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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON THE PETITION REGARDING DISTRIBUTION OF TEXTBOOKS TO PUBLIC SCHOOLS BY HON. ANTHONY KIAI, MP ON BEHALF OF KENYA BOOKSELLERS AND STATIONERS ASSOCIATION

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CHAIRPERSON'S FORWARD

This Report contains the Committee's proceedings of the consideration of the Petition Regarding Distribution of Textbooks to Public Schools by Hon. Anthony Kiai, MP on behalf of the Kenya Booksellers and Stationers Association (**ANNEX I**). The Petition was presented to Parliament pursuant to Standing Order 220 and Section 4(1b) of the Petition to Parliament (Procedure) Act No. 22 of 2012.

The Petition was presented to the House on 7th May, 2019. The Petition was then committed to the Departmental Committee on Education and Research for consideration.

The Petitioners prayed that the National Assembly through the Departmental Committee on Education and Research recommends that the Ministry of Education reconsiders its policy on book distribution that allows for direct delivery of textbooks to schools and that it ensures that micro, small and medium enterprises access opportunities for government procurement and supply of textbooks in accordance with the provisions of the Public Procurement and Disposal Act, 2015

In considering the Petition the Committee held a total of seven (7) sittings. During the Sittings the Committee received oral and written submissions from the Petitioner together accompanied by the Kenya Booksellers and Stationers Association, the Kenya Primary Schools Headteachers Association (KESHA), the Kenya Secondary Heads Association (KESSHA) the Cabinet Secretary for the Ministry of Education.

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.

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for logistical and technical support accord to it during the consideration of the Petition.

Further, I wish to express my appreciation to the Honourable Members of the Committee who made useful contributions towards the preparation and production of this report.

On behalf of the Members of the Departmental Committee on Education and Research, it's my pleasant privilege and honour to this House the **Petition Regarding Distribution of Textbooks to Public Schools** pursuant to Standing Order 227.

Hon. Julius Melly, MP

1.0 PREFACE

1.1 Establishment of the Committee

The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216 (5).

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;
- i) study the programmes and policy objectives of Ministries and departments and the effectiveness of the implementation;
- ii) study and review all legislation referred to it;
- iii) study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- iv) 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;
- v) 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);
- vi) examine treaties, agreements and conventions;
- vii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- viii) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and,
- ix) examine any questions raised by Members on a matter within its mandate.

1.2 Mandate of the Committee

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider Education, Training and Research.

In executing its mandate the Committee oversees the Ministry of Education and the Teachers Service Commission.

1.3 Committee Membership

The Committee comprises of the following Members: -

Hon. Julius Melly, MP - **Chairperson**
MP for Tinderet Constituency
Jubilee Party

Hon. (Dr). Amos Kimunya, EGH, MP- **Vice Chairperson**
MP for Kipipiri Constituency
Jubilee Party

Hon. Moses Malulu Injendi, MP
MP for Malava Constituency
Jubilee Party

Hon. Jackson Lekumontare
MP for Samburu East Constituency
KANU Party

Hon. Geoffrey Makokha Odanga, MP
MP for Matayos Constituency
ODM Party

Hon. Jerusha Mongina Momanyi, MP
MP for Nyamira County
Jubilee

Hon. (Dr.) Pamela Ochieng, MP
MP for Migori County
ODM Party

Hon. John Oroo Oyioka, MP
MP for Bonchari Constituency
Peoples Democratic Party

Hon. (Eng.) Nzambia Kithua, MP
MP for Kilome Constituency
Wiper Democratic Movement -Kenya

Hon. Joseph Kipkosgei Tonui, MP
MP for Kuresoi South Constituency
Jubilee Party

Hon. (Prof.) Zadoc Abel Ogutu, MP
MP for Bomachoge Borabu
Constituency
Independent

Hon. Lilian Cheptoo Tomitom, MP
MP for West Pokot County
Jubilee Party

Hon. Catherine Wambilyanga, MP
MP for Bungoma County
Ford-Kenya

Hon. Omboko Milemba, MP
MP for Emuhuya Constituency
Amani National Congress

Hon. Eric Muchangi Njiru, MP
MP for Runyenjes Constituency
Jubilee Party

Hon. Peter Lochakapong, MP
MP for Sigor Constituency
Jubilee Party

Hon. Eve Obara, MBS, MP
MP for Kabondo Kasipul Constituency
ODM Party

Hon. Wilson Sossion, MP
Nominated Member

Hon. Wilson Kipng'etich Kogo, MP
MP for Chesumei Constituency
Jubilee Party

1.4 Committee Secretariat

Mr. Daniel Mutunga
Principal Clerk Assistant I – Lead Clerk

Mr. Philip Lekarkar
Clerk Assistant II

Ms. Christine Odhiambo
Legal Counsel I

Ms. Annceta Gacheri
Research Officer III

Mr. Eric Kanyi
Fiscal Analyst III

Ms. Winnie Kiziah
Media Relations Officer

2.0 CONSIDERATION OF THE PETITION

The Committee invited the Petitioners to present the petition and thereafter various stakeholders to present their views which informed the Committee findings and recommendations contained in this Report.

