

copy
Recommended
for approval for
tabling.

THE SENATE
RECEIVED
26 APR 2024
CLERK'S OFFICE



THE SENATE
RECEIVED
26 APR 2024
DEPUTY CLERK

Ep
26/4/2024

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT (THIRD SESSION)

PARLIAMENT
OF KENYA
LIBRARY

THE SENATE

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 26/4/24

THE STANDING COMMITTEE ON EDUCATION

REPORT ON THE EARLY CHILDHOOD EDUCATION
(AMENDMENT) BILL, 2023 (SENATE BILLS NO. 54 OF 2023)

[Handwritten signature in red ink]

APPROVED
RT. HON. SEN
AMASON J. KINGI

Clerk's Chambers,
Parliament Buildings,
P.O. Box 41842-00100,
NAIROBI.

PAPERS LAID	
DATE	02.05.2024
TABLED BY	Chav
COMMITTEE	Education
CLERK AT THE TABLE ¹	I. Mbaya

April, 2023

Mr. Hon. Speaker
You may at once refer to
J. M. Nye, Clerk of the Senate
Date:

TABLE CONTENTS

ABBREVIATIONS AND ACRONYMS	3
PRELIMINARIES	4
1.1 Membership of the Committee	4
1.2 Mandate of the Committee	4
CHAIRPERSON'S FOREWORD	5
CHAPTER ONE	9
1 INTRODUCTION	9
Overview of the Bill	9
CHAPTER TWO	11
2 OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL	11
CHAPTER THREE	12
3 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS	12
3.1 COMMITTEE OBSERVATIONS	12
3.2 COMMITTEE RECOMMENDATIONS	13
Annex 1: Signed Minutes of the Committee Sitings during consideration of the Bill	14
Annex 2: Copy of the Bill	14
Annex 3: Advertisement as published in the Media	14
Annex 4: Copy of Stakeholder Submissions	14
Annex 5: Matrix of Submissions to the Bill by the Stakeholders	14
Annex 6: Committee Stage Amendments	14

ABBREVIATIONS AND ACRONYMS

CoG	Council of Governors
ECDE	Early Childhood Development Education
KNUT	Kenya National Union of Teachers
MoE	Ministry of Education
NGEC	National Gender and Equality Commission
SRC	Salaries and Remuneration Commission
TSC	Teachers Service Commission
ZAF	Zizi Afrique

PRELIMINARIES

The Standing Committee on Education is established pursuant to standing order 228(3) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to “*Consider all matters related to education and training.*”

1.1 Membership of the Committee

1. Sen. Joe Nyutu, MP	Chairperson
2. Sen. Peris Tobiko, CBS, MP	Vice Chairperson
3. Sen. (Prof) Margaret Kamar, EGH, MP	Member
4. Sen. Johnes Mwaruma, MP	Member
5. Sen. John Kinyua Nderitu, MP	Member
6. Sen. Agnes Kavindu Muthama, MP	Member
7. Sen. James Kamau Murango, MP	Member
8. Sen. Lenku Ole Kanar Seki, MP	Member
9. Sen. Joseph Githuku Kamau, MP	Member

1.2 Mandate of the Committee

Pursuant to the provisions of the Fourth Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated to consider all matters relating to education and training.

The Committee is specifically mandated to-

1. build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector;
3. provide oversight for the Education Sector;
4. facilitate budgetary resources toward the Education Sector; and
5. any matter that relates to education and training.

CHAIRPERSON'S FOREWORD

Mr. Speaker Sir,

The Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023) seeks to amend the Early Childhood Education Act, No. 3 of 2021 in order to provide for the improved remuneration and better welfare of teachers serving in early childhood centers in the counties.

Mr. Speaker Sir,

The Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023) was introduced in the Senate by way of First Reading on 29th February, 2024 and thereafter stood committed to the Senate Standing Committee on Education for consideration.

Pursuant to the provisions of Article 118 and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Education invited interested members of the public to submit their representations on the Bill.

The Committee further held an engagement meeting with the Council of Governors and sought to acquaint itself with the implementation status of the Early Childhood Development Education (ECDE) policies in the counties, and the challenges, if any, facing implementation of the said policies.

Mr. Speaker Sir,

The Committee reviewed all the submissions received and has considered the views of all stakeholders proposing the amendments to the Bill during preparation of this report.

