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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT OF THE  
DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH ON ITS  
CONSIDERATION OF THE KENYA INSTITUTE OF CURRICULUM  
DEVELOPMENT (AMENDMENT) BILL, 2019  
(NATIONAL ASSEMBLY BILL NO. 33)

THE NATIONAL ASSEMBLY  
PAPER LAYED  
DATE: 17 SEP 2019  
TUESDAY  
EDUCATION CHAIRPERSON  
HON. JULIUS MELIT

Published by: -

The Directorate of Committee Services  
Clerk's Chambers  
National Assembly  
Parliament Buildings  
NAIROBI

SEPTEMBER 2019

## 1.0 PREFACE

The Departmental Committee on Education and Research was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly and has executed its mandate in accordance with the provisions of Standing Order 216 (5), which mandates the Committee to, inter alia;

*(c) study and review all legislation referred to it;*

*(h) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

## 1.1 Subjects

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 Ministries and Departments:

- i) The Ministry of Education, Science and Technology

State Departments:

- Early Learning and Basic Education
  - University Education
  - Vocational and Technical Training
  - Post Training and Skills Development
- ii) The Teachers Service Commission

## 1.2 Membership

The Education Committee was constituted by the House on Thursday 14<sup>th</sup> December, 2017 and comprises the following Members;

<u>Name</u>	<u>Party</u>	<u>Constituency/County</u>
1.Hon. Julius Melly, MP - Chairperson	JP	Tinderet
2.Hon. Amos Kimunya, EGH, MP- Vice-Chairperson	JP	Kipipiri
3.Hon. Moses Malulu Injendi, MP	JP	Malava
4.Hon. Geoffrey Makokha Odanga, MP	ODM	Matayos

5. Hon. (Dr.) Pamela Ochieng, MP	ODM	Migori
6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP	WDM-K	Kilome
7. Hon. (Prof.) Zadoc Abel Ogutu, MP	IND	Bomachonge Borabu
8. Hon. Catherine Wambilyanga, MP	Ford-K	Bungoma
9. Hon. Eric Muchangi Njiru, MP	JP	Runyenjes
10. Hon. Eve Obara, MBS, MP	ODM	Kabondo Kasipul
11. Hon. Jackson Lekumontare, MP	KANU	Samburu East
12. Hon. Jerusha Mongina Momanyi, MP	JP	Nyamira
13. Hon. John Oroo Oyioka, MP	PDP	Bonchari
14. Hon. Joseph Kipkosgei Tonui, MP	JP	Kuresoi South
15. Hon. Lilian Cheptoo Tomitom, MP	JP	West Pokot
16. Hon. Omboko Milemba, MP	ANC	Emuhaya
17. Hon. Peter Lochakapong, MP	JP	West Pokot
18. Hon. Wilson Sossion, MP	ODM	Nominated
19. Hon. Wilson Kipng'etich Kogo, MP	JP	Chesumei

#### Abbreviations and Acronyms – Political Parties

ANC	-	Amani National Congress
Ford-K	-	Ford Kenya
IND	-	Independent
JP	-	Jubilee Party
KANU	-	Kenya National African Union
ODM	-	Orange Democratic Party
PDP	-	Peoples Democratic Party
WDMK	-	Wiper Democratic Party of Kenya

### 1.3 Committee Secretariat

The Committee Secretariat comprises the following officers: -

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant II
3. Ms. Christine Odhiambo - Legal Counsel I
4. Mr. Eric Kanyi - Fiscal Analyst III
5. Ms. Annceta Gacheri - Research Officer III
6. Ms. Winnie Kiziah - Media Relations Officer III
7. Mr. Mutai Kibet - Audio Officer
8. Ms. Catherine Mukunyi - Serjeant-At-Arms

## 1.4 Committal of the Kenya Institute of Curriculum Development (Amendment) Bill of 2019 (National Assembly Bill No. 33)

The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (National Assembly Bill No. 33) was Read a First Time on 26<sup>th</sup> June, 2019 and was effectively committed to the Committee for consideration pursuant to Standing Order 127(1).

The Committee held five meetings in which the Kenya Institute of Curriculum Development (Amendment) Bill, 2019 was considered. During the meetings, the Members expressed their support for the proposed amendments brought forth by the sponsor of the draft legislation.

The KICD Bill seeks to amend the KICD Act, 2013 with a view to ensuring that disasters in learning institutions are reduced by:

- (a) incorporating personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in the curriculum; and,
- (b) incorporating psychosocial skills and services to students in the curriculum.

The incorporation of these skills in the curriculum will equip the students with the knowledge necessary to respond to disasters and thus reduce the impact.

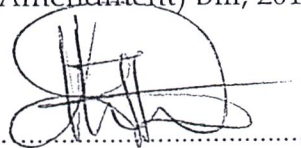
Having considered the KICD (Amendment) Bill 2019, the Committee recommends that the Bill be approved. The introduction of safety training courses in schools by amending the curriculum will introduce safer measures of handling disasters. The learning institutions will become better and safer abodes for learning.

## 1.5 Acknowledgement

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings.

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education and Research on its consideration of the Kenya Institute of Curriculum Development (Amendment) Bill, 2019.

Signed .....



Date.....