2.1 MEETING WITH THE PETITIONERS: HON. ANTHONY KIAI, MP AND THE KENYA BOOKSELLERS AND STATIONERS ASSOCIATION (KBSA)

Hon. Anthony Kiai, MP on behalf of the Petitioners, Kenya Booksellers and Stationers Association (KBSA) brought to the attention of the Committee the following:

1. That the Kenya Booksellers and Stationers Association have been distributing books in line with the Ministry of Education Policy that was formulated in 1998 and a pilot project done in Machakos and Laikipia districts by the Government of Kenya in partnership with a project from the Republic of the Netherlands.
2. That direct delivery to schools allowed for inspection and verification of books by an Inspection and Acceptance Committee and ensure that micro, small and medium enterprises accessed government procurement and opportunities in accordance with the provisions of the Public Procurement and Disposal Act, 2015.
3. That in 2016, the Cabinet Secretary for Education unilaterally revised the policy and resolved to directly supply books to County education headquarters, and not schools, without public participation and due consultations with booksellers as stakeholders;
4. That the centralization and direct distribution of textbooks at the county level by the Ministry has resulted in the loss of livelihoods of business persons and bookstore owners who used to earn a living from supplies to schools
5. That the consistent use of data by the Ministry of Education in disbursement of free primary education and free day secondary education has not been applied in the supply of textbooks;
6. Further that, majority of secondary schools had attained a textbook ratio of 1:1 and hence they did not require more books and where the ratio was below 1: 1 schools' requirements should have been considered before supply;
7. That consequently, the new model of supply has caused an oversupply of textbooks in secondary schools to the tune of 300% in 2019 due to replication of the books supplied in the year 2018, which is a wastage of public funds in contravention of the provisions of sections 160 (2) and 162 (3) of the Public Procurement and Disposal Act 2015;
8. That for the last two years, standard four, five and six have not had any textbooks while classes seven and eight have only been issued with four of the six text books required and Grades One, two and three have only been supplied with Mathematics, English and Kiswahili books since the inception of the new curriculum.
9. That failure to supply the afore-stated books has compromised the quality of education in the affected institutions;
10. That efforts to resolve the matter through the Ministry of Education have been futile;
11. That the matter raised in this Petition is not pending before any court of law or constitutional body;

booksellers to inflate the prices of textbooks while in other instances books paid for by the schools were not be delivered to schools.

2. In the current policy books are not delivered down to the school level, instead the supplying publishers deliver the books to the sub-county educational offices where schools are required to collect from. This makes the process slow (delivery is not timely) and expensive especially for school in the far flung areas away from the sub-county headquarters taking into account that no funds are availed for collecting the textbooks at the sub-county headquarters.
3. In some cases, books supplied to schools exceed the number of pupils in the various classes.

Committee Recommendations

The Committee recommended that:

1. The Ministry of Education should involve the teachers and head teachers associations during change of policies that significantly affect school programmes.
2. Teachers should be involved in vetting and selection of textbooks and other teaching materials to determine their suitability and relevance.
3. The Ministry of Education should ensure that suppliers deliver books to the individual schools in a timely manner.
4. The number of books supplied to schools should correspond to the number of student captured in the NEMIS platform.
5. That any schools which owe textbook sellers debt for purchase of the textbooks supplied during the former method of school-based procurement should settle the debt from its own account.

2.3 SUBMISSION BY KENYA SECONDARY SCHOOLS HEADS ASSOCIATION (KESSHA)

KESSHA through the Chairperson submitted that:-

Text books in secondary schools are very importance, however, the provision of the same must be strengthened with provision of other necessary infrastructure through prioritizing.

In an endeavor to make an objective assessment of the textbook policy and status in secondary schools, KESSHA undertook a study that entailed broad approach covering content, quality, relevance to the syllabus, number supplied besides timelines for delivery.

Merits of the current policy on textbooks supply

- (i) Through this program, there has been equity in availability of books in public schools regardless of the status of the school.
- (ii) There is an increase in the number of textbooks in schools. In most cases student-book ratio of 1:1 has been surpassed.
- (iii) It has removed challenges in the procurement process of textbooks in schools.
- (iv) It has reduced theft of textbooks in schools.
- (v) It has lessened the burden of purchase of textbooks by form ones thereby supporting 100% transition policy.

Demerits of the current policy on textbooks supply

According to KESSHA the following apparent weaknesses and loopholes in the government's policy on supply and provision of textbooks were observed which, in their considered opinion renders the policy untenable:

(i) Prolonged Delay in Delivery of Set Books

According to the Ministry of Education circular (State Department of Early Learning and Basic Education) vide MOE HQS/3/13/3 dated 25th October, 2018 on guidelines on implementation of free day secondary education for 2019, subsection 10.0 states "The Ministry will supply English Literature and Fasihi set books to form three and four students in all the public secondary schools in 2019. School principals are therefore advised not to procure the set books for the two classes. Principals are advised to ensure that data provided for the same is accurate".

