

REPUBLIC OF KENYA



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TWELFTH PARLIAMENT – SECOND SESSION 2018

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DEPARTMENTAL COMMITTEE ON EDUCATION AND  
RESEARCH

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REPORT ON THE PROPOSED AMENDMENTS IN THE  
STATUTE LAW (MISCELLANEOUS AMENDMENTS) (No. 2)  
BILLS, 2018  
(NATIONAL ASSEMBLY BILL NO. 13) OF 2018

Directorate of Committee Services  
Clerk's Chambers  
National Assembly  
NAIROBI June 2018

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## PREFACE

### **Hon. Speaker,**

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

#### *1.1 Mandate of the Committee*

The Committee is mandated, among others, to: -

- i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- ii) study the programmes and policy objectives of Ministries and departments and the effectiveness of the implementation;
- iii) study and review all legislation referred to it;
- iv) study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- vi) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*);
- vii) examine treaties, agreements and conventions;
- viii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- ix) consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
- x) examine any questions raised by Members on a matter within its mandate.

#### *1.2 Committee Membership*

The Committee comprises of the following Members: -

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya, EGH, MP - Vice-Chairperson
3. Hon. Moses Malulu Injendi, MP
4. Hon. Geoffrey Makokha Odanga, MP
5. Hon. (Dr.) Pamela Ochieng, MP

6. Hon. (Eng.) Nzambia Thuddeus Kithua, MP
7. Hon. (Prof.) Zadoc Abel Ogutu, MP
8. Hon. Catherine Wambilyanga, MP
9. Hon. Eric Muchangi Njiru, MP
10. Hon. Eve Obara, MBS, MP
11. Hon. Jackson Lekumontare, MP
12. Hon. Jerusha Mongina Momanyi,
13. Hon. John Oroo Oyioka, MP
14. Hon. Joseph Kipkosgei Tonui, MP
15. Hon. Lilian Cheptoo Tomitom, MP
16. Hon. Omboko Milemba, MP
17. Hon. Peter Lochakapong, MP
18. Hon. Wilson Sossion, MP
19. Hon. Wilson Kipngetch Kogo, MP

### **1.3 Committee Secretariat**

The Committee secretariat comprise the following officers

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

#### *Committal of the Bills*

Article 109 of the Constitution states that “Parliament shall exercise its legislative power through Bills passed by Parliament and assented to by the President”.

**The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 (National Assembly Bill No. 13 of 2018)** was published on 10<sup>th</sup> April, 2018 and read a First Time on 18<sup>th</sup> April, 2018. The Bill, in keeping with the practice, is proposing various amendments which do not merit the publication of separate Bills and consolidating them into one Bill. The Bill proposes amendments to various Acts of Parliament.

Standing Order 127(1) of the National Assembly Standing Orders provides that *a Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question being put.* Standing Order 216(5)(b) mandates Departmental Committees to *study and review all legislation referred to it.*

Pursuant to provisions of Standing Order 127 (1) the **Statute Law (Miscellaneous Amendments) (No.2), Bill, 2018 (National Assembly Bill No. 13 of 2018)** was committed to the Departmental Committee on Education and Research for consideration of the proposed amendments to the Technical and Vocational Education and Training Act No. 29 of 2013.

#### **1.4 Memorandum of Objects and Reasons**

The Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 seeks to make various wide ranging amendments to various statutes. The amendments to the Technical and Vocational Education and Training Act, No.29 of 2013 were committed to the Committee on Education and Research. The Bill seeks to define a public institution and make more provisions on the Council membership and their appointment.

##### *Committee Proceedings and Public Participation*

Article 118 (b) requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees while Standing Order No. 127 (3) requires that the Departmental Committee to which a Bill is committed to facilitates public participation on the Bill through an appropriate mechanism, including: -

- (a) Inviting submissions of the memoranda;
- (b) Holding public hearings;
- (c) Consulting relevant stakeholders in a sector; and
- (d) Consulting experts on technical subjects.

Effective public consultation is based on principles of openness, transparency, integrity and mutual respect. The open process facilitates acceptability amongst the key stakeholders, subsequently facilitating efficient and effective implementation of the legislative instrument.

Further Standing Order No. 127 (3A) provides that the Committee shall take into account the views and recommendations of the public when it makes its report to the House.

