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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON THE CONSIDERATION OF THE EARLY CHILDHOOD
EDUCATION BILL

(SENATE BILL NO. 26 OF 2018)

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TABLED BY:	Hon Julius Nelly
CLERK AT THE TABLE:	Mops Lemura

SEPTEMBER 2019

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CHAIRPERSON'S FOREWORD

The Early Childhood Education Bill, 2018 (Senate Bill No. 26 of 2018) was published in the Kenya gazette Supplement No. 115 on 4th September, 2018 and passed by the Senate with amendments on 22nd May, 2019. The Bill was read a First Time in the National Assembly on 11th June 2019 and thereafter committed to the Departmental Committee on Education and Research on for review and report to the House pursuant to the provisions of Standing Order 127(1).

The Committee invited members of the public and stakeholders to present their views and representations on the Bill through advertisements in the local daily newspapers on 11th July, 2019. This was done in compliance with the provisions of Article 118 of the Constitution which requires Parliament to involve members of the public in its business and those of its committees.

The Committee held three sittings to consider the Bill. The first sitting was to apprise members on the contents of the Bill and the policy and legal implications of the provisions contained therein. Members thereafter considered the Bill clause by clause in accordance with the provisions of S.O. 132. The Committee further held a meeting with the Ministry of Education State Department for Early Learning and Basic Education which submitted its representations on the Bill. The Committee's final sitting was dedicated to consider and adopt the report.

May I take this opportunity to commend members of the Committee Members for their devotion and commitment to duty which made consideration of the Bill successful; Indeed, their roles were critical to the Committee in the consideration of the Bill. In addition, I express our gratitude to the Offices of Speaker and Clerk of the National Assembly for always providing leadership and guidance and the secretariat for the valuable technical and logistical support.

On behalf of the Departmental Committee on Education and Research and pursuant to the provisions of Standing Order 127(4), it is my pleasant duty to present to the House the report of the Committee on the Early Childhood Education Bill, 2018 (Senate Bill No. 26 of 2018).

I wish to report that the Committee has considered the same and has the honour to report back to the National Assembly with the recommendation that the Bill be **approved with amendments**.

HON. JULIUS MELLY, M.P.

PART I

1.0 PREFACE

1.1 Committee Mandate

The Departmental Committee on Education and Research was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly and executes 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.

1.2 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 oversights:

(a) Ministry of Education comprising the following State Departments:

- (i) Early Learning and Basic Education
- (ii) University Education
- (iii) Vocational and Technical Training
- (iv) Post Training and Skills Development

(a) The Teachers Service Commission

1.3 Committee Membership

The following are the Members of the Committee:

<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 MaluluInjendi, MP	JP	Malava
4. Hon. Geoffrey MakokhaOdanga, MP	ODM	Matayos
5. Hon. (Dr.) Pamela Ochieng, MP	ODM	Migori
6. Hon. (Eng.) NzambiaThuddeusKithua, MP	WDM-K	Kilome

7. Hon. (Prof.) Zadoc Abel Ogutu, MP	IND	BomachongeBorabu
8. Hon. Catherine Wambilyanga, MP	Ford-K	Bungoma
9. Hon. Eric MuchangiNjiru, MP	JP	Runyenjes
10. Hon. Eve Obara, MBS, MP	ODM	KabondoKasipul
11. Hon. Jackson Lekumontare, MP	KANU	Samburu East
12. Hon. Jerusha Mongina Momanyi, MP	JP	Nyamira
13. Hon. John OrooOyioka, MP	PDP	Bonchari
14. Hon. Joseph KipkosgeiTonui, MP	JP	Kuresoi South
15. Hon. Lilian Cheptoo Tomitom, MP	JP	West Pokot
16. Hon. OmbokoMilemba, MP	ANC	Emuhaya
17. Hon. Peter Lochakapong, MP	JP	West Pokot
18. Hon. Wilson Sossion, MP	ODM	Nominated
19. Hon. Wilson KipngetichKogo, MP	JP	Chesumei

1.4 Committee Secretariat

The Committee Secretariat comprises the following officers: -

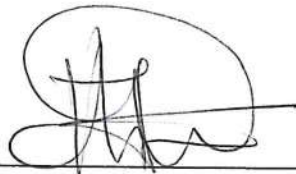
1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant II
3. Mr. Eric Kanyi - Fiscal Analyst
4. Ms. Annceta Gacheri - Research Officer
5. Ms. Christine Odhiambo - Legal Counsel
6. Mr. Nimrod Ochieng - Audio Officer
7. Ms. Catherine Mukunyi - Serjeant At Arms
8. Ms.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

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 Educational and Research on the consideration of the Early Childhood Education (Amendment) (Senate Bill No. 26, of 2018).**

SIGNED _____



DATE _____

18/9/2019

HON. JULIUS MELLY, MP

CHAIRMAN, DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

CHAPTER 1: INTRODUCTION

3.0 BACKGROUND OF THE BILL

2.1 MEMORANDUM OF OBJECTS AND REASONS OF THE BILL

The Early Childhood Education Bill, 2018 seeks to provide a framework for the establishment of systems for the administration of early childhood education within counties. Paragraph 9 of Part 2 of the Fourth Schedule to the Constitution provides that pre-primary education is a function of the county governments. County governments are therefore conferred with the mandate of ensuring the implementation of early childhood education within the counties.

PART I

Part I of the Bill provides for the preliminary provisions, including the short title and the interpretation of terms as used in the Bill. This Part also sets out the objects and purposes of the Bill as well as the guiding principles that are to guide the counties and other actors in the implementation of the Bill.

The Bill seeks to establish a framework for the establishment of the necessary infrastructure for a comprehensive early childhood development and education system by the county governments.

PART II

Part II of the Bill provides for the right of every child to free and compulsory early childhood education in a public education centre. In order to realise this right, the Bill assigns various duties to the county government, parents as well as teachers that will facilitate the promotion of the right to early childhood education. Finally, the Part obligates the county executive committee member to establish such infrastructure as may be necessary to ensure the access of children with disabilities to early childhood education centres.

PART III

Part III of the Bill provides for the establishment, registration and maintenance of early childhood education centres by the county government. An application for registration shall be submitted to the County Education Board in the prescribed form, and accompanied by the required documents. Additionally, it provides for the criteria to be met by a private institution so as to be registered as an education centre, that is the private institution shall be located in a suitable premises, have the capacity to cater for at least ten children, have qualified and adequate staff and equipment suitable for the curriculum being delivered.

This Part also provides for suitability and change of premises for an education centre as well as mobile schools, which shall be established based on the requirements prescribed by the Cabinet Secretary. Further, this Part provides for the obligations of a private education centre and action by the County Education Board where the education centre fails to comply with the Act.

This Part sets out the procedure for the registration of early childhood education centres. It sets out the criteria for registration and the circumstances under which the registration of an early

childhood education centre may be cancelled or revoked. This Part also provides for appeals from the decisions of the Board to the Education Appeals Tribunal.

PART IV

Part IV of the Bill provides for the management of an early childhood education centres, which shall be vested in a board of management. It provides for the establishment of boards of management of early childhood education centres, their functions in relation to the education centre and the record keeping and reporting requirements of the board to the County Education Board. This Part also sets out the qualifications for a person seeking employment as an early childhood education teacher, or as head teacher of an education centre.

PART V

Part V of the Bill provides for the administration of the early childhood education system. This Part provides that each county government shall be responsible for the overall governance and management of early childhood education within the respective county. In terms of this Part, the county government shall be responsible for the recruitment, remuneration and professional development of early childhood education teachers.

This Part further provides that no fees shall be charged for the admission of a child to a public education centre. However, the Part states that admission fees may be payable in respect of a child who is not a Kenyan citizen. This part sets the age of admission in an education centre as between 4 and 6 years. A head teacher may however admit a child who is more than 6 years where appropriate.

This Part also prohibits certain actions such as administration of exams for purposes of admission, holding back of pupils, expulsion from a centre, charging of tuition fees in public education centres for Kenyan citizens, offering of holiday tuition and offering of boarding facilities.

This Part provides that the Kenya Institute of Curriculum Development shall be responsible for the development of the early childhood education curricula to be applied by counties. Lastly, this Part provides that the standards of education in a private education centre shall be of a suitable standard and shall not be lower than that of a public institution.

PART VI

Part VI of the Bill provides for the accreditation of education centres offering foreign curricula by the County Education Board. An education centre shall submit an application for accreditation together with a certificate from the Kenya Institute of Curriculum Development containing a statement that the foreign curriculum adheres to the set curriculum for early childhood education.

This Part provides that the certificate of accreditation shall be valid for five years and renewable subject to the education centre meeting the prescribed conditions. Additionally, the County Education Board in consultation with the county executive committee member may suspend the

certificate of accreditation, where the education centre fails to comply with standards of accreditation, until the standards are met.

This Part also provides for the revocation of a certificate where an education centre fails to comply with a standard of accreditation. The Part mandates the County Education Board to establish and maintain a register of accredited education centres, and this register shall be open to the public for inspection.

PART VII

Part VII of the Bill provides for quality assurance. It establishes the county early childhood quality assurance committee which shall, in consultation with the Education Standards and Quality Assurance Council, ensure the maintenance of standards of education and ensure the implementation of guidelines and policies formulated by the Council.

PART VIII

Part VIII of the Bill provides for the safety and protection of children in an education centre. Under this Part, the board of management in each education centre shall maintain premises that meet the requirements of occupational health, safety regulations and building standards, ensure the safety of all persons within the institution and put in place fire fighting equipment, first aid and other emergency equipment and non-prescription medicine as the county executive committee member may prescribe. Such equipment shall be accessible during an emergency but shall be kept out of reach of children.

This Part requires the Cabinet Secretary to prescribe minimum standards for the health and safety of pupils and for a satisfactory environment for education.

Under this Part, corporal punishment, as well as emotional and psychological abuse are prohibited. A contravention of this provision shall attract a fine not exceeding five hundred thousand or imprisonment for a term not exceeding four years, or both.

PART IX

Part IX of the Bill provides for the transitional provisions. This Part sets out a transition period of one year from the date of enactment of the Act, and within which all previously registered education centres shall be required to comply with the criteria for registration as set out in the new Act.