(ii) Late distribution and delivery of Set Books to Schools

Set books require adequate time to prepare for the students to master the plot and the storyline. They need to internalize the books in terms of characters, thematic concerns and language and style used. Indeed, teachers have complained that the two years allocated for the introduction, teaching and examination is inadequate. Despite the circular placing a caveat on the principals not to procure the set books, the same had not been supplied by mid second term 2019 with disastrous consequences which includes:

The said directive is wrongly anchored on erroneous assumption that delivery of set books at whatever time would immediately translate into effective achievement of the objectives set out in the syllabus. On the contrary, enhanced interactive hours is key to achieving the objectives set out in the teaching of set books.

Late delivery of set books has made the students to be ill-prepared to handle KCSE exam thereby jeopardizing their performance in national examinations and future career opportunities since languages form the epicenter of almost every career.

The unpredictable timelines for the delivery of set books has made the preparation of teachers' professional documents virtually impossible. Schemes of work rely on course textbooks and syllabus and at teacher cannot plan effectively without learning materials.

Teaching of languages takes an integrated approach whereby a concept taught should relate and be identified in the context of the set texts. In the absence of the set books, there exists a big disconnect with the student being the biggest casualty.

According to another circular from the Ministry of Education Circular No. MOE HQS 3/13/3 dated 29th May, 2018 text books were to be supplied in Phases; 1st Phase – Compulsory subjects 2nd Phase – core text books in fourteen (14) selected subjects. The set books come at the tail-end; students and teachers need the books in one tranche for purposes of planning and actual implementation of curriculum.

(iii) Unsupplied Course Books

This is despite a circular outlining the delivery of elective course books vide circular MOE HQS/3/13/3. Many course books remain unsupplied e.g. Music, Metalwork, French, Germany, IRE, Arabic, Kenya sign language, Arts and Design and Wood technology among others. It leaves the school administrator in an awkward situation since curriculum has to be implemented.

(iv) Defective Books and Errors in books

Many anomalies have been noted in the books supplied to schools. These include:-

Mix-up of different subjects in one book for example KLB Kiswahili Kitukuzwe Kidato Cha 2 i.e. English and Kiswahili on the same page.

Missing pages:- For example New Horizons in English Bk4 by EAEP. In this case the book has page 90 which is followed by page 123

Poor binding example is KLB Secondary English BK 3.

Erroneous illustrations – Example KLB Biology BK. 4.

Mismatch of diagrams – Example KLB Geography BK. 1

A sizeable proportion of books supplied are left lying in store because of typographical mistakes. For example, there are books with missing pages, blank or even torn due to poor binding. The work appear to have been rushed or the publisher lacked the capacity to deliver on his mandate. Quality books require investment in quality paper, skilled workers and modern printing machines so as to bring out quality publications.

(v) Books not aligned to the Syllabuses.

There exists numerous instances of topics completely omitted from books that are in the syllabus across all subjects e.g. Physics BK. 1 Moran Publishers – Linear expansivity is omitted altogether.

(vi) Reduced of variety of Books

Prior to the ministry's policy on supply of textbooks, there were variety of books and reference materials that schools would procure. Such books had an in depth or adequate coverage of syllabus. Examples of books include; longhorn, KLB etc.

In comparison, the following weaknesses are apparent in Moran publishers.

Example Form 1: Introduction to Physics Book

Some topics have been omitted while others are inadequately covered, others have wrong illustration. Introduction to physics is inadequately covered, the book has limited itself to naming of the branches without explanation.

Poor typographical presentation, mismatch of diagrams, convoluted arguments, blank and missing pages besides poor quality paper. These must have been done with the understanding that schools cannot turn down delivery despite the myriad of anomalies.

(vii) Low Quality Cover Pages

The numerous defective books that have been supplied are as a result of poor workmanship and a hurried process.

According to KESSHA the publishers may have done these to cut down on cost of production and to guarantee timely replacement of books.

(viii) Data mismatch between NEMIS Number & Delivery of Textbooks.

The data provided in the delivery of books does not match the data that is used for capitation for schools as captured on the NEMIS declared student population. The figures are suppressed for FSE capitation and inflated for textbooks delivery e.g. a school received F.S.E. for 42 students but

300 books in a subject. Another school with enrolment of 1317 students was given 1940 copies for Kiswahili, English and Maths each. The above scenario cuts across all the schools in Kenya.

(ix) Restricting Choice and Variety

The supply of textbooks by the Ministry of Education constitutes single sourcing in an area where a variety exists. There exists a mosaic of books approved by KICD. In an ordinary competitive situation schools are assured of getting the best and also the publishers would strive for excellence. In absence of such comparison complacency takes over and standards are compromised. In a single sourcing situation, the motive is difficult to disguise. The KICD/MOE orange book has a variety of approved books in each form. Choice should be made based on quality e.g. English, - Integrated - Advancing - Head Start in the orange book, the prices of the textbooks are clearly labelled as opposed to the current situation.

(x) Wastage of Public Funds

The oversupply of textbooks in majority of secondary schools is tantamount to wastage since there exists other pressing needs. There is superfluous supply of books that are incommensurate with the number used to disburse the free secondary capitation fund. The over surplus is likely to be driven by profit.