Mr. Speaker Sir,

During the consideration of the Bill, the Committee observed-

1. The recruitment of ECDE teachers is done by the county governments through the County Public Service Boards (CPSBs). These CPSBs are expected to recruit from a pool of teachers registered by the Teachers Service Commission (TSC) and are supposed to ensure that ECDE teacher recruitment policies are fully implemented. However, the county governments do not provide opportunities for ECDE teachers professional development, do not equip them with skills, tools and ability to interact with learners, and do not compensate teachers who have undertaken upgrade programs;
2. There has been huge decline in the ECDE sector investments by county governments partly because there is no specific budget allocation for ECDE since the annual budget allocations for departments of education mostly combine with gender, youth, and social service and majority provide scholarships and bursaries for secondary school and tertiary institutions;
3. Many classrooms in ECDE centres have been seized by host primary schools, leaving ECDE learners congested in small rooms which prevent teachers from delivering, monitoring teaching and providing necessary guidance at the right time; and
4. The Salaries and Remuneration Commission (SRC) carried out an evaluation to determine the relative worth of ECDE teachers and published Job Evaluation Report with envisaged job groups and attendant remuneration structure. However, ECDE teachers' salaries vary considerably across counties and the remuneration structure does not consider the qualification teachers.

Mr. Speaker Sir,

With the foregoing, the Committee on Education will be proposing some amendments during the Committee of the whole in order to strengthen the proposals on this Bill.

Mr. Speaker Sir,

On behalf of the Committee, I wish to sincerely thank Sen. Eddy Gicheru Oketch, MP, the Ministry of Education, the Council of Governors, the Teachers Service Commission (TSC), the Salaries and Remuneration Commission (SRC), National Gender and Equality Commission (NGEC) Semi-Autonomous Government Agencies, the Kenya National Union of Teachers (KNUT), Zizi Afrique Foundation, Elimu Yetu Coalition, Civil Society Organizations and individuals who responded to our call and made their well-researched and articulate oral and written submissions.

Mr. Speaker Sir,

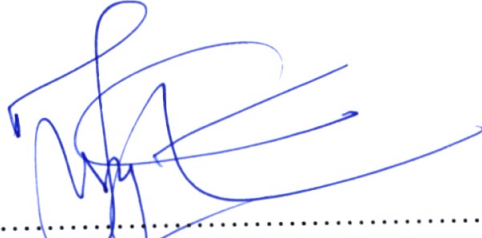
As I conclude, I wish to sincerely thank the Members of the Committee for their insightful contributions during the consideration of this Bill and development of the report.

The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

Mr. Speaker, Sir

It is now my pleasant duty, pursuant to standing order 145 (5) of the Senate Standing Orders, to present the Report of the Standing Committee on Education on Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023).

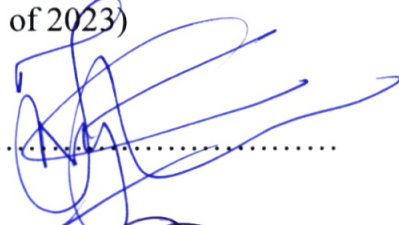




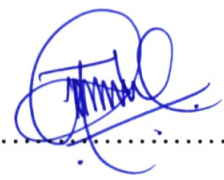
I thank you

Signed..........Date. 25/04/2024

SEN. JOE NYUTU, MP
CHAIRPERSON, STANDING COMMITTEE ON EDUCATION

**ADOPTION OF THE REPORT OF THE STANDING COMMITTEE ON
EDUCATION**

We, the undersigned Members of the Senate Standing Committee on Education, do hereby append our signature to adopt the Report on the Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023)

1. Sen. Joe Nyutu, MP **Chairperson** 
2. Sen. Peris Tobiko, CBS, MP **Vice-Chairperson** 
3. Sen. (Prof.) Margaret Kamar, EGH, MP **Member** 
4. Sen. Johnes Mwaruma, MP **Member** 
5. Sen. John Kinyua Nderitu, MP **Member**
6. Sen. Agnes Muthama, MP **Member** 
7. Sen. Joseph Githuku Kamau, MP **Member** 
8. Sen. James Kamau Murango, MP **Member**
9. Sen. Lenku Ole Kanar Seki, MP **Member**

CHAPTER ONE

1. INTRODUCTION

1.1. Background

The Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023) seeks to amend the Early Childhood Act, No. 3 of 2021 in order to provide for the improved remuneration and better welfare of teachers serving in early childhood centers in the counties.

The Bill was introduced in the Senate by way of First Reading on 29th February, 2024 and thereafter stood committed to the Senate Standing Committee on Education for consideration and facilitation of public participation.

Overview of the Bill

The Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023) is aimed at providing a legal framework to ensure the actualization of the right to fair remuneration for early childhood education teachers. It seeks to amend the Early Childhood Act, No. 3 of 2021 to include provisions of law that obligate the county governments to factor in additional parameters that affect the cost of living and have a direct impact on the remuneration of teachers serving in counties.

The improved remuneration and welfare of early childhood teachers is aimed at improving their morale and helping them carry out their duties of early childhood education in a better manner. This will in turn increase the quality of the early childhood system in Kenya by attracting and retaining the best talent in the field.

The Bill recognizes that one of the functional areas of county governments as provided for under Part 2 of the Fourth Schedule to the Constitution relates to pre-primary education and childcare facilities.