17/9/2019

Hon. Julius Melly, MP

Chairman, Departmental Committee on Education and Research

2.0 COMMITTEE'S CONSIDERATION OF THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL, 2019 (NATIONAL ASSEMBLY BILL NO. 33)

During a sitting of the Committee held on 16<sup>th</sup> July, 2019, the Legal Counsel took the Committee through the legislative proposal, as follows:

PROVISION	PROPOSAL	ANALYSIS	AG COMMENTS	KLR REMARKS
<p><b>Functions of the Institute</b> The functions of the Institute shall be to—</p> <p>(a) advise the Government on matters pertaining to curriculum development;</p> <p>(b) evaluate, vet and approve, for application in Kenya, any local and foreign curricula and curriculum support materials in relation to the levels of education and training referred to in paragraph (d);</p> <p>(c) implement the policies relating to curriculum development in basic and tertiary education and training;</p> <p>(d) develop, review and approve programmes, curricula and curriculum support materials that meet international standards for—</p> <p>(i) early childhood care, development and education;</p> <p>(ii) pre-primary education;</p> <p>(iii) primary education;</p> <p>(iv) secondary education;</p> <p>(v) adult, continuing and non-formal education;</p> <p>(vi) teacher education and training;</p> <p>(vii) special needs education; and</p> <p>(viii) technical and vocational education and training;</p> <p>(e) initiate and conduct research to inform curriculum policies, review and development;</p> <p>(f) collect, document and catalogue information on curricula, curriculum support materials and innovations to create a data bank and disseminate the information to educational institutions, learners and other relevant organisations;</p> <p>(g) print, publish and disseminate information relating to curricula for basic and tertiary education and training;</p> <p>(h) collaborate with other individuals and institutions in organizing and conducting professional development programmes for teachers, teacher trainers, quality assurance and</p>	<p>Section 4 of the Kenya Institute of Curriculum Development Act, 2013, is amended by inserting the following new paragraphs immediately after paragraph (m) –</p> <p>“(ma) incorporate personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in curriculum development ;</p> <p>(mb) incorporate psychosocial and services to students in curriculum development ;”</p>	<p>The aim of this proposal is to reduce disasters in learning institutions by:</p> <p>(a) incorporating personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in the curriculum; and</p> <p>(b) incorporating psychosocial skills and services to students in the curriculum.</p> <p>The incorporation of these skills in the curriculum will equip the students with the knowledge necessary to respond to disasters and thus reduce their impact.</p>	<p>No comments had been received by the time of consideration of the Bill despite communications to State Law Office</p>	<p>No comments had been received by the time of consideration of the Bill despite communication to KLR</p>

standards officers and other officers involved in education and training on curriculum programmes and materials; (i) develop, disseminate and transmit programmes and curriculum support materials through mass media, electronic learning, distance learning and any other mode of delivering education and training programmes and materials; (j) promote equity and access to quality curricula and curriculum support materials; (k) promote appropriate utilisation of technology to enhance innovations and achievement of a knowledge based economy; (l) offer consultancy services in basic and tertiary education and training; (m) incorporate national values, talent development and leadership values in curriculum development; (n) receive, consider, develop and review curriculum proposals; and (o) perform such other function as may be assigned to it under this Act or any other written law.				
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The Members were fully in support of the proposed KICD (Amendment) Bill, 2019. The proposed legislation would ensure safety in schools. It would streamline training of teachers by including safety and security in the curriculum for training teachers.

### 3.0 PUBLIC PARTICIPATION ON THE KICD (AMENDMENT) BILL, 2019

Pursuant to Article 118 of the Constitution and Standing Orders 127(3), the Committee placed adverts in the "Daily Nation" and the "Standard" Newspapers on 21<sup>st</sup> August, 2019. However, no representations were received at the lapse of the period for submission of memoranda (Annex I).

### 4.0 MEETING WITH THE SPONSOR OF THE KICD (AMENDMENT) BILL 2019

The Committee held a session with Hon. Joyce Emanikor, MP, on Wednesday 28<sup>th</sup> August, 2019. During the meeting, Hon. Emanikor informed the Members as follows: -

- i. Institutions of learning were ill equipped to deal with disasters;

- ii. Disaster management courses should thus be introduced in schools to mitigate catastrophes once they occur;
- iii. Courses and training on disaster management should be included in the school curriculum;
- iv. It was proposed that teachers be trained first so that they could disseminate safety information to the students.

The Committee Members made the following suggestions:

There was need for KICD to amend the training curriculum to ensure that teachers were adequately trained on disaster management and mitigation courses.

The Bill would ultimately reduce the impact of disasters when they occur. KICD should thus be used as a vessel to facilitate the process of implementing the proposals once passed.

It was evident that schools and many institutions of learning were not physically prepared to deal with disasters. When such disasters occur, the effects are far reaching.

The KICD curriculum was currently overloaded. There was need to ensure that introduction of more courses into the curriculum did not overstretch the curriculum further. It was necessary to balance the workload for pupils to avoid over-burdening them.

The subject on disaster management and life skills development could be made examinable so as to attract interest from teachers. Schools and other educational institutions should be given the opportunity to procure life skills training equipment with a view to making the process transparent and accountable.