(xi) Lack of storage Rooms to Store Excess Books

Many schools lack the capacity to store excess books. A majority of schools are unable to store the surplus.

(xii) Unsupplied Reference Materials

Reference books have entirely been left out. Dictionaries, atlases, mathematics tables, Kamusi and poetry books. This constitutes an integral part of learning.

(xiii) Policy of Replacement of lost or damaged books

Lack of Clear Policy Directive Clarifying on the fate of lost, damaged or vandalized books since these books are not available in the local bookshops. There lacks a policy to address the issues of wear, tear and loss.

(xiv) Erratic Delivery Schedules

The time and place of delivery is poorly coordinated leading to lack of verification. Delivery times and schedules are also not well planned as there have been cases of supplies being made on weekends or even at night without prior arrangement with the schools. In some cases, storekeepers will not be available to receive the books thus forcing any other available person e.g. security personnel, who do not bother to confirm on the qualities and quantities at all. This is possibly deliberate to avoid scrutiny.

(xv) Inadequate Needs Analysis

The policy failed a critical test of doing a need analysis of individual schools leading to poor prioritizing and skewed allocation of resources. The procurement of textbooks should be based on an individual school need assessment, the existing book ratio as well as due consideration of other teaching and learning materials for the school. This will ensure that prioritizing is properly done and that there is an equal portioning of the resources.

(xvi) Over-burdening the learners

The progressive accumulation of textbooks is burdensome to students both in storage and safety. As learners advance from one class to the next, the cumulative load of books becomes a burden which may eventually lead to stress, book-phobia and related problems.

Oversupply of Textbooks

KESSHA informed the Committee that the supply of textbooks has been inflated beyond the actual student population.

The blanket assumption: The supply is wrongly premised on the fact that all schools were at zero student book ratio. In most schools the ratio of 1:1 had been long achieved and surpassed.

Books supplied outnumber the student population by huge margins:-There is a huge disconnect between the numbers of books supplied in relation to students population. A case in point is a school that has a class enrolment of 260 students but has received 850 copies in a subject. How such a humongous figure was arrived is a subject of assumption.

Almost all schools have hundreds of new books lying idle leading to unconventional method of storage. A majority who are unable to store the surplus. A blanket assumption of adequacy of infrastructure was made and the resultant consequences are that schools have resulted into unconventional methods of book storage.

Supply of superfluous books:- Supplying textbooks that are not part of a school curriculum is not a strange occurrence. It is manifest in a number of schools. A school for the hearing impaired was supplied Kiswahili textbooks and which they were required to sign delivery yet they are only supposed to do English and Kenya Sign language.

A school was supplied with home science books yet they don't take Home science.

Recommendations by KESSHA

KESSHA put forward the following solutions to streamline issue of provision of textbooks in schools:

- (i) Adherence to the Syllabus:- Every textbook procured for use in school must be synchronized with the syllabus. Strict adherence to the syllabus is the central cogwheel upon which everything else gravitates. Subject panels in schools should scrutinize the available KICD approved books and return a balanced and fair verdict to the principal who should then put in place the requisite mechanism for procurement. This will address the grave anomaly of books that are not aligned to the syllabus finding their way into schools.
- (ii) Needs Assessment:- The procurement of textbooks should be based on an individual school needs assessment, the existing book ratio as well as due consideration of other infrastructural needs of the school. This will ensure that prioritizing is done right and there is no skewed allocation of resources. There are cases of schools overflowing with books but lacking other teaching and learning materials such as ICT infrastructure for e-learning.
- (iii) Inspection And Acceptance Committees:- In Schools A procurement committee already in place and should be engaged to order books depending on needs assessment. An inspection committee should then proceed to verify the quantities and quality upon delivery.
- (iv) Subject Specialists KICD/MOE:- Subject specialists to vet books from publishers and issue lists of recommended textbooks. Schools to identify the books they need and funds to be

channelled through schools via FSE/FPE to buy as per their needs. Direct supply by publishers to schools misses the accuracy both in quantity and quality and therefore should be stopped.

- (v) Procurement based on MOE/KICD: Orange Book In procuring books, schools should be guided by the MOE/KICD orange book since there exist a variety and hence schools can choose one that best assures them of quality and hence standards are not compromised.
- (vi) Direct Delivery of Books: Books should be procured at the school level and direct delivery be made. Such direct delivery will allow for inspection and verification of books by an inspection and acceptance committee.
- (vii) Discretion to Schools:- Schools should be given some discretion to determine their most urgent needs and direct funds there rather than having excess supply of books at the expense of other needs.
- (viii) Clarity of policy:- There should be a policy on the fate of lost, damaged or vandalized books since these books are not available in the local bookshops for sale.
- (ix) Provision of Reference Materials:- Schools should be enabled to procure a range of critical reference materials such as dictionaries, set books, poetry books, Atlases and mathematical tables. These reference materials help buttress concepts learned in course books.
- (x) Comprehensive stakeholders participation: KESSHA proposes that policies that impact directly to the teaching and learning processes in schools, comprehensive stakeholders participation is paramount to avert wastage.
- (xi) KESSHA submitted that it could not establish how the change of textbooks supply policy affected the businesses of the booksellers who deal with school textbooks.