This Part further gives a transition period of four years to the persons previously employed as early education teachers, within which time they shall be required to obtain the necessary qualifications for employment as early childhood teacher under the new Act.

PART X

Part X of the Bill provides for the miscellaneous provisions. This Part gives power to the Cabinet Secretary to make regulations in consultation with the Council of County Governors. Additionally, the Cabinet Secretary shall, in consultation with the Teachers Service Commission and the Council of County Governors, prescribe minimum standards relating to schemes of service for early childhood teachers within one year of enactment of the Act.

This Part also provides for a general penalty for a contravention of the Act for which no penalty is specifically provided.

This Part further amends the Basic Education Act to align it with the new term “early childhood education”. The amendments further seek to repeal the management committees of pre-primary institutions, which shall now be replaced by the management boards of early childhood education centres.

1st Schedule

The First schedule provides for the criteria for determining the suitability of premises for the conduct of early childhood education.

2nd schedule

The Second schedule provides for the conduct of affairs of board of management of early childhood education centres.

Statement on the delegation of legislative budget powers and limitations of fundamental rights and freedom

The Bill does not limit any fundamental rights and freedoms as provided under the Constitution.

Statement whether the Bill concerns county government

The Bill affects the functions of the county governments and is therefore a Bill concerning counties for purposes of the Standing Orders.

CHAPTER 2: METHODOLOGY

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER PARTICIPATION

The Committee undertook public participation by inviting submissions in writing and held meetings to receive oral representations on the Bill. This was done in compliance with the requirements of Article 118 of the Constitution which requires that *'Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees'*.

In addition, the S.O. 127(3) requires Committees to *"facilitate public participation and take into account the views and recommendations of the public when the Committee makes its recommendations to the House"*.

In compliance with the requirements of the Constitution and Standing Orders, the Committee placed advertisements in the local daily newspapers of 11th July, 2019 (Appendix II) and invited the public to make representations on the Bill in writing.

The Committee received representations from the following:-

1. Ministry of Education State Department for Early Learning and Basic Education,
2. The Kenya Law Reform Commission
3. The Kenya National Commission on Human Rights
4. Mr. Daniel Okoth.

3.1 ANALYSIS OF STAKEHOLDERS SUBMISSIONS ON THE EARLY CHILDHOOD EDUCATION BILL, 2018

The Committee considered the submissions from the Ministry of Education, the Kenya Law Reform, the Kenya National Human Rights Commission and Mr. Daniel Okoth as follows: -

Clause	Stakeholder	Proposed Amendment	Justification	Analysis
2	Ministry of Education	<p>Replace “early childhood education” with “pre-primary education”</p> <p>Insert the following new definition–</p> <p>“pre-primary education” means early stimulation and learning for children before entry to grade one</p> <p>Replace “pupil” with “learner”</p> <p>Replace “children with disabilities” with “children with special needs”</p>	-	<p>While Part 2 of the Fourth Schedule to the Constitution makes reference to pre-primary education, the term “early childhood education” suffices to differentiate the education offered to children before primary education.</p> <p>The proposed amendment to replace “pupil” with “learner” is necessary so as to align the Bill with the term used in the Basic Education Act.</p> <p>The proposed amendment to replace “children with disabilities” with “children with special needs” seeks to align the Bill to the Basic Education Act which makes reference to special needs education.</p>
	Kenya Law Reform Commission	<p>“Education Appeals Tribunal” – delete “92” and substitute with “93”</p>	For correct referencing	The amendment is necessary for purposes of correct referencing.
		<p>Insert the definition of “village administrator”</p> <p><i>“village administrator” means the office of the village administrator established in section 52 of the County Governments Act”</i></p>	To have a clear definition of village administrator in the Bill.	The amendment may be necessary so as to ensure that the village administrator as used in the Bill refers to the office of the village administrator as established under the County Governments Act.

		consultation with the relevant stakeholders, curriculum programs that are wholistic in nature and that promote culture and the overall development of the child;”		
	Kenya National Commission on Human Rights	Delete paragraph (f) and substitute therefor the following new paragraph— “(f) identify and undertake an assessment of children with disabilities in the county and put in place reasonable accommodation measures and other specific programmes targeting such children in the provision of early childhood education.”	The term “special programmes” is vague and does not include “reasonable accommodation” which is a critical element of non-discrimination in the context of disability.	This amendment, although seeking to make reference to the amendment to include the definition of the term “reasonable accommodation” in clause 2, may not be necessary. This is because clause 9 of the Bill obligates the County Executive Committee to put in place such infrastructure as may be necessary to ensure that children with disabilities have access to, and are provided with early childhood education.
7	Daniel Okoth	Insert the following new subsection immediately after subsection (1)— “(1A) A parent is excused from admitting his or her child to a pre-primary institution, provided the child is receiving reasonable and satisfactory instruction at a homeschool registered under this Act.”	-	The amendment may not be necessary since the proposed interpretation of a homeschool qualifies it to be a private school which is already covered in the Bill.
	Kenya	7(3)- Delete the	Committing the	The Committee may consider this

	National Commission on Human Rights	custodial sentence, that is the words “imprisonment for a term not exceeding one year”	parent or guardian to prison leaves the child more vulnerable. Other mechanisms like probation or community service may be adopted rather than deprivation of liberty.	amendment. However the custodial sentence is provided as an option in the justice system in instances in which an offender is either not willing to pay the fine, or in the case of repeat offenders. Further, judicial officers consider various aspects of the commission of the offence in determining the most appropriate penalty to be imposed.
8	Daniel Okoth	8(1)- Insert the word “homeschool” immediately after the words “education centre”	-	The amendment may not be necessary since the proposed interpretation of a homeschool qualifies it to be a private school which is already covered in the Bill.
	Kenya National Commission on Human Rights	8(2) - The Bill should recognize the need to exhaust the internal channels of governance (PTA and Board of Management) before escalating the matter to the County Education Board.	-	The amendment may not be necessary since clause 30(1)(f) of the Bill provides that the head teacher of the education centre shall be an <i>ex officio</i> member of the board of management. This therefore means that the head teacher shall be responsible for communicating any decisions of the board of management to the County Education Board.
9	Kenya National Commission on Human Rights	9(2)- Delete subclause (2) and substitute therefor the following new subclause— “(2) The Ministry of Education in collaboration with county governments shall— ensure that screening tools for early identification of children with special needs and disabilities are developed and	The Ministry of Education Sector Policy for Learners and Trainees with Disabilities stresses the importance of early identification, assessment and placement as a key component in the provision of quality and relevant	The effect of this proposed amendment is that it would place an obligation to the Cabinet Secretary to put in place the listed mechanisms to ensure the access of children with disabilities to early childhood education. This may however be in conflict with Part 2 of the Fourth Schedule to the Constitution which assigns the function of pre-primary education to county governments. However, since the proposed amendments contain specific action that must be taken to ensure that children with special needs access early childhood education, the amendment may be

		<p>distributed for use; ensure early identification, assessment and interventions of children with special needs and disabilities; ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions; facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education; ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents; ensure that teachers and other staff in integrated pre-primary schools plan and implement Integrated Individualized Education Programme (IIEP) for purpose of monitoring the progress of an individual child with special needs and disabilities; liaise with other</p>	<p>education and training for learners and trainees with disabilities.</p> <p>The Bill is silent on the obligation of county governments in establishing early assessment centres to aid in detection and proper placement for children with disabilities to give effect to the 2018 Sector Policy.</p>	<p>redrafted to assign the functions to the county executive committee member.</p>
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		professionals and stakeholders to provide psychosocial support to learners with special needs and disabilities; facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and ensure that children with disabilities are provided with support and reasonable accommodation.		
11	Daniel Okoth	Insert the following new paragraph immediately after paragraph (c)– “(d) all homeschools in the county;”	-	The amendment may not be necessary since the proposed interpretation of a homeschool qualifies it to be a private school which is already covered in the Bill.
12	Kenya Law Reform Commission	The marginal note refers to requirement for registration of education centres.	The section refers to registration of a person offering early childhood services.	The amendment may not be necessary since a person cannot offer early childhood education services in person, but can only offer this in an education centre.
13	Kenya Law Reform Commission	Insert the prescribed form in the Schedule to the Bill.	To enable users of the Bill to be aware of how the form looks like.	The amendment is not necessary since the prescribed form can always be availed to the public by the County Education Board.
	Kenya National Commission on Human Rights	13(2)- Insert the following new paragraphs immediately after paragraph (j)– “(k) an occupation certificate from the	To ensure integration of persons with disabilities in all spheres and to align with the provisions of the National Pre-	The amendments may not be necessary as they amount to a repetition of the requirements as already provided in clause 13(2) of the Bill. For instance, paragraph (f) covers the aspect of lease agreement. Further, the First Schedule provides for

		<p>relevant department in the county showing that the centre is accessible by persons with disabilities;</p> <p>Insert a new subclause– “(3) The County Education Board shall– check on suitability of the site; ascertain adequacy of size of the land acreage (minimum of 0.05 ha/1/8 acre); confirm availability of the approved site plan by the public works as of the date of application; ascertain availability of a valid title deed/ lease of the physical facilities (renewable lease agreement of at least 8 years).</p>	<p>Primary Education Guidelines.</p>	<p>the criteria for determining the suitability of premises for the conduct of early childhood education, therefore these do not need to be restated.</p>
15	<p>Kenya National Commission on Human Rights</p>	<p>Delete.</p> <p>15(1)- delete the words “is likely to meet”</p>	<p>If an institution has met the criteria for registration then it should be fully registered within a specified period after application.</p> <p>The education</p>	<p>The requirement on provisional registration follows from section 50 of the Basic Education Act which provides for the provisional registration of a private institution pending the determination on quality assurance.</p> <p>The amendment may be necessary so as to eliminate any ambiguity that may arise in the interpretation of what amounts to the term “is likely to meet”.</p>

			institution should be fully compliant with the set requirements.	
16	Kenya National Commission on Human Rights	16(2)- review of provisional registration should be done by a panel/ committee and not the County Executive Committee alone.	To ensure accountability.	The amendment may be considered in light of clause 63 of the Bill which establishes the county early childhood quality assurance committee.
17	Daniel Okoth	17(b)- delete the words "at least ten children"	-	The amendment is not necessary since there is need to regulate the quality of private institutions based on the capacity of the institution to hold a minimum number of children.
		Delete paragraph (f).	-	The amendment is not necessary since it is necessary to provide for the qualifications of a head teacher in charge of an early education centre.
19	Ministry of Education	19(3)- the minimum size of land should be 1/8 of an acre in urban and high density areas, and ¼ acre for low density areas	This is according to section 1.1(n) of the National Pre-Primary Education Policy Standard Guidelines.	It may be important to set a standard criteria on the size of education centres irrespective of the location of the education centre.
20	Ministry of Education	20(3)- use "intended" instead of "any"	-	The amendment is not necessary since sub-clause (1) already provides that the head teacher of an education centre shall not change the location of the centre unless he or she has applied to, and obtained the approval of the County Education Board.
21	Daniel Okoth	Insert the following new section immediately after	-	The amendment may not be necessary since at present there is no policy framework providing for the regulations