## 5.0 SUBMISSION FROM THE MINISTRY OF EDUCATION

The Principal Secretary, Ministry of Education, appeared before the Committee on 29<sup>th</sup> August, 2019. The Principal Secretary submitted that the Ministry was in support of the proposed amendments to the KICD Act, 2013. The Ministry's concurrence is contained in a letter dated 29<sup>th</sup> August, 2019, annexed (Annex II).

## 6.0 CONSIDERATION OF THE KICD (AMENDMENT) BILL, 2019

In a meeting held on 31<sup>st</sup> August, 2019, the Committee considered all the Clauses of the Bill as follows: -

Clause 1 - Agreed to

Clause 2 - Agreed to

Short Title - Agreed to

Long Title - Agreed to

## 6.0 COMMITTEE OBSERVATIONS

The proposed amendments are timely given that previously, disasters have been witnessed in schools with untold destruction and casualties. The proposals will go a long way in ensuring safety in schools and enhancement of life skills in dealing with disasters.

## 7.0 RECOMMENDATION ON THE KICD (AMENDMENT) BILL, 2019

Having considered the proposed Kenya Institute of Curriculum Development (Amendment) Bill (National Assembly Bill No. 33) of 2019, the Committee recommends that the Bill be passed.



**MINUTES OF THE 44<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE  
EDUCATION AND RESEARCH HELD ON WEDNESDAY, 28<sup>TH</sup> AUGUST 2019, IN  
COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS AT 10:00 AM**

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. Moses Malulu Injendi, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. Eric Muchangi, MP
6. Hon. Eve Obara MBS, MP
7. Hon. Jerusha Momanyi, MP
8. Hon. Peter Lochakapong, MP
9. Hon. Oroo Oyioka, MP
10. Hon. Joseph Tonui, MP
11. Hon. Omboko Milemba, MP
12. Hon. Wilson Kogo, MP
13. Hon. Wilson Sossion, MP

**ABSENT WITH APOLOGY**

1. Hon. Geoffrey Odanga, MP
2. Hon. (Eng.) Nzambia Kithua, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. Catherine Wambilyanga, MP
5. Hon. Jackson Lekumontare, MP
6. Hon. Lilian Tomitom, MP

**INATTENDANCE – SPONSORS OF THE BILLS**

1. Hon. Joyce Emanikor, MP - Sponsor of the KICD (Amendment) Bill
2. Hon. Sabina Chege, MP - Sponsor of the Basic Education (Amendment) Bill

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant II
3. Ms. Christine Odhiambo - Legal Counsel I
4. Mr. Mutai Kibet - Audio Officer
5. Mr. Manuel Leparachao - Serjeant at arms

**MIN. NO. EDUC/2019/228: PRELIMINARIES**

The Chairperson called the meeting to order at 10.21 am. Prayer was said.

**MIN. NO. EDUC/2019/229: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sittings was deferred to the next sitting.

**MIN. NO. EDUC/2019/230: SUBMISSION BY HON. JOYCE EMANIKOR MP ON  
THE KENYA INSTITUTE OF CURRICULUM  
DEVELOPMENT BILL, 2019**

Hon. Joyce Emanikor, MP informed the Committee as follows:

**That she seeks to amend section 4 of the Kenya Institute of Curriculum Development Act as follows:**

The Kenya Institute of Curriculum Development Act is amended in section 4 by inserting the following new paragraphs immediately after paragraph (m)–

“(ma) incorporate personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in curriculum development;

(mb) incorporate psychological skills and services to students in curriculum development.”

**Memorandum of Objects and Reasons**

The principal object of the Bill is to enhance disaster risk reduction (DRR) in learning institutions. The school curricula do not provide the learners with education on safety, particularly on how to conduct security drills, evacuation, first aid, how to locate explosives, how to sense danger, among other safety-related teachings.

**Statement on the delegation of legislative powers and limitations of fundamental rights and freedoms**

The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

**Statement as to whether the Bill concerns county governments**

The Bill does not affect the functions of the county governments and is therefore a Bill concerning counties for purposes of Standing Orders. Section 16 of Part 1 of the Fourth Schedule of the Constitution assigns the national government a function on education policy, standards, curricula, examinations and granting of universities charters. Since the amendment touches on curricula development, this does not concern the county governments.

**Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The Bill is not a money Bill for the purposes of Article 114 of the Constitution as the enactment of the Bill will not result in additional expenditure of public funds.

**Committee Observations**

The Committee observed that the amendment seeks to introduce additional functions to be performed by the Kenya Institute of Curriculum Development.

These functions include the incorporation of disaster management skills that is safety, security and psychological skills in matters of curriculum development.

**Committee observation**

The Committee observed that the proposed amendments are timely given that previously, disasters have been witnessed in schools with immense destruction and casualties. The

proposals will help in ensuring safety in schools and enhancement of life skills in dealing with disasters.

### **Recommendation on the KICD (Amendment) Bill, 2019**

**Having considered the proposed KICD (Amendment) Bill 2019, the Committee recommends that the Bill be passed.**

**The Committee observed that in addition to the proposed amendments in the legislative proposal by Hon. Sabina Chege, MP, the Ministry of Education is also forwarding amendment on the Basic Education Act to Parliament for consideration by the Committee.**

**MIN. NO. EDUC/2019/231: SUBMISSION BY HON. SABINA CHEGE, MP ON THE BASIC EDUCATION (AMENDMENT), BILL 2019**

### **MEMORANDUM OF OBJECTS AND REASONS**

The principal purpose of this Bill is to make necessary amendments to the Basic Education Act, No. 14 of 2013, Laws of Kenya.