Committee Recommendations

The Committee recommended that, arising from the above challenges, the current textbook policy to public schools needs to be addressed and streamlined to ensure that:

1. Quantity of textbooks supplied be based on the numbers of learners captured in the NEMIS platform which is also used in disbursement of capitation funds to schools;
2. Supply of textbooks to schools should be based on needs assessment of every school taking into consideration the learners needs and books already in stock in schools.
3. Choice of textbooks supplied should be expanded to ensure learners get variety books with comprehensive content;
4. English Literature and Kiswahili Fasihi set books for Form 3 and 4, Reference materials such as dictionary, atlases, Kamusi and other books are supplied to all schools timeously.
5. Textbooks supplied to schools should be of relevant in content and depth of the subject matter and of the recommended paper quality to assure a longer lifespan;
6. Books be delivered to the school level and inspected by School Inspection and Acceptance Committee before they are accepted;
7. Extensive stakeholders' participation be conducted to take into consideration the views of the users;

8. The Ministry of Education should consider equipping the schools with science equipment and other learning materials in the place of textbooks once the stipulated ratio of student : textbooks is achieved in schools.

2.3 SUBMISSION BY THE CABINET SECRETARY FOR THE MINISTRY OF EDUCATION

The Cabinet Secretary responded to issues raised by the Petitioners regarding distribution of textbooks to public schools as follows:

Issue No. 1

That, the Kenya Booksellers and Stationers Association have been distributing books in line with the Ministry of Education Policy that was formulated in 1998 and a pilot project done in Machakos and Laikipia Districts by the Government of Kenya in Partnership with the Republic of project Netherlands;

Response

There was no contract/agreement/engagement between the Ministry of Education and the Kenya Booksellers and Stationers Association regarding distribution of textbooks to schools or related activities. Indeed the referred book policy of 1998 was on evaluation of textbooks from private printers making the process competitive to break the dominance of Government publishers the Kenya Literature Bureau (KLB) and the Jomo Kenyatta Foundation (JKF). The cited book policy is under review since it was not covered in the Basic Education Act 2014, KICD Act 2013 and Curriculum Reforms Policy 2019.

Issue No. 2 and No. 3

That direct delivery of textbooks to schools allowed for inspection and verification of books by an School Inspection and Acceptance Committee and ensured that micro, small and medium enterprises accessed government procurement opportunities in accordance with the provisions of the public Procurement and Disposal Act;

Response

That in 2016, the Cabinet Secretary for Education unilaterally revised the policy and resolved to directly supply books to county education headquarters and not schools, without public participation and due consultations with booksellers as stakeholders.

The Government started centralized distribution of textbooks to all public schools in 2018 after various considerations including improving learning outcomes and learner retention in schools by having a 1:1 textbook learner ratio, timely and cost-effective provision of textbooks for every learner and to enhance the Ministry of Education's capacity to make informed policy decisions related to the provision of textbooks.

Phase I in 2018 targeted all learners enrolled in Standards 7 and 8 and Forms 1 to 4 and targeted four subjects in Primary and six subjects in secondary. Initially it was necessary to get information from all the counties on the correct status with regard to accurate and reliable data. Visits were made to the schools to establish validity of data provided and observe the situation on the ground. The Ministry established that:

- i) Textbook to pupil ratio of 1:1 was attained in all counties

ii) The textbooks were branded and retained in schools.

iii) There were huge cost savings of Kshs. 13, 819083,600.

The Ministry of Education continues to ensure that learners have textbooks on the learner to textbook ratio of 1:1 and similar cost saving and efficiency is being experienced in lower levels of Grade 1 to 3 in Competency Based Curriculum where the MOE is procuring textbooks at about 50% of the open market price.

The procurement stages of open tender, evaluation, quality inspection at printing and inspection and acceptance at school level are carried out according to the Public Procurement and Assets Disposal Act, 2015. The entire process is also subject to public office audit systems.

The Government targets on timely and cost effective provision of textbooks was attained under this policy implementation and MOE commits to continuously improve on its operations to ensure access, quality and equity in education delivery to all Kenyan learners.

Issue No. 4

That the centralization and direct distribution of books at the county level by the Ministry has resulted into loss of livelihoods of business persons and bookstore owners who used to earn a living from supplies to schools

Response

On the contrary the process has led to increase in employment opportunities of more than 150% at the printing industry and over 200% the transportation and logistics (KPA, 2019). Indeed the Kenya Booksellers & Stationers Association (KBSA) and the Kenya Publishers Association (KPA) agreed on the booksellers being distributors at school level. The MOE provided open and competitive business at both publisher and distribution levels.

Issue No. 5

The consistent use of data by the Ministry of Education in disbursement of free primary education and free day secondary education has not been applied in the supply of text books.

Response

In 2018 the Ministry of Education used the Free Primary Education (FPE), the Free day Secondary and Boarding Secondary Schools data in distribution of textbooks. The MOE observed insignificant differences in the actual enrolment in class compared to the data. The MOE adjusted this at field level.