		<p>section 21–</p> <p>21A. Homeschools (1) A county government will allow parents to establish homeschools, recognizing the important role of the parent in providing education within the county.</p> <p>(2) The provisions of this Part shall, subject to subsection (1), apply with necessary modifications to the registration of homeschools.</p> <p>(3) The Cabinet Secretary may, in consultation with the County Education Board prescribe the requirements for the establishment of homeschools within the county.”</p>		<p>of homeschools. Such a policy would guide the formulation of legislation to govern homeschools.</p>
23	Kenya Law Reform Commission	The prescribed form is not provided in the Bill.	To enable users of the Bill to be aware of how the form looks like.	The amendment is not necessary since the prescribed form can always be availed to the public by the County Education Board.
37	Ministry of Education	Insert a new subsection– “‘There is established a County Early Childhood Education Committee to oversee the implementation of pre-primary education in each county”	Chapter 3.0 of the National Pre-Primary Education Policy prescribes the institutional framework to guide management and co-ordination of	The proposed amendment may be considered since a policy framework acts as a guideline for the development of legislation. However, care must be taken to guard against the establishment of too many governance structures whose mandates will overlap. The Early Childhood Education Committee may therefore be established as a sub-committee of the County Education Board which is

			pre-primary education at the national, county, sub-county and ward levels.	charged with the overall mandate of overseeing the operation and management of early childhood education centres.
41	Kenya National Commission on Human Rights	41(1)- change the age admission to 4 years.	Section 33(1) of the Basic Education Act as well as section 2.1 of the National Pre-Primary Education Policy Standard Guidelines provide that the age of a child to be admitted for pre-primary education is four years.	The amendment is not necessary since clause 41(1) of the Bill provides that the minimum age for admission of a child into an early childhood education centre shall be four years.
		Insert a new subsection— “However, no child shall be denied admission for failure to submit the above documents.”	-	The amendment may be adopted to protect the right of the child to education. The provision may however be redrafted as contained in section 33(2) of the Basic Education Act— “No child shall be denied admission in an early childhood education centre for lack of proof of age.”
55	Kenya National Commission on Human Rights	Delete.	If an institution has met the criteria then it should be fully accredited within a specified period. An education institution should be fully compliant with the set requirements.	The provision in the Bill may be reviewed to provide that interim accreditation shall be granted subject to the institution meeting the standards for quality assurance.

56	Kenya National Commission on Human Rights	56(1)(b)- there should be reasons for the rejection of the application.	Fair administrative action.	The amendment may be necessary to introduce the requirement of giving written reasons for rejection of an application. This is pursuant to the provisions of Article 47 of the Constitution which provides for fair administrative action.
63	Kenya National Commission on Human Rights	63(1)- include a representative of persons with disabilities in the quality assurance committee.	To ensure representation of persons with disabilities in the appointive body, in line with Article 54(2) of the Constitution.	The Committee may consider the amendment so as to give effect to the provisions of Article 54(2) of the Constitution which provides that the State shall ensure the progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons with disabilities.
65	Kenya National Commission on Human Rights	65(3)- change the penalty for the offence of corporal punishment to imprisonment for a term not exceeding twenty five years. Where the victim dies, the perpetrator should be liable to life imprisonment.	To align it with section 4 of the Prevention of Torture Act which provides for twenty five years imprisonment for the offence of torture.	It may not be necessary to align the provision in the Bill with the provisions of the Prevention of Torture Act. This is because the offence of torture to any person is already covered in the Act.

CHAPTER 3: COMMITTEE AMENDMENTS

4.0 COMMITTEE STAGE AMENDMENTS TO THE EARLY CHILDHOOD EDUCATION BILL (SENATE BILL NO. 26 OF 2018)

The Committee, having considered and deliberated on the Bill and submissions from stakeholders, recommends the following amendments to the Early Childhood Education Bill (Senate Bill No. 26 of 2018)—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) in the definition of the term “Education Appeals Tribunal” by deleting the expression “92 and substituting therefor the expression “93”;
- (b) deleting the definition of the term “pupil”; and
- (c) inserting the following new definition in their proper alphabetic sequence—

“children with special needs” means a child in need of special needs education;
“learner” has the meaning assigned to it in the Teachers Service Commission Act;
“special needs education” has the meaning assigned to it in the Basic Education Act;
“village administrator” means the office of a village administrator established in section 52 of the County Governments Act.”

JUSTIFICATION

It is important to align the use of terms in the Bill to those general definitions applied within the education sector, as well as within the various legislations within the education sector. The amendments therefore seek to align the terms “learner” and “special needs education” to the Basic Education Act, No. 14 of 2013.

The amendment also serves the purpose of correcting a referencing error.

CLAUSE 8

THAT, clause 8 of the Bill be deleted and substituted therefor the following new clause—

Duty of head teacher. 8. (1) Where a learner admitted in an education centre fails to attend the education centre, the head teacher shall, in collaboration

with the village administrator, cause an investigation of the circumstances of the learner's absence from school.

(2) Where the head teacher finds that there are no reasonable grounds for the learner's failure to attend school, the head teacher shall—

(a) issue a written notice to the parent of the learner requiring that parent to comply with the provisions of this Act; and

(b) submit a report on the learner to the County Education Board.

(3) A parent who without reasonable cause and after a written notice from the head teacher, fails to comply with a notice under subsection (2) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both.

JUSTIFICATION

The amendment seeks to conform to the term "learner" as used in various legislations within the education sector.

The amendment also serves to ensure a similar penalty to a parent or guardian in respect to the offences of failure to take a child to school, as well as the failure to comply with a notice from the head teacher to ensure the attendance of a child to school. This is because both offences are similar and should therefore attract the same penalty.

CLAUSE 9

THAT, clause 9 of the Bill be deleted and substituted therefor the following new clause—

Children with special needs. **9.** (1) The county executive committee member shall put in place such infrastructure as may be necessary to ensure that children with special needs have access to, and are provided with early childhood education.

(2) In performing the functions under subsection (1), the county executive committee member shall—

(a) ensure that screening tools for early identification of children with special needs and disabilities are developed and

distributed for use;

- (b) ensure early identification, assessment and interventions of children with special needs and disabilities;
- (c) ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions;
- (d) facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;
- (e) ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;
- (f) ensure that teachers and other staff in integrated pre-primary schools plan and implement an integrated individualized education programme for the purpose of monitoring the progress of an individual child with special needs and disabilities;
- (g) liaise with other professionals and stakeholders to provide psychosocial support to learners with special needs and disabilities;
- (h) facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and
- (i) ensure that children with disabilities are provided with any other necessary support.

JUSTIFICATION

The amendment seeks to ensure that the Bill is aligned with the provisions of the Basic Education Act, No. 14 of 2013 that make reference to children with special needs.

Further, the amendment seeks to provide for the specific measures that shall be taken by the county executive committee member to ensure that children with special needs have access to early childhood education.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “or is likely to meet”; and
- (b) in sub-clause (3) by deleting paragraph (b).

JUSTIFICATION

The amendment seeks to eliminate any ambiguity that may arise in the interpretation of what amounts to the term “is likely to meet”.

CLAUSE 16

THAT, clause 16 of the Bill be deleted and substituted therefor the following new clause—

Review
of registration.

16. (1) As soon as practicable after provisionally registering an education centre under section 15, the County Education Board shall inform the County Executive Committee member of the provisional registration.

(2) The County executive Committee member shall cause the county early childhood quality assurance committee to review any education centre that is provisionally registered under section 15 either—

(a) between six and twelve months after the provisional registration of the education centre or proposed education centre; or

(b) a period earlier than that specified in paragraph (a) if in the opinion of the county executive committee member, a shorter time is necessary.

(3) The county executive committee member shall cause a further review of an education centre to be conducted upon the request of the County Education Board.

(4) The county executive committee member shall submit the findings of a review under this section to the County Education Board and to the head teacher of the education centre for implementation.

(5) The findings submitted under subsection (4) shall include—

Information on whether the education centre meets the criteria for registration as an education centre; and

Information on the areas where improvement is required, if it

does not meet the criteria.

JUSTIFICATION

The amendment seeks to ensure that the review of provisional registration is done by the county early childhood quality assurance committee, instead of having the review conducted by the County Executive Committee acting alone. This is necessary for purposes of accountability.

CLAUSE 20

THAT, clause 20 of the Bill be amended—

(a) by deleting sub-clause (1) and substituting therefor the following new sub-clause—

“(1) The board of management shall not change the location of the centre nor acquire additional premises for the purpose of running the education centre unless it has applied to, and obtained the approval of the County Education Board.”

(b) in sub-clause (3) by deleting the words “head teacher” and substituting therefor the words “board of management”

JUSTIFICATION

This amendment seeks to ensure that the board of management of an education centre shall be vested with the mandate of notifying the County Education Board of any change or acquisition of premises, in line with the functions of the board of management as provided in clause 31 of the Bill.

CLAUSE 23

THAT, clause 23 of the Bill be amended—

(a) in sub-clause (1) by deleting paragraph (c) and substituting therefor the following new paragraph—

“(c) the head teacher of the education centre has breached or is breaching his or her statutory duties in relation to the education centre under this or any other written law;”

(b) in sub-clause (2) by deleting the word “pupil” appearing in paragraph (b) and substituting therefor the word “learner”.

JUSTIFICATION

The amendment is necessary for purposes of correction of a grammatical error.

