting the words “or member ” appearing in the repeated sub-clause (2) ;
- (e) by inserting the words “within seven days of his or her appointment” at the end of sub-clause (3);
- (f) by deleting the words “sub-section (4)” appearing in sub-clause (7) and substituting therefor the words “sub-section (6)”;
- (g) by inserting the words “within five days” immediately after the word “shall” appearing in sub-clause (8);
- (h) by deleting the words “as soon as is reasonably practicable” appearing in sub-clause (10) and substituting therefor the words “within five days”.

CLAUSE 11

THAT Clause 11 of the Bill be amended by inserting the words “including the appointment of head teachers and principals” at the end of paragraph (e).

CLAUSE 13

THAT Clause 13 of the Bill be amended by inserting the words “employed by the Commission” at the end of sub-clause (5).

CLAUSE 14

THAT Clause 14 of the Bill be amended in sub-clause (1) by deleting the words “as it may determine” and substituting therefor the words “in accordance with the Regulations”.

CLAUSE 18

THAT Clause 18 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)-