**Clause 2** of the Bill proposes to amend the definition of the word curriculum in line with the Kenya Institute of Curriculum Development Act.

**Clause 3** proposes to provide additional functions to the County Education Board to maintain a databank of students ranked in the first quartile by the Constituency in the Kenya Certificate of Primary Education examination and who due to inability to pay school fee fail to gain entry into or complete education in a public secondary school.

**Clause 4** proposes to empower the Teachers Service Commission to assign teachers to institutions of basic education and training used for conducting pre-primary education, childcare facilities, home craft centers and village polytechnics".

**Clause 5** proposes to give additional powers to the sponsors to participate in the decision making process leading to change of status of a public sponsored school

**Clause 6** proposes to empower the Cabinet Secretary, in consultation with the Cabinet Secretary responsible for the Treasury to develop and gazette Regulations for the provision of financial assistance to children learning in non-public or sponsored schools but who, on account of financial hardship, experience difficulty in paying fees and other charges levied such schools limited to the amount that it would cost to educate such child in a public school.

**Clause 7** proposes to amend the Act to allow private schools to charge admission fee while admitting a child to a private school.

**Clause 8** seeks to amend the Act to ensure that children are not denied admission to public schools as long as they meet the criteria prescribed by the Cabinet Secretary for admission to the public school.

**Clause 9** proposes to delete the provision that requires pupils to be given appropriate incentives to learn and complete basic education. It further amends the Act to ensure that no pupil admitted in a school shall be held back in any class or expelled from school except with the concurrence of the parents or guardians.

**Clause 10** proposes to allow tuition where there is prior written consent of the parents or guardian of the pupil and only if the holiday tuition is remedial in nature or seeks to enhance the opportunities available to the pupil for co-curricular activities for which adequate time is not available within the ordinary school calendar." at the end of the sub-section".

**Clause 11** proposes to make it a duty of the Cabinet Secretary to put in place measures to ensure that students who are ranked in the first quintile by the Constituency in the Kenya Certificate of Primary Education examination and are admitted to a public secondary school but fail to gain entry into or complete education due to inability to pay school fees are supported to complete their secondary school education.

Further the Cabinet Secretary is required to work in consultation and cooperation with the County Education Board to establish mechanisms for provision of public funds to educate bright and needy students who are ranked in the first quartile by the Constituency in the Kenya Certificate of Primary Education examination";

**Clause 12** proposes to make it a duty of a principal or head teacher of a public primary or secondary school to, every year, develop and submit to the County Education Board a list of students who are ranked in the first quartile by the Constituency in the Kenya Certificate of Primary Education examination of the preceding year but are unable to pursue their studies owing to inability to pay school fees".

Further the County Education Board is required to co-operate with the Constituency Development Board to vet students who appear in the list prepared by the principal or head teacher and ensure that the deserving needy students are supported to complete their secondary school studies".

**Clause 13** proposes to amend the categorization of basic educational institutions to include sponsored schools which are schools established, owned or operated by sponsors but which the Government supports financially, materially or through the provision of teachers from the Teachers Service Commission.

**Clause 14** proposes to amend the Act to enable private school to follow different curriculums and not necessarily one approved curriculum.

**Clause 15** proposes to amend the Act to ensure that public examinations are conducted as provided for under the Kenya National Examination Council Act only in institutions of basic education whose curriculum is registered as examinable by the Kenya National Examinations Council.

**The enactment of this Bill shall occasion additional expenditure of public funds.**

#### **COMMITTEE OBSERVATIONS**

The Committee further observed that in addition to the proposed amendments on the Basic education Act, 2013 in the legislative proposal by Hon. Sabina Chege, MP, the Ministry of Education is also forwarding amendment on the Basic Education Act to Parliament for consideration by the Committee.

#### **Committee Resolutions**

1. The Committee indulged the Sponsor of the Bill to allow the Committee to merge the proposed amendments bill with the proposed amendments from the Ministry of Education. The Member acceded to the Committee's request.
2. The Committee resolved to merge the two proposals to form comprehensive amendments to the Act.

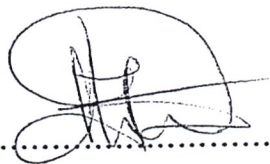
**MIN. NO. EDUC/2019/232: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO. EDUC/2019/233: ADJOURNMENT**

There being no other business, the meeting was adjourned at 1.15 pm. The next meeting will be held on notice.

Signed.....



.....Date.....