The amendment also seeks to conform to the term “learner” as used in various legislations within the education sector.

CLAUSE 24

THAT, clause 24 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupils” appearing in the opening sentence and substituting therefor the word “learners”; and
- (b) in sub-clause (3) by deleting the word “pupils” appearing in paragraph (a) and substituting therefor the word “learners”.

JUSTIFICATION

The amendment seeks to conform to the term “learner” as used in various legislations within the education sector.

CLAUSE 25

THAT, clause 25 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “are” appearing in paragraph (b) and substituting therefor the word “is”;
- (b) in sub-clause (2)—
 - (i) by deleting the words “head teacher” appearing in paragraph (b) and substituting therefor the words “board of management”; and
 - (ii) by deleting the words “head teacher” appearing in paragraph (c) and substituting therefor the words “board of management”;

JUSTIFICATION

The amendment is necessary for purposes of correction of a grammatical error.

The amendment also seeks to ensure that the board of management of an education centre, and not the head teacher, shall be responsible to the County Education Board for ensuring that the registration of the education centre is maintained. This is in line with the function of the County

Education Board, as provided in the Basic Education Act, No. 14 of 2013, to collaborate with the board of management in the management of basic schools.

CLAUSE 27

THAT, clause 27 of the Bill be amended by deleting sub-clause (2) and substituting therefor the following new sub-clause—

“(2) A public education centre shall not be converted to a private education centre or to any other private status without consultation with the County Education Board and approved by the county executive committee member.”

JUSTIFICATION

The amendment seeks to allow the conversion of early childhood education centres from public status to private status, but only after the consultation with the County Education Board and the Approval of the county executive committee member. This seeks to align the Bill with the provisions of section 43(2) of the Basic Education Act, No. 14 of 2013, which provides that a public basic education institution shall not be converted to a private basic education institution or to any other private status without consultation with the National Education Board and approval by the Cabinet Secretary.

CLAUSE 28

THAT, clause 28 of the Bill be amended by deleting sub-clause (4) and substituting therefor the following new sub-clause—

“(4) Notwithstanding the generality of subsection (2), the role of the sponsor under subsection (1) shall be—

- (a) to participate and make proposals for the review of syllabus, curriculum, books and other teaching aids; and
- (b) to offer financial, infrastructural and spiritual support to the education centre.”

JUSTIFICATION

The amendment seeks to ensure that the role of the sponsor of an education centre shall not be to make recommendations for curriculum review, but to make proposals for the review of curriculum. This is to ensure that the role of the sponsor does not conflict with the mandate of the Kenya Institute of Curriculum Development which is responsible for curriculum review.

CLAUSE 29

THAT, clause 29 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)—

“(3) In the performance of its functions under paragraphs (b) and (c) of subsection (2), the board of management shall first seek the approval of the County Education Board.”

JUSTIFICATION

The amendment seeks to ensure that the board of management will be required to seek the approval of the County Education Board before acquiring or charging assets of the education centre, as well as borrowing money on behalf of the education centre. This will ensure that the County Education Board performs an oversight role by ensuring that the board of management makes sound financial decisions.

CLAUSE 30

THAT, clause 30 of the Bill be amended in sub-clause (1) by deleting paragraph (a) and substituting therefor the following new paragraph—

“(a) one person elected by the parents from each level within the education centre to represent parents of learners in the education centre;”

JUSTIFICATION

The amendment seeks to conform to the term “learner” as used in various legislations within the education sector.

The amendment is also necessary to ensure that where all the parents from the levels in an education centre fail to meet the minimum requirements for nomination to the board of management as provided in sub-clause (2), such parents shall be at liberty to elect any other person to represent them in the board of management.

CLAUSE 33

THAT, clause 33 of the Bill be deleted.

JUSTIFICATION

The deletion of this clause is necessary to ensure that there is no duplication of duties between the parents teachers association and the board of management. Further, at the early childhood education level, the period is too short to warrant too many governance structures which will result in unnecessary cost implications.

CLAUSE 35

THAT, clause 35 of the Bill be amended by deleting the word “pupil” wherever it appears and substituting therefor the word “learner”.

JUSTIFICATION

The amendment seeks to conform to the term “learner” as used in various legislations within the education sector.

CLAUE 37

THAT, clause 37 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (2)–

“(3) In the performance of the functions under this section, the County Education Board shall establish a County Early Childhood Education Committee, as a committee of the County Education Board, to oversee the implementation of early childhood education in each county.”

JUSTIFICATION

The amendment seeks to establish the Early Childhood Education Committee as a committee within the County Education Board which shall be responsible for overseeing the implementation of early childhood education in each county.

The creation of the Early Childhood Education Committee as a committee within the County Education Board will guard against the establishment of too many governance structures whose mandates may overlap. This will also ensure a co-ordinated and seamless approach in the management of early childhood education in the counties.

CLAUSE 36

THAT, clause 36 of the Bill be amended in sub-clause (1) by—

- (a) deleting paragraph (a); and
- (b) deleting paragraph (c).

JUSTIFICATION

This amendment will ensure that it shall be the responsibility of the Teachers Service Commission to set the requirements for a person to qualify for employment as an early childhood education teacher. This is in line with the provisions of Article 237(3)(a) of the Constitution which provide that the Teachers Service Commission shall review the standards of education and training of persons entering the teaching service.

CLAUSE 41

THAT, clause 41 of the Bill be amended by inserting the following new sub-clause immediately after sub-clause (3)—

“(4) A child shall not be denied admission in an early childhood education centre for lack of proof of age.”

JUSTIFICATION

The amendment seeks to ensure that where a parent lacks the documents required to determine a child’s age for purposes of admission into an early education centre, the child shall not be denied admission into the education centre. This is in keeping with the constitutional right of every child to compulsory education.

CLAUSE 43

THAT, clause 43 of the Bill be deleted and substituted therefor the following new clause—

Prohibition from **43.** A learner admitted in an education centre shall not be held holding back and back in any class or expelled from the centre without the expulsion. approval of the County Education Board.

JUSTIFICATION

The amendment seeks to conform to the term “learner” as used in various legislations within the education sector.

The amendment is also necessary to ensure that whenever there is a recommendation to have a child held back in a class or to expel a child, the school must seek the approval of the County Education Board before such action is taken.

CLAUSE 44

THAT, clause 44 of the Bill be deleted and substituted therefor the following new clause—

Standards of education in a private education centre. of **44.** A private education centre shall comply with and follow the curriculum approved by the Kenya Institute of Curriculum Development.

JUSTIFICATION

The amendment seeks to ensure the use of certainty in regards to the standard of education to be offered in a private education centre. The amendment aligns to the provision on standards of education of a private basic education institution as contained in the Basic Education Act, No. 14 of 2013, which provides that a private institution shall comply with and follow the curriculum as approved by the Kenya Institute of Curriculum Development.

CLAUSE 46

THAT, clause 46 of the Bill be amended—

- (a) In sub-clause (1) by deleting the word “pupil” and substituting therefor the word “learner”;
- and
- (b) by deleting sub-clause (3) and substituting therefor the following new sub-clause—

“(3) A head teacher or a member of the board of management of a public education centre who imposes a charge or causes any parent or guardian to pay tuition fees commits an offence and shall be liable on conviction to a fine not exceeding one hundred thousand shillings or imprisonment for a term not exceeding six months, or to both.”

JUSTIFICATION

The amendment seeks to conform to the term “learner” as used in various legislations within the education sector.

The amendment also seeks to ensure that the head teacher and the entire board of management shall bear the responsibility in the event of the unlawful imposition of tuition fees in respect of early childhood education.

CLAUSE 47

THAT, clause 47 of the Bill be amended in paragraph (c) by deleting the words “need for the”.

JUSTIFICATION

The amendment seeks to ensure specificity in the responsibility of an education centre to provide a child-centred learning approach in the early education centres.

CLAUSE 48

THAT, clause 48 of the Bill be deleted.

JUSTIFICATION

The deletion of clause 48 is necessary as it is not a practical provision. It is highly unlikely that an early education centre may offer holiday tuition. Further, this provision may be restrictive in the event that an education centre organizes trips to children during the public holidays, or where the parents would want to take the children to play at the education centres during public holidays.

CLAUSE 56

THAT, clause 56 of the Bill be amended in sub-clause (1) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) reject the application by giving written reasons.”

JUSTIFICATION

The amendment seeks to align the provision in the Bill with the constitutional requirement provided in Article 47 which requires the giving of written reasons as an aspect of fair administrative action.

CLAUSE 63

THAT, clause 63 of the Bill be amended—

(a) in sub-clause (1)—

- (i) by deleting the word “fifteen” appearing in paragraph (a) and substituting therefor the word “ten”; and
- (ii) by deleting the words “Education Standards and Quality Assurance Council” appearing in paragraph (d) and substituting therefor the words “quality assurance body established under the Basic Education Act”;
- (iii) by inserting the following new paragraph immediately after paragraph (e)—
“(f) one person representing persons with disabilities nominated by the National Council for Persons with Disabilities.”

(b) in sub-clause (5)—

- (i) by inserting the words “make proposals for” immediately after the words “and where appropriate” appearing in paragraph (c); and
- (ii) by deleting paragraph (d).

JUSTIFICATION

The amendment seeks to lower the number of years of experience required for one to be appointed as a member of the county early childhood quality assurance committee. This is due to the preliminary nature of early childhood education which would not require very many years of experience.

The amendment also seeks to give effect to the provisions of Article 54(2) of the Constitution which provides that the State shall ensure the progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons with disabilities.

Further, the amendment seeks to ensure that there is continuity and no conflict of terms used in the Bill as well as in the Basic Education Act, No. 14 of 2013. The Ministry has made proposals to the Committee to have the name of the body changed from the Education Standards and

Quality Assurance Council, to the Directorate of Quality Assurance and Standards. This amendment will thus ensure that the Bill makes reference to the body irrespective of the change of its name.

The amendment also seeks to ensure that county quality assurance committee shall make proposals for the review of standards on quality assurance, while the actual review shall be done by the quality assurance body established in the Basic Education Act, No. 14 of 2013.

The amendment also deletes paragraph (d) which is a repetition of the function of the county quality assurance committee as provided in paragraph (c).