In 2019 the MOE collected fresh enrolment data that was employed to distribute the textbooks. The observations are similar to 2018. The MOE rolled out the National Education Management Information Services (NEMIS) for real time data management. It is intended to provide more reliable data going forward.

Issue No. 6

A majority of secondary schools had attained a textbook ratio of 1:1 and hence they did not require more books and where the ratio was below 1:1 schools' requirements should have been considered before supply and Consequently, the new model of supply has caused an oversupply to text books in secondary schools to the tune of 300% in 2019 due to replication of the books supplied in the year 2018, which is wastage of public funds in contravention of the provisions of sections 160 (2) and 162 (3) of the Public Procurement and Disposal Act 2015;

3.0 COMMITTEE OBSERVATIONS

The Committee observed as follows:

1. The Ministry of Education formulated the previous policy of procurement and supply of textbooks to public primary and secondary schools in 1998. At the time, the Kenya Institute of Curriculum Development (KICD) invited publishers to submit textbook content for each subject for every grade. KICD then reviewed the content based on the curricula along with the proposed cost and quality of paper and printing. KICD short-listed six titles for each subject for each grade, which were then listed in a government-approved catalogue called “Orange Book”. Schools were free to choose any one of the six titles and purchase the books with annual grants provided by the government to each school directly from the booksellers.
2. The policy was prone to corruption, abuse and likely subject to collusion between the head teachers and the booksellers. Whereas funds were disbursed to schools for purchase of textbooks over the years, the ratio of one student one textbook was not attained in most schools. Further books did not arrive in school on time due to late disbursement of textbook grants to schools.
3. In 2016, the Ministry of Education revised the policy after various considerations which included improving learning outcomes, achieving timely and cost-effective provision of textbooks for every learner and enhancing the Ministry’s capacity to make informed policy decisions related to the provision of textbooks.
4. The Ministry adopted the current centralized procurement and distribution method to supply textbooks to all public schools. The method involves procuring and supplying the books in accordance with Public Procurement and Assets Disposal Act, 2015 that entailed procurement through an open tender, evaluation, quality inspection at printing and inspection and acceptance at school level. The entire process is also subject to public office audit systems.
5. Through the new policy, the Ministry achieved 1:1 textbook learner ratio in all counties. In most schools the ratio was exceeded. The textbooks were branded and retained in schools, and according to the Ministry there were huge cost savings of Kshs. 13, 819083,600 as a result of low pricing of text books by the bidders as a result of competitive bidding.
6. In some instances there was an apparent oversupply of textbooks where some schools have been supplied with more textbooks than they require virtually in all subjects. This has created unjustifiable market for suppliers.
7. In the current policy books are not delivered down to the school level, instead the supplying publishers deliver the books to the sub-county educational offices where schools are required to collect from. This makes the delivery process slow and expensive for schools in the far flung areas away from the sub-county headquarters taking into account that no funds are availed for collecting the textbooks at the sub-county headquarters.
8. According to the Ministry of Education, the new policy of textbook procurement and distribution has led to increase in employment opportunities of more than 150% at the printing industry and over 200% the transportation and logistics. The Ministry of Education provided open and competitive business at both publisher and distribution levels. The Kenya Booksellers & Stationers Association (KBSA) and the Kenya Publishers Association (KPA) agreed on the booksellers being distributors at school level.

9. The new policy has restricted the choice and variety of books and reference materials that schools procure. Course books in non-core subjects such as Music, Metalwork, French, Germany, Religious studies, Arabic, Kenya sign language, Arts and Design and Wood technology among others remain unsupplied as at September, 2019. Many anomalies have been noted in the books supplied to schools such as mix-up of different subjects contents in one book, missing pages, poor binding, erroneous illustrations and typographical mistakes.

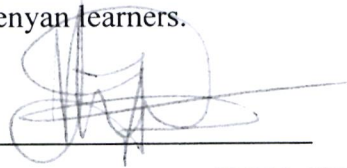
4.0 COMMITTEE RECOMMENDATIONS

In response to the petitioners' prayers:

The Committee makes the following recommendations:

1. That the Ministry of Education should continue to implement the current policy of procurement and distribution of textbooks to public schools to ensure that learners have textbooks and that textbook to learner ratio of 1:1 is attained and strictly maintained and ensure that procurement of textbooks is done in accordance with the Public Procurement and Disposal Act, 2015.
2. That the Ministry of Education should ensure timely and cost effective supply and provision of textbooks to all schools under the current policy. It should ensure that suppliers deliver books to the individual schools in a timely manner.
3. That the Ministry of Education should use the National Education Management Information System data to determine the number of textbooks supplied to schools in a similar manner as used in disbursement of capitation funds. This is to eliminate cases of oversupply.
4. That teachers should be involved in vetting and selection of textbooks and other teaching materials to determine their suitability and relevance based on the learners needs. This will ensure that textbooks supplied to schools are of relevant content and depth in the subject matter. English Literature and Kiswahili Fasihi set books for Form 3 and 4, Reference materials such as dictionary, atlases, Kamusi and other books are be supplied to all schools timeously.
5. That the choice and variety of textbooks supplied to schools should be expanded to ensure learners get variety of books with comprehensive content.
6. School Inspection and Acceptance Committee should be strengthened at the school level to ensure that learning materials delivered to school are as per the prescribed specifications before they are accepted to ensure quality, durability and value for money.
7. That the Ministry of Education should consider equipping the schools with science equipment and other learning materials in the place of textbooks having attained the stipulated learner: textbook ratio.
8. That the Ministry should ensure extensive stakeholders' participation and take into account stakeholders views when introducing policies with far reaching consequences; and commit to continuously improve on its operations to ensure access, quality and equity in education delivery to all Kenyan learners.