17/9/2019

**Hon. Julius Melly, MP**

**(Chairman)**

**MINUTES OF THE 45<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE EDUCATION AND RESEARCH HELD ON THURSDAY, 29<sup>TH</sup> AUGUST 2019, IN COMMITTEE ROOM 7, MAIN PARLIAMENT BUILDINGS AT 10:00 AM**

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. Moses Malulu Injendi, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. Eric Muchangi, MP
6. Hon. Eve Obara MBS, MP
7. Hon. Jerusha Momanyi, MP
8. Hon. Peter Lochakapong, MP
9. Hon. Oroo Oyioka, MP
10. Hon. Joseph Tonui, MP
11. Hon. Omboko Milemba, MP
12. Hon. Wilson Kogo, MP
13. Hon. Wilson Sossion, MP

**ABSENT WITH APOLOGY**

1. Hon. Geoffrey Odanga, MP
2. Hon. (Eng.) Nzambia Kithua, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. Catherine Wambilyanga, MP
5. Hon. Jackson Lekumontare, MP
6. Hon. Lilian Tomitom, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant II
3. Ms. Christine Odhiambo - Legal Counsel I
4. Mr. Mutai Kibet - Audio Officer
5. Mr. Manuel Leparachao - Serjeant at arms

**MINISTRY OF EDUCATION**

1. Dr. Belio Kipsang - Principal Secretary, Early Learning and Basic Education
2. Mr. Paul Kibet - Acting Director, Directorate of Secondary Education
3. Dr. Julius Jwan - Director, KICD
4. Mr. Kennedy Buhere - Senior Assistant Director, Director, Public Communication
5. Mr. Jeremiah Munayi - Director Administration
6. Ms. Faith Chirchir - Senior State Counsel

**MIN. NO. EDUC/2019/233: PRELIMINARIES**

The Chairperson called the meeting to order at 10. 12 am. Prayer was said.

**MIN. NO. EDUC/2019/234: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sittings was deferred to the next sitting.

MIN. NO. EDUC/2019/235: SUBMISSION BY PRINCIPAL SECRETARY EARLY LEARNING AND BASIC EDUCATION ON BASIC EDUCATION (AMENDMENT) BILL, 2019 AND THE KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL, 2019

1. THE BASIC (AMENDMENT) BILL, 2019 (SPONSORED BY HON. RONALD TONUI, MP)

The Principal Secretary submitted as follows as regards the Bill:

The Bill seeks to have the establishment of at least one public special school with free boarding facilities in each county

The School established under 1A shall offer both primary and secondary education and shall cater for all types of special needs

Answer; We do not support the proposal since it is against international best practice of providing inclusive education

This would be viewed as segregating children/learners with disabilities into a 'camp' of the disabled

**Recommendation:** Consideration Should be given to establishing a model inclusive school having pre-primary, primary and Secondary sections

2. THE BASIC (AMENDMENT)BILL, 2019 (SPONSORED BY HON. SABINA CHEGE, MP)

The Principal Secretary submitted as follows as regards the Bill:

Section 3 (S. 18 of the Act) of the proposed amendment subsection (1) (h) delete "National Education Board" and replace it with the "Principal Secretary"

Sub Section 1 (i) first part should be retained which reads: - "transfer and discipline learners"

But delete the second part: - "transfer and discipline non - teaching staff employed by the Board .

Section 4, (Section.20 (1) of the Act )to be recasted to read as "Every County Education Board shall consist of a Chairperson who will be the serving County Commissioner and eight members appointed by the Cabinet Secretary.

Section 5 (S. 26, (3) of the Act) subsection (4), delete from "pursuant to Teachers Service Commission" replace with " The County

Government shall assign teachers "

Section 6(S.27 (c) to be deleted and left to the Cabinet Secretary to Change the Status of a public Sponsored institution of Basic Education and Training

Section IO(S.39 (hb) and S.40 (5),(6) delete Sub County Education Boards because they do not exist in law.

Section 12 (S.56(1) of the Act)be substituted with Cabinet Secretary shall appoint a board of management of nine (9) members to manage the institution".

Section 4 (Section.20 (1) of the Act) to be recasted to read as "Every County Education Board shall consist of a Chairperson who will be the serving County Commissioner and eight members appointed by the Cabinet Secretary.

Section 5 (S. 26, (3) of the Act) subsection (4), delete from "pursuant to Teachers Service Commission" replace with " The County

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Section 12 (S.56(1) of the Act)be substituted with Cabinet Secretary shall appoint a board of management of nine (9) members to manage the institution".

#### **MEMORANDUM OF OBJECTS AND REASONS**

**Clause 7:** Delete the a whole of clause 7 (likely to be abused)

Clause 9: the state remains with the following corrections....(...shall be held back in any class except with the concurrence of the learner; or expelled from school as per laid down guidelines and procedures.

**Clause 10:** delete the whole clause 10 (refer to clause 37 of the Basic Education Act)

**Clause 11** delete "first quintile" replace with "upper quartile"

**Clause 14:** add after approved "by KICD" delete curriculum at the end of the clause.

### **3. KENYA INSTITUTE OF CURRICULUM DEVELOPMENT (AMENDMENT) BILL, 2019 BY HON. JOYCE EMANIKOR, MP**

The Principal Secretary submitted that the Ministry has no objections to the proposed amendment in the Kenya Institute of Curriculum Development (Amendment) Bill, 2019 by Hon. Joyce Emanikor, MP.



#### **4. THE EARLY CHILDHOOD EDUCATION (SENATE BILL NO. 33 OF 2018) DEFINITIONS**

The Principal Secretary submitted as follows as regards the Bill:

Adopt the definitions provided in the National Pre-primary Policy

"Education centres" - Public or private pre-primary education centre or facility used for conducting Early Childhood Education and training.

Replace "Early Childhood" with "Pre-primary"

Headteacher ..... Administrator in a pre-primary education

Insert the definition for preprimary –Early stimulation and learning for children before entry grade.