CLAUSE 64

THAT, clause 64 of the Bill be amended—

- (a) in sub-clause (1) by deleting the word “pupils” appearing in paragraph (b) and substituting therefor the word “learner”; and
- (b) in sub-clause (4) by deleting the word “pupils” and substituting therefor the word “learners”.

JUSTIFICATION

The amendment seeks to conform to the term “learner” as used in various legislations within the education sector.

CLAUSE 66

THAT, clause 66 of the Bill be amended in sub-clause (2) by deleting paragraph (b) and substituting therefor the following new paragraph—

“(b) if the service provider makes an application within the required period, the centre continues to be registered under subsection (1) until that application is determined.”

JUSTIFICATION

The amendment is necessary for purposes of correction of grammatical errors.

CLAUSE 68

THAT, clause 68 of the Bill be amended in sub-clause (3)—

- (a) in paragraph (c) by inserting the word “one” immediately after the words “registration certificates of”; and

(b) by deleting paragraph (h).

JUSTIFICATION

The amendment is necessary to correct a grammatical omission.

The deletion of paragraph (h) is necessary to ensure that there is no conflict of mandate between the Cabinet Secretary and the teachers Service Commission, since the regulation of the teaching profession is a constitutional mandate of the Teachers Service Commission.

CLAUSE 69

THAT, clause 69 of the Bill be deleted and substituted therefor the following new clause—

General penalty. **69.** A person who contravenes any provision of this Act for which no penalty is specifically provided commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding one year, or to both.

JUSTIFICATION

The amendment seeks to ensure that the general penalty is not heavier than the specific penalties prescribed in the Bill.

SECOND SCHEDULE

THAT, the Second Schedule to the Bill be amended in paragraph 1—

- (a) by deleting the word “two” appearing in sub-paragraph (1) and substituting therefor the word “three”; and
- (b) by deleting the word “vice-chairman” appearing in sub-paragraph (4) and substituting therefor the word “vice-chairperson”.

JUSTIFICATION

The amendment seeks to ensure that the meetings of the board of management of early childhood education centres conform to the general practice as regards to the frequency of meetings of boards.

The amendment also seeks to ensure uniformity in the use of the term “vice-chairperson” as used in the Second Schedule to the Bill.

5.0 COMMITTEE RECOMMENDATION

The Committee recommends that the House **approves** the Early Childhood Education Bill (Senate Bill No. 26 of 2018) **with amendments.**

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

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, 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

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".

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 11 (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 30th and 31st 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.....18/9/2019.....

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

**MINUTES OF THE 49TH SITTING OF THE DEPARTMENTAL COMMITTEE
EDUCATION AND RESEARCH HELD ON TUESDAY, 17TH SEPTEMBER 2019, IN
CPA ROOM, PARLIAMENT BUILDINGS AT 9:30 AM**

PRESENT

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

ABSENT WITH APOLOGY

1. Hon. Geoffrey Odanga, MP
2. Hon. Lilian Tomitom, MP
3. Hon. Catherine Wambilyanga, MP
4. Hon. Eric Muchangi, MP

NATIONAL ASSEMBLY SECRETARIAT

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

MIN. NO. EDUC/2019/255: PRELIMINARIES

The Chairperson called the meeting to order at 9.40 am. A prayer was said.

MIN. NO. EDUC/2019/256: CONFIRMATION OF MINUTES

Minutes of the 48th Sitting of the Committee were confirmed as the true record of the proceedings after being proposed by Hon. Moses Injendi, MP, and seconded by Hon. Peter Lochakapong, MP.

MIN.NO.EDUC/2019/257: MATTERS ARISING

Under MIN.NO.EDUC/2019/252

A. The Committee re-considered the report on the Higher Education Loans Board (Amendment) (National Assembly Bill No. 9 of 2019) and made further changes to the recommendations as follows: -

1. **THAT**, in the first instance-

a) the Member withdraws the Bill; or,

b) the House Business Committee stays the Bill from prioritization to allow it to lapse naturally pursuant to the provisions of Standing Order 141(2)(b) (*Lapse and Re-Introduction of Bills*);

2. **THAT**, in the second instance-

(a) should the House Business Committee schedule the Bill for Second Reading, the House does reject the Motion for Second Reading; and,

(b) should the Bill proceed to Committee of the Whole House stage, the House does pass the following amendments proposed by the Committee-

Clause 2

(a) Amendments proposed by the Committee;

That Clause 2 be deleted.

Clause 1

(b) Amendments proposed by the Committee;

That Clause 1 be deleted.

Title

(c) Amendments proposed by the Committee;

That the Title to the Bill be deleted.

B. The Committee noted that the following matters deliberated in the 48th Sitting should be captured in the Minutes of that sitting:

i. In the consideration of the Early Childhood Education Bill, (Senate Bill No. 26 of 2018);

That the Chairperson had informed the Meeting that he would seek leave of the Speaker to have debate on the Early Childhood Education Bill which was scheduled in the Order Paper of Tuesday 16th September, 2019 to be deferred to another date to allow the Committee to consider, adopt and table the Report on the Bill.

ii. In the Consideration of the Draft Report on the Sessional Paper No. 1 of 2019 on reforming the Education Sector;

1. The Committee had 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.
2. **Dissenting View:** Pursuant to Standing Order 199(5) the 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.

MIN. NO. EDUC/2019/258: CONSIDERATION OF THE DRAFT REPORT ON EARLY CHILDHOOD EDUCATION BILL, (SENATE BILL NO. 26 OF 2018)

During consideration of the draft Report on Early Childhood Education Bill, (Senate Bill No. 26 of 2018), the Members noted that the Report contained submissions forwarded to the Committee in response to advert for call for submission of Memoranda from the public pursuant to Article 118 (1) (b). The memoranda were forwarded to the Committee on Friday 13th September 2019, way outside the prescribed date of submission of memoranda on the Bill as contained in the advert.

The Memoranda were received from a Mr. Dan Okoth, the Kenya National Commission on Human Rights and the Kenya Law Reform Commission.

After deliberations on the submissions, the Committee resolved:

1. That any document forwarded to the Committee should be procedurally brought to the attention of the Members, and in a timely manner.
2. Before any submission is included in a Report the Committee has to consider it and sanction its inclusion.
3. That the Minutes of meetings should capture the full deliberations of the Committee.
4. That consideration and adoption of the draft Report on Early Childhood Education Bill, (Senate Bill No. 26 of 2018), be deferred to allow the Committee to analyse and take into account views and recommendations contained in the received memoranda in regards to Bill before making a report to the House.

MIN. NO. EDUC/2019/259: ANY OTHER BUSINESS

Response on the Statement requested by Hon. Joyce Korir, MP by the Cabinet Secretary Ministry of Education and the Teachers Service Commission

The Committee received a Response from the Cabinet Secretary Ministry of Education to Statement sought by the Hon. Joyce Korir, MP on the circumstances surrounding the death by suicide of a class six pupil from Kabiangek Primary School in Bomet County allegedly after she was ridiculed and humiliated by her class teacher over her menses; and status of distribution of sanitary towels to school going girls in the country.

The Committee however found the response to be inadequate and devoid of facts and did not respond to the questions raised in the Statement over the unfortunate incident.

The Teachers Service Commission on the other hand sent a request seeking one week extension to respond to the Statement terming the incident as serious and one that required more time to carry out an in-depth investigation before supply a comprehensive response.

The Committee was not satisfied with the two responses and resolved that the Cabinet Secretary and the Teachers Service Commission should provide comprehensive responses with clarity and facts to the matters raised in the Request by Hon. Joyce Korir by Thursday 19th September, 2019 for the Committee the table a comprehensive response in the House.

Supply of Sanitary towels to public schools

It was reported that the distribution of sanitary towels to girls in primary and secondary schools has been unpredictable and erratic in the last two financial years. This is despite budgetary allocation to the Ministry of Public Service, Youth and Gender for purchase and distribution of sanitary towels to school girls.

Members expressed concern that the current administrative mechanism to execute this program in the current financial year has been slow and marred by confusion. The mandate of supply of sanitary towels to public schools is in the process of being transferred to the State Department for Early Learning and Basic Education whereas the budgetary allocation for the same is in the State Department for Gender Affairs. From the foregoing it was observed that the situation exposes school girls to humiliating conditions and hinders their access to education.

Teachers Interdicted for boycotting training of CBC

The Members expressed concern over interdiction of teachers by the Teachers Service Commission accused of boycotting and disrupting training on the new Competency-Based Curriculum (CBC). The Committee resolved to seek a response on the same from the Teachers Service Commission.

Extra Levies Charged by Schools

It was reported that some schools have continued to impose unexplained charges and levies on parents ostensibly for evaluation of the Competency Based Curriculum. The Committee

reiterated that such charges are illegal and should attract disciplinary action. The Ministry should take stern action against the concerned head-teachers.

Intake for Early Childhood Education Teacher Trainees

The Committee was informed that some training colleges have continued to admit Early Childhood Education Teacher Trainees despite a Ministry of Education putting a moratorium on the admissions for a period of time. It was observed that such colleges were in breach of the Ministry directives to suspend admission of students to such colleges.

Invitation to visit Taita Taveta County

The Member of Parliament for Wundanyi Constituency Hon. Danson Mwashako who was present in the meeting invited the Committee for a fact finding visit in Taita Taveta county to establish facts in consideration of classifying parts of Taita Taveta County as a marginalized area. This was in regards to a Petition by the Member earlier submitted to the Committee regarding non-payment of hardship allowances to teachers working in Taita Taveta County.


The Committee noted that the Petition was redirected to the Committee on National Security and Administration for consideration since the mandate falls under the Committee.

The Members deliberated on the request and resolved to make a determination on the visit in the next meeting.

There was no other business under this item.

MIN. NO. EDUC/2019/260: ADJOURNMENT

There being no other business, the meeting was adjourned at 11.40 am. The next meeting will be held on notice.

Signed..........Date.....18/9/2019.....