The Early Childhood Education (Amendment) Bill, 2023 (Senate Bills No. 54 of 2023) comprises several provisions, including consequential amendments to existing laws that may be affected by the provisions of this Bill once enacted. The purpose of the Bill is partly to infuse the principles of Article 41 of the Constitution on fair labour practices and the rights of workers to fair remuneration in the provision of early childhood education.

Clause 1 (sic) provides for amendment of section 31 of the Early Childhood Education Act, 2021 to provide for the welfare of teachers to be taken up as one of the primary functions of the boards of management of early childhood education centres in counties.

Clause 2 of the Bill provides for amendment of section 38 of the Early Childhood Education Act, 2021 to provide three additional parameters which ought to be factored by county governments and the Salaries and Remuneration Commission when determining the remuneration for early childhood education teachers. The three are inflation rate, minimum wage, and cost of living.

Clause 3 of the Bill proposes to amend section 68 of the Act which mandates the Cabinet Secretary to prescribe minimum standards relating to schemes of service for early childhood teachers. The Bill seeks to add welfare of teachers as one of the areas under which the Cabinet Secretary may prescribe minimum standards.

It is envisaged that once enacted this Bill will reduce discrimination in remuneration of different cadres workers in public service within our counties by bringing at par the earning capacity of early childhood education teachers to create a more equitable society in Kenya.

CHAPTER TWO

2 OVERVIEW OF PUBLIC PARTICIPATION ON THE BILL

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 145 (5) of the Standing Orders of the Senate, the Senate Standing Committee on Education invited interested members of the public and stakeholders to submit their representations on the Bill. The representations were to be made either orally during a Committee meeting or through submission of written memoranda.

The invitations for submissions were made vide advertisements which appeared in the *Daily Nation* and the *Standard* on Saturday, 2nd March, 2024 (*Annex 3*). The deadline for submission of views was Friday, 15th March, 2024. At the close of the public participation period, a total of nine (9) written memoranda had been received by the Committee and tabulated for the Committee's consideration. The list of the stakeholders and their respective submissions are attached in this report (*Annex 4*).

The Committee held a meeting with the Council of Governors (CoG) Education Committee on 19th March, 2024 to deliberate on the provisions of the Bill and receive oral presentations on their views.

A comprehensive list of all submissions, views and proposed amendments made both orally and vide written memoranda were thereafter captured, compiled and presented in a matrix (*Annex 5*) for Committee's consideration.

The stakeholder submissions were considered by the Committee during its meeting held on 26th March, 2023.

CHAPTER THREE

3 COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1 COMMITTEE OBSERVATIONS

Following extensive deliberations and analysis of the submissions and representation on the Bill, the Committee observes **that** -

1. The recruitment of ECDE teachers is done by the county governments through the County Public Service Boards (CPSBs). These CPSBs are expected to recruit from a pool of teachers registered by the Teachers Service Commission (TSC) and are supposed to ensure that ECDE teacher recruitment policies are fully implemented;
2. There have been huge declines in the ECDE sector investments by county governments partly because there is no specific budget allocation for ECDE since the annual budget allocations for departments of education mostly combine with gender, youth, labour, social service and also provide scholarships and bursaries for secondary school and tertiary institutions;
3. Many classrooms in ECDE centres have been seized by host primary schools, leaving ECDE learners congested in small rooms which prevent teachers from delivering, monitoring teaching and providing necessary guidance at the right time;
4. The Salaries and Remuneration Commission (SRC) carried out an evaluation to determine the relative worth of ECDE teachers and published Job Evaluation Report with envisaged job groups and attendant remuneration structure. However, ECDE teachers' salaries vary considerably across counties and the remuneration structure does not consider the qualification teachers;
5. County governments do not provide opportunities for professional development for ECDE teachers and do not equip them with skills, tools and ability to interact with learners, which is an important prerequisite for the Competence Based Curriculum (CBC); and

5. County governments do not provide opportunities for professional development for ECDE teachers and do not equip them with skills, tools and ability to interact with learners, which is an important prerequisite for the Competence Based Curriculum (CBC); and
6. County governments do not compensate teachers who have undertaken upgrade programs to be CBC compliant, do not provide sufficient instructional resources and framework to continue professional development and have not instituted career ladder models to incentivize ECDE teacher expertise and leadership.

3.2 COMMITTEE RECOMMENDATIONS

Based on the foregoing, the Committee therefore recommends that–

Clause 2 of the Bill be amended by deleting the new proposed sub-section 2A and inserting therefor the following new sub-sections-

(2A) A County Government shall not pay an early childhood education teacher, a salary or allowance less than that advised by the Salaries and Remuneration Commission under subsection (2) above.

(3) in determining the remuneration under subsection (2), the county government shall take into account several factors including-

- (a) minimum wage; and
- (b) the qualification of individual teachers.