"Pupils" replace with "learner"

#### **Objects and purposes**

3 (d) (i) replace care with development

#### **Part I Preliminaries**

No. 8 Of 2001 Act.

Replace children with disabilities with children with special needs

#### **PART IV**

"Management of Pre-primary Education Centres" replace "Early Childhood" to "pre-primary" in the title.

#### **Section 19 (3)**

Minimum requirement is 1/8 of an acre in urban and high density rural; ¼ acre for rural low density areas (National Pre-Primary Education Policy Standard Guidelines section 1.1 (n).

**Section 20 (3)** use "intended" instead of "any".

Section 22 (c) replace "Early Childhood" with "pre-primary".

Section 43 replace "pupil" with "learner" in all sections where "pupils" appear.

#### **Part V Administration of the Early Childhood Education System**

#### **Section 37 (i)**

"Chapter 3.0 of the National Pre-primary Education Policy; prescribes the institutional framework to guide management and coordination of pre-primary education sector at the National, County, Sub-county and ward levels. At the county level, "County

Early Childhood Education Committees (CECEC) shall be established .... " (membership and roles are outlined in the policy Standard Guidelines Sec 4.2)

Therefore consider inserting:

"there is established a County Early Childhood Education Committee (CECEC) to oversee the implementation of Pre•primary Education in each County" in this section.

**COMMITTEE RESOLUTIONS**

**The Committee resolved to consider the proposed amendments in a retreat scheduled for 30<sup>th</sup> and 31<sup>st</sup> August, 2019.**

**MIN. NO. EDUC/2019/236: ANY OTHER BUSINES**

No other business arose.

**MIN. NO. EDUC/2019/237: ADJOURNMENT**

There being no other business, the meeting was adjourned at 1.15 pm. The next meeting will be held on notice.

Signed..........Date.....17/9/2019.....

**Hon. Julius Melly, MP  
(Chairman)**

**MINUTES OF THE 48<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE  
EDUCATION AND RESEARCH HELD ON THURSDAY, 12<sup>TH</sup> SEPTEMBER 2019, IN  
CPA ROOM, PARLIAMENT BUILDINGS AT 11:00 AM**

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. Geoffrey Odanga, MP
4. Hon. Moses Malulu Injendi, MP
5. Hon. Oroo Oyioka, MP
6. Hon. Wilson Kogo, MP
7. Hon. Wilson Sossion, MP
8. Hon. (Prof.) Zadoc Ogutu, MP
9. Hon. (Eng.) Nzambia Kithua, MP
10. Hon. Jackson Lekumontare, MP
11. Hon. Jerusha Momanyi, MP
12. Hon. Eve Obara MBS, MP
13. Hon. Peter Lochakapong, MP

**ABSENT WITH APOLOGY**

1. Hon. Lilian Tomitom, MP
2. Hon. Omboko Milemba, MP
3. Hon. Catherine Wambilyanga, MP
4. Hon. Eric Muchangi, MP
5. Hon. (Dr.) Pamela Ochieng, MP
6. Hon. Joseph Tonui, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant II
3. Ms. Christine Odhiambo - Legal Counsel
4. Mr. Mutai Kibet - Audio Officer
5. Mr. Manuel Leparachao - Serjeant at arms

**MIN. NO. EDUC/2019/250: PRELIMINARIES**

The Chairperson called the meeting to order at 11.15 am. A prayer was said.

**MIN. NO. EDUC/2019/251: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous Sitting was deferred to the next sitting.

**MIN.NO.EDUC/2019/252: CONSIDERATION AND ADOPTION OF COMMITTEE  
REPORTS ON BILLS AND SESSIONAL PAPER NO.1 OF  
2019**

The Committee considered reports on the following Bills and Sessional Paper No. 1 of 2019;

1. Sessional Paper No. 1 of 2019 on reforming the Education Sector;
2. The KICD (Amendment) Bill, (National Assembly Bill No. 33) of 2019;
3. The Higher Education Loans Board (Amendment) Bill, 2019.

### Committee observations

Sessional Paper No. 1 of 2019 on reforming the Education Sector:

The Committee noted that the Report of the Taskforce for Enhancing Access, Retention, Transition, Equity and Quality for Effective Curriculum Reform had not been presented to the Committee for consideration. It was therefore not clear from the Sessional Paper on the expected outcomes of the change in Curriculum; the implementation matrix and timelines. Further, the level at which different types of examinations will be administered in the basic education under the Competency Based Curriculum (CBC) was yet to be addressed.

### Dissenting View

Pursuant to Standing Order 199(5) Hon. Wilson Sossion, MP, submitted that the Sessional Paper should have been subjected to national stakeholders' consultative forums before being presented to the National Assembly for consideration. He was of the view that the Policy Paper was being rushed through for adoption while there were pertinent issues on the implementation of the new Curriculum that needed to be addressed before adoption of the Policy Paper. He was of the view that the Sessional Paper should be withdrawn for proper consultations to be made before implementation.

### Adoption of Reports


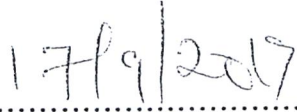
Having considered reports on Sessional Paper No. 1 of 2019, the KICD (Amendment) Bill, 2019 and the HELB (Amendment) Bill, 2019, the Committee adopted the reports.