Hon. Julius Melly, MP
(Chairman)

MINUTES OF THE 50TH SITTING OF THE DEPARTMENTAL COMMITTEE EDUCATION AND RESEARCH HELD ON WEDNESDAY, 18TH SEPTEMBER 2019, IN COMMITTEE ROOM 9, PARLIAMENT BUILDINGS AT 12:00 PM

PRESENT

1. Hon. Julius Melly, MP - Chairperson
2. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. (Prof.) Zadoc Ogutu, MP
4. Hon. Jerusha Momanyi, MP
5. Hon. Catherine Wambilyanga, MP
6. Hon. Oroo Oyioka, MP
7. Hon. Eve Obara MBS, MP
8. Hon. Jackson Lekumontare, MP
9. Hon. Peter Lochakapong, MP
10. Hon. Wilson Kogo, MP

ABSENT WITH APOLOGY

1. Hon. Amos Kimunya EGH, MP - Vice Chairperson
2. Hon. Moses Malulu Injendi, MP
3. Hon. Geoffrey Odanga, MP
4. Hon. Joseph Tonui, MP
5. Hon. (Eng.) Nzambia Kithua, MP
6. Hon. Omboko Milemba, MP
7. Hon. Wilson Sossion, MP
8. Hon. Lilian Tomitom, MP
9. Hon. Eric Muchangi, MP

NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Daniel Mutunga - Principal 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/2019/261: PRELIMINARIES

The Chairperson called the meeting to order at 12.20 pm. A prayer was said.

MIN. NO. EDUC/2019/262: CONFIRMATION OF MINUTES

Minutes of the 49th Sitting of the Committee were confirmed as the true record of the proceedings after being proposed by Hon. Peter Lochakapong, MP, and seconded by Hon. Dr. Pamela Ochieng, MP.

**MIN. NO. EDUC/2019/263: ANALYSIS OF STAKEHOLDER SUBMISSIONS ON THE
EARLY CHILDHOOD EDUCATION BILL, 2018**

The Committee considered the submissions from the Ministry of Education, the Kenya Law Reform, the Kenya National Human Rights Commission and Mr. Daniel Okoth as follows: -

Clause	Stakeholder	Proposed Amendment	Justification	Analysis
2	Ministry of Education	<p>Replace “early childhood education” with “pre-primary education”</p> <p>Insert the following new definition—</p> <p>“pre-primary education” means early stimulation and learning for children before entry to grade one</p> <p>Replace “pupil” with “learner”</p> <p>Replace “children with disabilities” with “children with special needs”</p>	-	<p>While Part 2 of the Fourth Schedule to the Constitution makes reference to pre-primary education, the term “early childhood education” suffices to differentiate the education offered to children before primary education.</p> <p>The proposed amendment to replace “pupil” with “learner” is necessary so as to align the Bill with the term used in the Basic Education Act.</p> <p>The proposed amendment to replace “children with disabilities” with “children with special needs” seeks to align the Bill to the Basic Education Act which makes reference to special needs education.</p>
	Kenya Law Reform Commission	<p>“Education Appeals Tribunal” – delete “92” and substitute with “93”</p> <p>Insert the definition of “village administrator”</p> <p><i>“village administrator” means the office of the village administrator established in section 52 of the County Governments Act”</i></p>	<p>For correct referencing</p> <p>To have a clear definition of village administrator in the Bill.</p>	<p>The amendment is necessary for purposes of correct referencing.</p> <p>The amendment may be necessary so as to ensure that the village administrator as used in the Bill refers to the office of the village administrator as established under the County Governments Act.</p>
	Daniel Okoth	<p>Insert the following new definitions in its proper alphabetic sequence—</p> <p>“education” has the meaning assigned to it under the Children Act, 2001;</p> <p>“homeschool” has the meaning of private school consisting of the</p>	-	<p>The amendments may not be necessary since they seek to interpret common terms which do not pose any ambiguity in interpretation as used in the Bill.</p> <p>The proposal to introduce the aspect of homeschooling may not be applicable to the Bill</p>

		<p>children of not more than four families or households, where the parents or guardians or members of the households determine and provide academic instruction using an organized educational programme;</p> <p>“guardian” has the meaning assigned to it under the Children Act, 2001;</p> <p>“parent” has the meaning assigned to it under the Children Act, 2001;</p>		<p>since the Bill specifically deals with pre-primary education as set out in Part 2 of the Fourth Schedule to the Constitution. Further, the proposed definition of a homeschool defines it as a private school, which are already covered in the Bill.</p> <p>Although the “Report of the Task Force on the Re-Alignment of the Education Sector to the Constitution of Kenya, 2010” recommends that the government explores the possibility of adopting distance and open learning approaches including home schools at all levels of education, there is at present no policy framework providing for the regulation of home schools.</p>
	Kenya National Commission on Human Rights	<p>Delete the definition of “children with disabilities” and substitute therefor the following new definition–</p> <p>“children with disabilities” means children who have a physical, sensory, mental, psychological or other impairment, condition or illness that has, or is perceived by significant sectors of the community to have, a substantial or long term effect on the child’s ability to carry out ordinary day-to-day activities.</p>	<p>To align the definition with Article 260 of the Constitution which defines the term “disability”.</p> <p>Further, the notion that disability equates to “suffering” runs contrary to the human rights approach to disability.</p>	<p>This amendment may not be necessary since the term “children with special needs” as a proposed new definition in the Bill includes children with disabilities.</p>
		<p>Insert the following new definition– “reasonable accommodation” means necessary and appropriate modification and adjustment not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.</p>	<p>To ensure that children with disabilities access education on an equal basis with non-disabled children.</p>	<p>This amendment may not be necessary since the Bill does not make any reference to the term “reasonable accommodation”.</p>
3	Ministry of Education	<p>3(d)(i)- replace “care” with “development”</p>	-	<p>The amendment may not be necessary since the paragraph</p>

				makes reference to early childhood care and education that is developmentally appropriate.
5	Daniel Okoth	5(1)- Delete the words “in a public education centre”	-	The amendment may not be necessary as the Bill deals with the regulation of early childhood education in education centres.
6	Daniel Okoth	Delete paragraph (d) and substitute therefor the following new paragraph– “(d) develop, in consultation with the relevant stakeholders, curriculum programs that are holistic in nature and that promote culture and the overall development of the child;”	-	This amendment is not necessary since curriculum development is the mandate of the Kenya Institute of Curriculum Development, as provided in section 4(d) of the Kenya Institute of Curriculum Development Act, No. 4 of 2013.
	Kenya National Commission on Human Rights	Delete paragraph (f) and substitute therefor the following new paragraph– “(f) identify and undertake an assessment of children with disabilities in the county and put in place reasonable accommodation measures and other specific programmes targeting such children in the provision of early childhood education.”	The term “special programmes” is vague and does not include “reasonable accommodation” which is a critical element of non-discrimination in the context of disability.	This amendment, although seeking to make reference to the amendment to include the definition of the term “reasonable accommodation” in clause 2, may not be necessary. This is because clause 9 of the Bill obligates the County Executive Committee to put in place such infrastructure as may be necessary to ensure that children with disabilities have access to, and are provided with early childhood education.
7	Daniel Okoth	Insert the following new subsection immediately after subsection (1)– “(1A) A parent is excused from admitting his or her child to a pre-primary institution, provided the child is receiving reasonable and satisfactory instruction at a homeschool registered under this Act.”	-	The amendment may not be necessary since the proposed interpretation of a homeschool qualifies it to be a private school which is already covered in the Bill.
	Kenya National Commission on Human Rights	7(3)- Delete the custodial sentence, that is the words “imprisonment for a term not exceeding one year”	Committing the parent or guardian to prison leaves the child more vulnerable. Other mechanisms like probation or community	The Committee may consider this amendment. However the custodial sentence is provided as an option in the justice system in instances in which an offender is either not willing to pay the fine, or in the case of repeat offenders.

			service may be adopted rather than deprivation of liberty.	Further, judicial officers consider various aspects of the commission of the offence in determining the most appropriate penalty to be imposed.
8	Daniel Okoth	8(1)- Insert the word “homeschool” immediately after the words “education centre”	-	The amendment may not be necessary since the proposed interpretation of a homeschool qualifies it to be a private school which is already covered in the Bill.
	Kenya National Commission on Human Rights	8(2) - The Bill should recognize the need to exhaust the internal channels of governance (PTA and Board of Management) before escalating the matter to the County Education Board.	-	The amendment may not be necessary since clause 30(1)(f) of the Bill provides that the head teacher of the education centre shall be an <i>ex officio</i> member of the board of management. This therefore means that the head teacher shall be responsible for communicating any decisions of the board of management to the County Education Board.
9	Kenya National Commission on Human Rights	9(2)- Delete subclause (2) and substitute therefor the following new subclause— “(2) The Ministry of Education in collaboration with county governments shall— ensure that screening tools for early identification of children with special needs and disabilities are developed and distributed for use; ensure early identification, assessment and interventions of children with special needs and disabilities; ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions; facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;	The Ministry of Education Sector Policy for Learners and Trainees with Disabilities stresses the importance of early identification, assessment and placement as a key component in the provision of quality and relevant education and training for learners and trainees with disabilities. The Bill is silent on the obligation of county governments in establishing early	The effect of this proposed amendment is that it would place an obligation to the Cabinet Secretary to put in place the listed mechanisms to ensure the access of children with disabilities to early childhood education. This may however be in conflict with Part 2 of the Fourth Schedule to the Constitution which assigns the function of pre-primary education to county governments. However, since the proposed amendments contain specific action that must be taken to ensure that children with special needs access early childhood education, the amendment may be redrafted to assign the functions to the county executive committee member.