Sign _____



Date _____

5/12/2019

HON. JULIUS MELLY, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

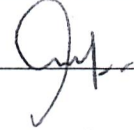
ADOPTION OF THE REPORT ON PETITION REGARDING DISTRIBUTION OF TEXTBOOKS TO PUBLIC SCHOOLS BY HON. ANTHONY KIAI, MP ON BEHALF OF MEMBERS OF KENYA BOOKSELLERS AND STATIONERS ASSOCIATION

We the undersigned, hereby affix our signatures to this Report to affirm our approval

1. Hon. Julius Melly, MP - Chairperson

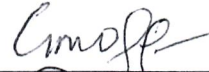


2. Hon. Amos Kimunya, EGH, MP - Vice-Chairperson

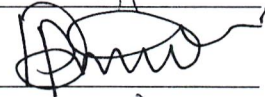


3. Hon. Moses Malulu Injendi, MP

4. Hon. Geoffrey Makokha Odanga, MP



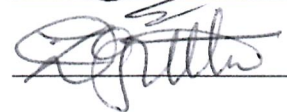
5. Hon. (Dr.) Pamela Ochieng, MP



6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP



7. Hon. (Prof.) Zadoc Abel Ogutu, MP



8. Hon. Catherine Wambilyanga, MP

9. Hon. Eric Muchangi Njiru, MP



10. Hon. Eve Obara, MBS, MP



11. Hon. Jackson Lekumontare, MP



12. Hon. Jerusha Mongina Momanyi, MP

13. Hon. John Oroo Oyioka, MP



14. Hon. Joseph Kipkosgei Tonui, MP



15. Hon. Lilian Cheptoo Tomitom, MP

16. Hon. Omboko Milemba, MP

17. Hon. Peter Lochakapong, MP



18. Hon. Wilson Sossion, MP



19. Hon. Wilson Kipngetch Kogo, MP





REPUBLIC OF KENYA
TWELETH PARLIAMENT (THIRD SESSION)
THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 46 of 2019)

Approved:

ANNEX

BAT
SNA
8/5/19

REGARDING DISTRIBUTION OF TEXT BOOKS TO PUBLIC SCHOOLS

I, the **UNDERSIGNED**, on behalf of members of Kenya Booksellers and Stationers Association (KBSA),

DRAW the attention of House to the following:

1. **THAT**, the Kenya Booksellers and Stationers Association have been distributing books in line with the Ministry of Education policy that was formulated in 1998 and a pilot project done in Machakos and Laikipia Districts by the Government of Kenya in partnership with the Republic of project Netherlands;
2. **THAT**, direct delivery to schools allowed for inspection and verification of books the by an Inspection and Acceptance Committee and ensured that micro, small and medium enterprises accessed government procurement opportunities in accordance with the provisions of the Public Procurement and Disposal Act;
3. **THAT**, in 2016, the Cabinet Secretary for Education unilaterally revised the policy and resolved to directly supply books to county education headquarters, and not schools, without public participation and due consultations with booksellers as stakeholders;
4. **THAT**, the centralization and direct distribution of books at the county level by the Ministry has resulted into loss of livelihoods of businesspersons and bookstore owners who used to earn a living from supplies to schools;
5. **THAT**, the consistent use of data by the Ministry of Education in disbursement of free primary education and free day secondary education has not been applied in the supply of text books;
6. **FURTHER THAT**, a majority of the secondary schools had attained a textbook ratio of 1:1 and hence they did not require more books and where the ratio was below 1:1 schools' requirements should have been considered before supply;
7. **THAT**, consequently, the new model of supply has caused an oversupply of text books in secondary schools to the tune of 300% in 2019 due a replication of the books supplied in the year 2018, which is wastage of public funds in contravention

PUBLIC PETITION

REGARDING DISTRIBUTION OF TEXT BOOKS TO PUBLIC SCHOOLS

of the provisions of sections 160(2) and 162(3) of the Public Procurement and Disposal Act 2015;

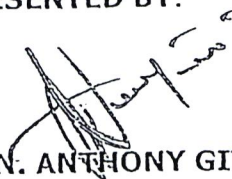
8. **THAT**, for the last two years, standards four, five and six have not had any textbooks while classes seven and eight have only been issued with four out of the six text books required and Grades One, Two and Three have only been supplied with Mathematics, English and Kiswahili books since the inception of the new curriculum;
9. **THAT**, the failure to supply the aforesated books has compromised the quality of education in the affected institutions;
10. **THAT**, efforts to resolve the matter through the Ministry of Education have been futile;
11. **THAT**, the matter raised in this Petition is not pending before any Court of Law or constitutional body;

THEREFORE, your humble Petitioners pray that the National Assembly through the Departmental Committee on Education and Research –

Recommends that the Ministry of Education reconsiders its policy on book-distribution that allows for direct delivery of text books to schools and that ensures that micro, small and medium enterprises access opportunities for government procurement and supply of text books in accordance with the provisions of the Public Procurement and Disposal Act;

And your **PETITIONERS** will ever pray.