### **MIN. NO. EDUC/2019/253: ANY OTHER BUSINESS**

There was no other business under this item.

### **MIN. NO. EDUC/2019/254: ADJOURNMENT**

There being no other business, the meeting was adjourned at 1.00 pm. The next meeting will be held on Tuesday, 17<sup>th</sup> September, 2019.

Signed..........Date..........

**Hon. Julius Melly, MP**

**(Chairman)**

KC - EDUCATION

1

**KINGDOM SECURITIES**

(A SUBSIDIARY OF THE CO-OPERATIVE BANK OF KENYA LIMITED)  
Co-operative Bank House 5<sup>th</sup> Floor, Haile Selassie Avenue, P.O. Box 48231, 00100 GPO Nairobi, Kenya  
Tel: +254 20 327 6399, Fax: +254 20 327 6156

**UNAUDITED FINANCIAL STATEMENTS FOR THE PERIOD ENDED JUNE 30 2019**

A) STATEMENT OF COMPREHENSIVE INCOME		B) STATEMENT OF FINANCIAL POSITION	
	30-Jun-19 KShs '000'	30-Jun-18 KShs '000'	
1.0 Income			1.0 Non-current Assets
1.1 Brokerage Commissions	24,352	2,700	1.1 Property Plant & Equipment
1.2 Interest Income	1,157	4,700	1.2 Deferred Tax Asset
1.3 Dividend Income	2,116	2,116	1.3 Investments or deposits in CDS/CDSSE
1.4 Administration Fees	3,220	2,054	1.4 Investments in quoted securities
1.5 Other Income (Placement Income)	4,097	-	1.5 Intangible assets
1.6 Total Income	37,932	11,570	1.6 Other long term Assets (Specify)
0 Expenses			1.7 Total Non-current Assets
0.1 Direct expenses	1,990	513	2.0 Current Assets
0.2 Professional fees	1,200	900	2.1 Amounts due from other stockbrokers
0.3 Employee costs	20,349	20,077	2.2 Other trade receivables
0.4 Directors Emoluments	1,462	1,462	2.3 Prepayments
0.5 Operational and Administrative expenses	8,597	9,800	2.4 Unsecured advances to directors, shareholders & employees
0.6 Provisions for trading gains/losses	5,338	7,873	2.5 Short term unsecured advances to related parties
0.7 Depreciation expenses	648	79	2.6 Total Client cash and bank balances
0.8 Amortization expenses	109	357	2.7 Office cash and bank balances
0.9 Other Expenses (Specify)	200	706	2.8 Other current assets (Specify)
1.0 Total Expenses	38,881	47,747	2.9 Total Current Assets
2.0 Total Assets	(1,159)	(10,177)	2.10 TOTAL ASSETS
3.0 Operating Profit	266	322	3.0 Share Capital And Reserve
4.0 Finance Costs	(1,405)	(10,429)	3.1 Paid Up Ordinary Share Capital
5.0 Profit/Loss Before Tax	(1,139)	(10,107)	3.2 Revaluation reserves
6.0 Tax	(1,405)	(10,429)	3.3 Revaluation reserves
7.0 Profit/Loss after tax	(2,544)	(20,536)	3.4 Change in fair value on investment held for trading
			3.5 Total Shareholders funds
			3.6 Non-current liabilities
			4.1 Total Non-current liabilities
			5.0 Current liabilities
			5.1 Clients creditors
			5.2 Trade payables
			5.3 Accrued expenses
			5.4 Directors account
			5.5 Tax payable
			5.6 Total Current liabilities
			5.7 TOTAL EQUITY AND LIABILITIES

**KCB CAPITAL**

**KCB CAPITAL LIMITED UN-AUDITED FINANCIAL STATEMENTS AND OTHER DISCLOSURES FOR THE PERIOD ENDED 30 JUNE 2019**

STATEMENT OF COMPREHENSIVE INCOME	30-Jun-19 Un-Audited KShs '000'	30-Jun-18 Un-Audited KShs '000'	Non-current Liabilities Deferred Tax	2,209
Income	15,416	13,432	Total Non-current Liabilities	2,209
Brokerage Commissions	13,500	8,800		
Advisory/Consultancy Fees	20,840	21,101	Current Liabilities	
Interest Income	13,919	197	Amount due to Related Parties	43,229
Realized profit/(Loss) on Investments	97	-	Trade payables	6,485
Unrealized profit/(Loss) on Investments	91,452	43,233	Total Current Liabilities	49,714
Total Income	131,622	77,460	TOTAL EQUITY AND LIABILITIES	441,181
Expenses	32,507	30,844		
Employee Costs	475	-	OTHER DISCLOSURES	
Directors emoluments	2,747	250	30-Jun-19	31-Dec-18
Operational and Administrative Expenses	1,205	1,274	Un-Audited	Audited
Depreciation expenses	1,542	1,247	KShs '000'	KShs '000'
Amortization Expenses	750	1,217	CAPITAL STRENGTH	
Other operating expenses	48,720	29,181	a. Paid Up Capital	400,000
Total Expenses	55,811	33,542	b. Minimum Capital Required	250,000
Operating Profit	75,811	43,918	(a-b) Excess/(Deficiency)	150,000
Profit/Loss Before Tax	75,811	43,918	SHAREHOLDER FUNDS	
Tax	(4,647)	(2,209)	a. Total Shareholder Funds	438,416
Profit/Loss After Tax	71,164	41,709	b. Minimum Shareholder Funds Required	250,000
			(a-b) Excess/(Deficiency)	188,416
			LIQUID CAPITAL	
			a. Liquid Capital	355,347
			b. Minimum Liquid Capital (Higher of Ken. 30 million and 6% of Liabilities)	30,000
			(a-b) Excess/(Deficiency)	325,347
			CLIENTS FUNDS	
			a. Total clients creditors	4,239
			b. Total Clients Cash and Bank balances	5,275
			(a-b) Excess/(Deficiency)	1,036
			TOTAL ASSETS	361,417
			Current Assets	
			Amounts due from other stockbrokers	10,300
			Other trade receivables	1,567
			Prepayments	14,752
			Investments in equities/Traded income securities	55,183
			Short term unsecured advances to related parties	140
			Total Clients Cash and Bank balances	4,239
			Office Cash and Bank balances	12,797
			Total Current Assets	144,181
			TOTAL ASSETS	441,181
			Share Capital and Reserves	
			Paid Up Ordinary Share Capital	400,000
			Reserves	40,000
			Revaluation Reserves	9,429
			Total Shareholders Funds	449,429