		<p>ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;</p> <p>ensure that teachers and other staff in integrated pre-primary schools plan and implement Integrated Individualized Education Programme (IIEP) for purpose of monitoring the progress of an individual child with special needs and disabilities;</p> <p>liaise with other professionals and stakeholders to provide psychosocial support to learners with special needs and disabilities;</p> <p>facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and ensure that children with disabilities are provided with support and reasonable accommodation.</p>	<p>assessment centres to aid in detection and proper placement for children with disabilities to give effect to the 2018 Sector Policy.</p>	
11	Daniel Okoth	<p>Insert the following new paragraph immediately after paragraph (c)–</p> <p>“(d) all homeschools in the county;”</p>	-	<p>The amendment may not be necessary since the proposed interpretation of a homeschool qualifies it to be a private school which is already covered in the Bill.</p>
12	Kenya Law Reform Commission	<p>The marginal note refers to requirement for registration of education centres.</p>	<p>The section refers to registration of a person offering early childhood services.</p>	<p>The amendment may not be necessary since a person cannot offer early childhood education services in person, but can only offer this in an education centre.</p>
13	Kenya Law Reform Commission	<p>Insert the prescribed form in the Schedule to the Bill.</p>	<p>To enable users of the Bill to be aware of how the form looks like.</p>	<p>The amendment is not necessary since the prescribed form can always be availed to the public by the County Education Board.</p>
	Kenya National Commission on Human Rights	<p>13(2)- Insert the following new paragraphs immediately after paragraph (j)–</p> <p>“(k) an occupation certificate from the relevant department in the county showing that the centre is accessible by persons with</p>	<p>To ensure integration of persons with disabilities in all spheres and to align with the provisions of the National Pre-</p>	<p>The amendments may not be necessary as they amount to a repetition of the requirements as already provided in clause 13(2) of the Bill. For instance, paragraph (f) covers the aspect of lease agreement.</p>

		<p>disabilities;</p> <p>Insert a new subclause— “(3) The County Education Board shall— check on suitability of the site; ascertain adequacy of size of the land acreage (minimum of 0.05 ha/1/8 acre); confirm availability of the approved site plan by the public works as of the date of application; ascertain availability of a valid title deed/ lease of the physical facilities (renewable lease agreement of at least 8 years).</p>	Primary Education Guidelines.	Further, the First Schedule provides for the criteria for determining the suitability of premises for the conduct of early childhood education, therefore these do not need to be restated.
15	Kenya National Commission on Human Rights	<p>Delete.</p> <p>15(1)- delete the words “is likely to meet”</p>	<p>If an institution has met the criteria for registration then it should be fully registered within a specified period after application.</p> <p>The education institution should be fully compliant with the set requirements.</p>	<p>The requirement on provisional registration follows from section 50 of the Basic Education Act which provides for the provisional registration of a private institution pending the determination on quality assurance.</p> <p>The amendment may be necessary so as to eliminate any ambiguity that may arise in the interpretation of what amounts to the term “is likely to meet”.</p>
16	Kenya National Commission on Human Rights	16(2)- review of provisional registration should be done by a panel/ committee and not the County Executive Committee alone.	To ensure accountability.	The amendment may be considered in light of clause 63 of the Bill which establishes the county early childhood quality assurance committee.
17	Daniel Okoth	17(b)- delete the words “at least ten children”	-	The amendment is not necessary since there is need to need to regulate the quality of private institutions based on the capacity of the institution to hold a minimum number of children.
		Delete paragraph (f).	-	The amendment is not necessary since it is necessary to provide for the qualifications of a head teacher in charge of an early education centre.
19	Ministry of Education	19(3)- the minimum size of land should be 1/8 of an acre in urban and high density areas, and ¼ acre	This is according to section 1.1(n) of the National	It may be important to set a standard criteria on the size of education centres irrespective of

		for low density areas	Pre-Primary Education Policy Standard Guidelines.	the location of the education centre.
20	Ministry of Education	20(3)- use “intended” instead of “any”	-	The amendment is not necessary since sub-clause (1) already provides that the head teacher of an education centre shall not change the location of the centre unless he or she has applied to, and obtained the approval of the County Education Board.
21	Daniel Okoth	<p>Insert the following new section immediately after section 21–</p> <p>21A. Homeschools (1) A county government will allow parents to establish homeschools, recognizing the important role of the parent in providing education within the county.</p> <p>(2) The provisions of this Part shall, subject to subsection (1), apply with necessary modifications to the registration of homeschools.</p> <p>(3) The Cabinet Secretary may, in consultation with the County Education Board prescribe the requirements for the establishment of homeschools within the county.”</p>	-	The amendment may not be necessary since at present there is no policy framework providing for the regulations of homeschools. Such a policy would guide the formulation of legislation to govern homeschools.
23	Kenya Law Reform Commission	The prescribed form is not provided in the Bill.	To enable users of the Bill to be aware of how the form looks like.	The amendment is not necessary since the prescribed form can always be availed to the public by the County Education Board.
37	Ministry of Education	Insert a new subsection– “There is established a County Early Childhood Education Committee to oversee the implementation of pre-primary education in each county”	Chapter 3.0 of the National Pre-Primary Education Policy prescribes the institutional framework to guide management and co-ordination of pre-primary education at the national, county, sub-county and ward levels.	The proposed amendment may be considered since a policy framework acts as a guideline for the development of legislation. However, care must be taken to guard against the establishment of too many governance structures whose mandates will overlap. The Early Childhood Education Committee may therefore be established as a sub-committee of the County Education Board which is charged with the overall

				mandate of overseeing the operation and management of early childhood education centres.
41	Kenya National Commission on Human Rights	41(1)- change the age admission to 4 years.	Section 33(1) of the Basic Education Act as well as section 2.1 of the National Pre-Primary Education Policy Standard Guidelines provide that the age of a child to be admitted for pre-primary education is four years.	The amendment is not necessary since clause 41(1) of the Bill provides that the minimum age for admission of a child into an early childhood education centre shall be four years.
		Insert a new subsection- “However, no child shall be denied admission for failure to submit the above documents.”	-	The amendment may be adopted to protect the right of the child to education. The provision may however be redrafted as contained in section 33(2) of the Basic Education Act- “No child shall be denied admission in an early childhood education centre for lack of proof of age.”
55	Kenya National Commission on Human Rights	Delete.	If an institution has met the criteria then it should be fully accredited within a specified period. An education institution should be fully compliant with the set requirements.	The provision in the Bill may be reviewed to provide that interim accreditation shall be granted subject to the institution meeting the standards for quality assurance.
56	Kenya National Commission on Human Rights	56(1)(b)- there should be reasons for the rejection of the application.	Fair administrative action.	The amendment may be necessary to introduce the requirement of giving written reasons for rejection of an application. This is pursuant to the provisions of Article 47 of the Constitution which provides for fair administrative action.
63	Kenya	63(1)- include a representative of	To ensure	The Committee may consider

	National Commission on Human Rights	persons with disabilities in the quality assurance committee.	representation of persons with disabilities in the appointive body, in line with Article 54(2) of the Constitution.	the amendment so as to give effect to the provisions of Article 54(2) of the Constitution which provides that the State shall ensure the progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons with disabilities.
65	Kenya National Commission on Human Rights	65(3)- change the penalty for the offence of corporal punishment to imprisonment for a term not exceeding twenty five years. Where the victim dies, the perpetrator should be liable to life imprisonment.	To align it with section 4 of the Prevention of Torture Act which provides for twenty five years imprisonment for the offence of torture.	It may not be necessary to align the provision in the Bill with the provisions of the Prevention of Torture Act. This is because the offence of torture to any person is already covered in the Act.

COMMITTEE STAGE AMENDMENTS TO THE EARLY CHILDHOOD EDUCATION BILL, 2019

The Committee, having considered and deliberated on the Stakeholders submissions to the Bill, recommended the following further amendments to the Early Childhood Education Bill, 2018—

CLAUSE 2

THAT, clause 2 of the Bill be amended by—

- (a) in the definition of the term “Education Appeals Tribunal” by deleting the expression “92 and substituting therefor the expression “93”;
- (b) deleting the definition of the term “pupil”; and
- (c) inserting the following new definition in their proper alphabetic sequence—
 - “children with special needs” means a child in need of special needs education;
 - “learner” has the meaning assigned to it in the Teachers Service Commission Act;
 - “special needs education” has the meaning assigned to it in the Basic Education Act;
 - “village administrator” means the office of a village administrator established in section 52 of the County Governments Act.”

JUSTIFICATION

It is important to align the use of terms in the Bill to those general definitions applied within the education sector, as well as within the various legislations within the education sector. The amendments therefore seek to align the terms “learner” and “special needs education” to the Basic Education Act, No. 14 of 2013.

The amendment also serves the purpose of correcting a referencing error.

CLAUSE 8

THAT, clause 8 of the Bill be deleted and substituted therefor the following new clause—
Duty of head teacher. **8.** (1) Where a learner admitted in an education centre fails to attend the education centre, the head teacher shall, in collaboration with the village administrator, cause an investigation of the circumstances of the learner's absence from school.

(2) Where the head teacher finds that there are no reasonable grounds for the learner's failure to attend school, the head teacher shall—

- (a) issue a written notice to the parent of the learner requiring that parent to comply with the provisions of this Act; and
- (b) submit a report on the learner to the County Education Board.

(3) A parent who without reasonable cause and after a written notice from the head teacher, fails to comply with a notice under subsection (2) commits an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or imprisonment for a term not exceeding one year, or to both.

JUSTIFICATION

The amendment seeks to conform to the term "learner" as used in various legislations within the education sector.

The amendment also serves to ensure a similar penalty to a parent or guardian in respect to the offences of failure to take a child to school, as well as the failure to comply with a notice from the head teacher to ensure the attendance of a child to school. This is because both offences are similar and should therefore attract the same penalty.

CLAUSE 9

THAT, clause 9 of the Bill be deleted and substituted therefor the following new clause—

Children with special needs. **9.** (1) The county executive committee member shall put in place such infrastructure as may be necessary to ensure that children with special needs have access to, and are provided with early childhood education.

(2) In performing the functions under subsection (1), the county executive committee member shall—

- (a) ensure that screening tools for early identification of children with special needs and disabilities are developed and distributed for use;
- (b) ensure early identification, assessment and interventions of children with special needs and disabilities;
- (c) ensure training of personnel working with children with special needs and disabilities on use of screening tools for early interventions;
- (d) facilitate development of programmes for training and professional development for all pre-primary education providers and personnel in special needs education;

- (e) ensure that children with special needs and disabilities have equal access to recreational sporting facilities within and outside pre-primary school programmes to nurture talents;
- (f) ensure that teachers and other staff in integrated pre-primary schools plan and implement an integrated individualized education programme for the purpose of monitoring the progress of an individual child with special needs and disabilities;
- (g) liaise with other professionals and stakeholders to provide psychosocial support to learners with special needs and disabilities;
- (h) facilitate provision of teacher aids to pre-primary schools to support teachers handling children with special needs and disabilities; and
- (i) ensure that children with disabilities are provided with any other necessary support.

JUSTIFICATION

The amendment seeks to ensure that the Bill is aligned with the provisions of the Basic Education Act, No. 14 of 2013 that make reference to children with special needs.