PRESENTED BY:


HON. ANTHONY GITHIAKA KIAI, MP
MEMBER FOR MUKURWEINI CONSTITUENCY

DATE: 7/05/19

**RE: PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE
CONSTITUTION ON BOOKS DISTRIBUTION TO PUBLIC SCHOOLS**

And your PETITIONERS will ever Pray

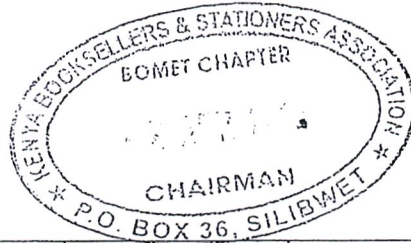
Kenya Booksellers and Stationers Association

P.O BOX 5723-00200

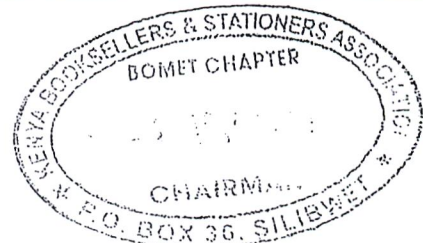
SEAL (STAMP)

SIGNATURE

NAIROBI



NO	PETITIONER	ID NUMBER	ADDRESS	SIGNATURE
1	ERIC BII	13021590	Box 266	<i>[Signature]</i>
2	ROTHIL PATICK	9959509	0711535552 Box 115	<i>[Signature]</i>
3	MUNICAH HIGENO	12554371	0729897414 BOX 527,	<i>[Signature]</i>
4	JUDITHINE TWEETI	2448811	Box 314,	<i>[Signature]</i>
5	KIBET PATICK NWA	21821390	Box 456 BMT	<i>[Signature]</i>
6	CHARLES LANGAT	12553023	BOX 36 SILIBWET	<i>[Signature]</i>
7	JUDY MUTA I	24748173	146 AMALO	<i>[Signature]</i>
8	SARINA GOMI	11368399	190 Bomet	<i>[Signature]</i>
9	JOYCE C. KOGIT	20451757	321 BOMET	<i>[Signature]</i>
10	LANGAT WILEX	22474437	SSD BOMET	<i>[Signature]</i>
11	GABEN KIRUI	23754706	531 Bomet	<i>[Signature]</i>
12	Graffey Cheruiyot	24704112	Box 303 sotik	<i>[Signature]</i>
13	Stephenc. Korir	9640392	Box 332 Bomet	<i>[Signature]</i>
14	Steller Langat	22678949	Box 1458 Bomet	<i>[Signature]</i>
15	STANLEY KIBET KIRUI	22336734	0713700641 0722925602	<i>[Signature]</i>



RE: PETITION TO PARLIAMENT UNDER ARTICLE 119 OF THE
CONSTITUTION ON BOOKS DISTRIBUTION TO PUBLIC SCHOOLS

8. That the current supply mode would render over 50,000 Kenyans jobless who are employed by the book sellers and this may result in these people engaging in crime and other vices. There are many book sellers who have closed down, such Text Book Centre who have closed their Kakamega and Industrial area Branch laid off a lot of employees.
9. That the members of Kenya booksellers are willing and capable of supplying the text books at publisher's prices and deliver them FREE to the schools.

That we confirm that we have tried to resolve the matter with the Ministry of Education and there has been no response.

That we confirm that issues in which the petition is made are not pending in any court of law or constitutional or legal body.

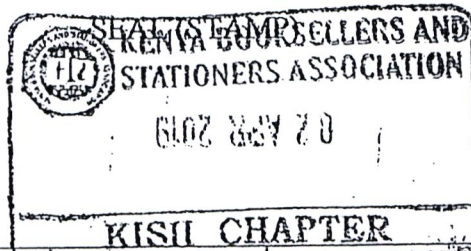
HEREFORE, your humble petitioners Pray that Parliament restrains the ministry of education from directly procuring books from the publishers for supply to schools and let the ministry of education do the funding, develop the curriculum and do the vetting of books and the publishers produce the books and support material and the book sellers do the distribution of books and other instructional materials to the door steps of schools.

And your PETITIONERS will ever Pray

Kenya Booksellers and Stationers Association

P.O BOX 5723-00200

NAIROBI



SIGNATURE

NO	PETITIONER	ID NUMBER	ADDRESS/TELEPHONE	SIGNATURE
1	Joseph Omon	25695097	Box 1200	
2	Denis Ochieng'	29674939	Box 240	
3	Peteron MOKUA	4122669	11 434 Kericho	
4	Dominic OCHIAKO	22542312	11 2273 Kisii	
5	CARLEN M. MICHOMU	13287243	3679 Kisii	