**REPUBLIC OF KENYA**

**THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - THIRD SESSION**

In the matters of consideration by the National Assembly:-

- The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (National Assembly Bill No. 33)
- The Constitution of Kenya (Amendment) Bill, 2019 (National Assembly Bill No. 40)

**SUBMISSION OF MEMORANDA**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Kenya Institute of Curriculum Development (Amendment) Bill, 2019 (National Assembly Bill No. 33) seeks amend the Kenya Institute of Curriculum Development Act, 2013 with a view to ensuring that disasters in learning institutions are reduced by:-

- incorporating personal safety skills, self-defence, demonstrations on security drills, first aid, detection and response to weapons and evacuation procedures in the curriculum; and
- incorporating psychosocial skills and services to students in the curriculum.

The Constitution of Kenya (Amendment) Bill, 2019 (National Assembly Bill No. 40) seeks to amend Article 97 (1) (c) of the Constitution to expressly include Kenyans in the diaspora as a special interest group to be catered for in the party lists from which twelve (12) Members are nominated to the National Assembly.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Education & Research and Departmental Committee on Justice & Legal Affairs respectively, for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 3<sup>rd</sup> September, 2019 at 5.00 pm.

Copies of the Bills may be downloaded from Parliamentary website: <http://www.parliament.go.ke/the-national-assembly/house-business/bills>

**MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY**

**REPUBLIC OF KENYA**

**THE NATIONAL ASSEMBLY  
TWELFTH PARLIAMENT - THIRD SESSION**

In the matters of consideration by the National Assembly:-

- The Care and Protection of Older Members of Society Bill, 2018 (Senate Bill No. 17)
- The Tea Bill, 2018 (Senate Bill No. 36)

**SUBMISSION OF MEMORANDA**

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees". Further, the National Assembly Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House".

The Care and Protection of Older Members of Society Bill, 2018 (Senate Bill No. 17) seeks to provide a framework for the care of older members of society; establish a framework for the empowerment and protection of the elderly and the maintenance of their well-being, safety and security

The Tea Bill, 2018 (Senate Bill No. 36) seeks to provide for the regulation, development and promotion of the tea industry in the country.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127(3) and stands committed to the Departmental Committee on Labour & Social Welfare and Departmental Committee on Agriculture and Livestock respectively, for consideration and thereafter report to the House.

Pursuant to the provisions of Article 118(1)(b) of the Constitution and Standing Order 127(3), the respective Committees invite members of the Public to submit representations they may have on the said Bills. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to clerk@parliament.go.ke; to be received on or before Tuesday, 3<sup>rd</sup> September, 2019 at 5.00 pm.

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**MICHAEL R. SIALAI, EBS  
CLERK OF THE NATIONAL ASSEMBLY**



II

# MINISTRY OF EDUCATION

Office of the Principal Secretary, State Department of Early Learning And Basic Education

Telegrams: "EDUCATION". Nairobi  
Telephone: Nairobi 3318581  
Fax No.: 254-2-214287  
E-mail: [ps@education.go.ke](mailto:ps@education.go.ke)  
When replying please quote

PRINCIPAL SECRETARY  
JOGOO HOUSE "B"  
HARAMBEE AVENUE  
P. O. BOX 30040  
NAIROBI

MOE/CONF/G11/3

29<sup>th</sup> August, 2019

Ref. No.....

.....

Mr. Michael R. Sialai, EBS  
Clerk of the National Assembly  
Clerk's Chambers  
Parliament Buildings  
NAIROBI

Dear *Sialai*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH - KICD AMENDMENT BILL,2019**

Reference is made to your letter REF.NA/DCS/EDUC/2019/(063) dated 23rd August, 2019 on the above subject matter.

We confirm that we are in agreement with the proposed KICD amendment Bill 2019.

Yours *Sincerely*

*[Signature]*  
Dr. Belio R. Kipsang, CBS  
PRINCIPAL SECRETARY