Further, the amendment seeks to provide for the specific measures that shall be taken by the county executive committee member to ensure that children with special needs have access to early childhood education.

CLAUSE 15

THAT, clause 15 of the Bill be amended—

- (a) in sub-clause (1) by deleting the words “”or is likely to meet””; and
- (b) in sub-clause (3) by deleting paragraph (b).

JUSTIFICATION

The amendment seeks to eliminate any ambiguity that may arise in the interpretation of what amounts to the term “is likely to meet”.

CLAUSE 16

THAT, clause 16 of the Bill be deleted and substituted therefor the following new clause—

Review of **16.** (1) As soon as practicable after provisionally registering an education centre under section 15, the County Education Board shall inform the County Executive Committee member of the provisional registration.

(2) The County executive Committee member shall cause the county early childhood quality assurance committee to review any education centre that is provisionally registered under section 15 either—

- (a) between six and twelve months after the provisional registration of the education centre or proposed education centre; or

(b) a period earlier than that specified in paragraph (a) if in the opinion of the county executive committee member, a shorter time is necessary.

(3) The county executive committee member shall cause a further review of an education centre to be conducted upon the request of the County Education Board.

(4) The county executive committee member shall submit the findings of a review under this section to the County Education Board and to the head teacher of the education centre for implementation.

(5) The findings submitted under subsection (4) shall include—
Information on whether the education centre meets the criteria for registration as an education centre; and
Information on the areas where improvement is required, if it does not meet the criteria.

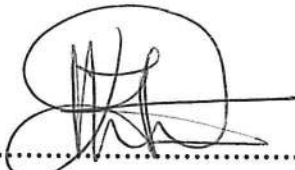
Subject to the amendments the Report on Early Childhood Education Bill, 2018, the Committee adopted the Report after being proposed by Hon. Oroo Oyioka, MP and seconded by Hon. Eve Obara MBS, MP.

MIN. NO. EDUC/2019/264: ANY OTHER BUSINESS

There was no business under this item.

MIN. NO. EDUC/2019/265: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.40 pm. The next meeting will be held on Thursday 19th September, 2019

Signed..........Date.....18/9/2019.....

Hon. Julius Melly, MP

(Chairman)

REPUBLIC OF KENYA



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

In the matters of consideration by the National Assembly -

1. The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 13 of 2019)
2. The Representation of Special Interest Group Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019)

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". The National Assembly Standing Order 127 requires the Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

The Statutory Instruments (Amendment) Bill (National Assembly Bill No. 13 of 2019) seeks to amend section 12 (3) of the Statutory Instruments Act, 2013 in order to remove the provision that exempts rules and regulations made by courts of competent jurisdiction.

The Representation of Special Interest Group Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019) seeks to implement Article 100 of the Constitution of Kenya which requires Parliament to enact legislation to promote the representation in Parliament of women, persons with disabilities, youth, ethnic and other minorities and marginalized groups. Further the Bill seeks to make amendments to various existing laws in order to give effect to Article 100 of the Constitution.

The above mentioned Bills have undergone First Reading pursuant to Standing Order 127 and stand committed to the Departmental Committee on Justice and Legal Affairs and the Constitutional Implementation Oversight Committee 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, the Committees invite interested members of the public to submit any representations they may have on the aforementioned 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 of the National Assembly, First Floor, Main Parliament Buildings, Nairobi, or emailed to clerk@parliament.go.ke, to be received on or before Wednesday, 17th July, 2019 at 5:00 pm.

**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 -

1. The Equalization Fund Bill, (National Assembly Bill No. 43 of 2019)
2. The Early Childhood Education Bill, 2018 (Senate Bill No. 26 of 2018)

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". The National Assembly Standing Order 127 requires the Committee to which a Bill is committed to facilitate public participation and take into account the views and recommendations of the public when the Committee makes its report to the House.

The Equalization Fund Bill, 2019 seeks to institute the Equalisation Fund as established under Article 216 of the Constitution. The Bill proposes the establishment of a Board to administer the fund in areas where the fund is directly used for the provision of basic services such as water, roads, health facilities and electricity to marginalised areas, in order to bring the provision of such services to nearly the same standards as those enjoyed by other areas in the country. The bill further proposes to establish Local Equalisation Fund Committees in each ward in marginalised areas as determined by the Commission on Revenue Allocation, pursuant to Article 216 (4) of the Constitution.

The Early Childhood Education Bill, 2018 (Senate Bill No. 26 of 2018) seeks to provide a framework for the establishment of systems for the administration of early childhood education within a county, and for connected purposes.

The aforementioned Bills have undergone First Reading pursuant to Standing Order 127 and stand committed to the Budget and Appropriations Committee and the Departmental Committee on Education and Research 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 the Committees invite interested members of the public to submit any representations they may have on the aforementioned 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 of the National Assembly, First Floor, Main Parliament Buildings, Nairobi, or emailed to clerk@parliament.go.ke, to be received on or before Wednesday, 17th July, 2019 at 5:00 pm.

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

Telephone: +254 716647700
Email: info@emcassembly.go.ke
Website: www.emcassembly.go.ke



Elgeyo Marakwet County Assembly
P.O. Box 53 - 30700
ITEN.

ELGEYO/MARAKWET COUNTY ASSEMBLY

The County Assembly Service Board of Elgeyo/Marakwet County invites applications from suitably qualified Kenyan citizens to fill the following vacant positions;

NO.	POSITION	NO. OF POSTS	JOB GROUP
1.	Chairperson Internal Audit Committee	1	
2.	Member Audit Committee	1	
3.	Legal Counsel	1	M
4.	Research Officer	1	M
5.	ICT Officer	1	L
6.	Communication Officer	1	L
7.	Transport Officer	1	L
8.	Supervisor or Hospitality Officer,	1	J
9.	Chief Chef	1	H
10.	Commissionaire	1	H
11.	Accountant/Cashier	1	H
12.	Waiver Assistant	1	F
13.	Service waiters	3	G

For more information on the job description, duties and responsibilities and other requirements, visit our website; www.emcassembly.go.ke.

Persons interested in filling the above positions should submit their applications together with detailed curriculum vitae, certificates, testimonials in sealed envelopes or send to office Email; info@emcassembly.go.ke OR hand delivered to Elgeyo/Marakwet County Assembly, ITEN so as to reach us on or before 26th July 2019 5:00pm to;

**The Secretary
County Assembly Service Board
Elgeyo/Marakwet County Assembly
P.O Box 53 -30700
ITEN.**

EMCA is an equal opportunity employer and values diversity. Women, Youth, Minorities and persons with Disabilities are encouraged to apply. Any form of canvassing will lead to automatic disqualification. Only shortlisted candidates will be contacted.



CAREER OPPORTUNITY

The Standard Group PLC is a multi-media organization with investments in media platforms spanning newspaper print operations, television, radio broadcasting, digital and online services, as well as outdoor advertising. The Standard Group is recognized as a leading multi-media house in Kenya with a key influence in matters of national and international interest. Our various media platforms include: The Standard newspaper, KTN, KTN News, Radio Maisha, The Nairobi weekly newspaper, Think Outdoor (billboard advertising), Standard Digital, Farmers TV, KTN Burudani, Spice FM and Wybez Radio. As part of strengthening our operations, Sales and Distribution department is looking for a smart, creative and ambitious individual to join the team.

REGIONAL SALES MANAGER
Reporting to the General Manager - Sales & Distribution

OVERALL PURPOSE OF THE JOB:
This role will be responsible for all sales and distribution activities in your assigned region and work to grow your revenue base.

PRIMARY RESPONSIBILITIES:

- Leading sales and distribution teams to deliver sales and revenue targets and improving market share.
- Identifying distribution gaps, testing new ideas and drive penetration into new markets
- Tracking performance and proactively taking corrective measures.
- Working with key stakeholders to optimize route to market
- Working with the marketing division for execution of marketing programs within agreed calendar and timelines.
- Reviewing regional expenses and recommending improvements.
- Developing a strong customer/partner relationships to help drive commercialization
- Developing and maintaining a clear understanding of the market and regulatory trends as well as key drivers and barriers affecting product distribution in selected markets.

PERSON SPECIFICATIONS

Academic Qualifications :

- Bachelor's degree in Sales and Marketing or its equivalent from a recognized institution

Professional Qualifications

- Relevant professional qualifications from a recognized institution as applicable;
- Membership in a relevant professional body

Experience

- Minimum of 10 years relevant experience in Fast Moving Consumer Goods (FMCG)

Skills and Attributes

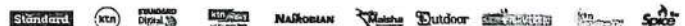
- Strategic planning and Goal setting/directional to ensure organisation survives in long term
- Passion and aggression
- Persistent, unyielding, and results driven.
- Team player and good supervisory skills
- Demonstrate outstanding interpersonal and leadership skills.
- Must understand function/discipline planning requirements.

If you possess the above qualifications and the drive to meet the challenge, please send your application to www.standardmedia.co.ke/recruitment not later than 20th July 2019.

The Standard Group is an equal opportunity employer and as such, canvassing of any form will lead to automatic disqualification.

Please note that ONLY shortlisted candidates will be contacted.

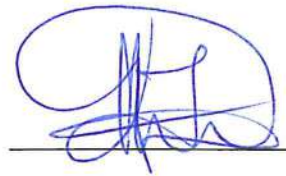
WE DO NOT CHARGE A FEE FOR THE RECRUITMENT PROCESS.



**ADOPTION OF THE REPORT ON THE EARLY CHILDHOOD EDUCATION BILL, 2018
(SENATE BILL NO. 26 OF 2018)**

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

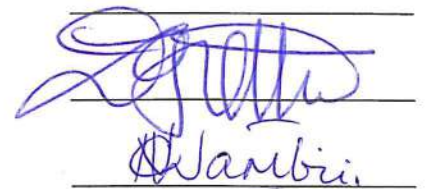
3. Hon. Moses Malulu Injendi, MP

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



Nzambia

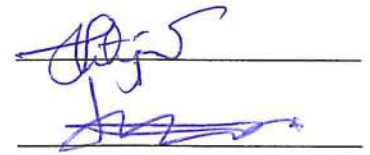
8. Hon. Catherine Wambilyanga, MP

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



JK

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 Kipngetich Kogo, MP