In the matter of consideration of the the Statute Law (Miscellaneous Amendments) (No. 2) Bill, 2018 National Assembly Bill No. 13 of 2018, advert was placed in the print media 7<sup>th</sup> May 2018 inviting public participation and submission of memoranda on the Miscellaneous Amendments Bill to the Committee. **(ANNEXURE I)**

The Committee received a total of three memoranda from the public in relation to the Bills. The memoranda were received from the following: -

- i) **The State Department of Technical and Vocational Training;**
- ii) **Mr. Francis Nguku; and**
- iii) **Sr. Nancy Watenga**

The Committee further invited the relevant stakeholders in considering the Bills and held a total

of five (5) sittings in which it closely received oral and written submissions and examined evidence from stakeholders namely the Cabinet Secretary for the Ministry of Education and the State Department of Vocational and Technical Training in the Ministry of Education

**1.7 Acknowledgement**

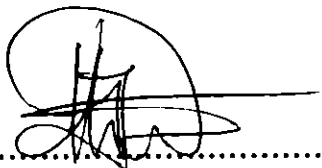
**Mr. Speaker Sir,**

I take this opportunity to thank all Members of the Committee for their input in the consideration of the the Miscellaneous Amendments Bills.

The Committee also takes this opportunity to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to it during the exercise. The Committee also appreciates the role played by the media following its coverage of the proceedings, thus enhancing accountability and transparency.

**Hon. Speaker,**

Pursuant to the provisions of Standing Order 199(6), and on behalf of the Departmental Committee on Education and Research, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Statute Law (Miscellaneous Amendments) (No.2), Bill, 2018 (National Assembly Bill No. 13 of 2018).

Sign..........Date.....25/6/2018.....

**Hon. Julius Melly, MP**  
**(Chairperson, Departmental Committee on Education and Research)**

## 2.0 CONSIDERATION OF THE BILLS

Below is a summary of the submissions on the various proposed amendments to the various Acts in the Bill as submitted to the Committee.

### 2.4 TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, 2013

SECTION	STAKEHOLDERS' SUBMISSION	JUSTIFICATION
2	<b>State Department for Vocational and Technical Training and Sr. Nancy Watenga</b>  Delete	<p>All institutions established or maintained by public funds for education and training were brought under one Act and ministry.</p> <p>Allowing this amendment is tantamount to going back to multiple ministries and regulators in the education and training sector.</p>
52	Delete	<p>KUCCPS was established to conduct equitable placement to all institutions of education and training for students from the same cohort class. This amendment seeks to give preferential admission to certain institutions but from the same student cohorts.</p>
58	Delete	<p>The realignment of the Acts to the Constitution, meant that education training should be placed in the education docket. Allowing this proposed amendment means going back to the previous regime.</p> <p>TVETA has brought in a regulatory position for all institutions providing education and training between basic and university education for coherence and ensuring recognition of national qualifications and portability of competencies internationally.</p>

The Committee received memoranda from Mr. Francis Nguku who wanted the functions of the Certification Council extended and Sr. Nancy Watenga who wanted the issues of placement of students, availability of HELB to TVETA students included. However, this is not within the subject of the Bill

The Ministry of Education thus requested for the proposed amendment to The Science, Technology and Innovation Act, 2013 to be deleted in whole to allow the National Commission for Science, Technology and Innovation, Kenya Innovation Agency and the National Research Fund adequate time to make appropriate proposed amendments after a adequate and all-inclusive consultative process. (ANNEXURE II)

## **COMMITTEE OBSERVATIONS**

### *COMMITTEE AMENDMENTS/RECOMMENDATIONS*

Having scrutinized the proposed amendemnts and taking into consideration the proposals from the stakeholders the Committee recommends the following amendments: -

## **SCHEDULE**

**THAT** the Schedule to the Bill be amended —

In the proposed amendments to the **Technical and Vocational Education and Training Act, 2013-**

- (a) by deleting the proposed amendments to section 2;
- (b) by inserting the expression “(1)” immediately after the expression “s. 46”;
- (c) by inserting the following new paragraph immediately after the proposed new paragraph (ba) in the proposed amendments to section 46 –  
“Delete the word “three” appearing in paragraph (d)(iv) and substitute therefor the word “two”;
- (d) by deleting the proposed amendments to section 52;
- (e) by deleting the proposed amendments to section 58.

*Justification: (sections 2, 52 and 58)The realignment of the Acts to the Constitution, meant that education training should be placed in the education docket Allowing the proposed amendments to sections 2, 52 and 58 means going back to the previous regime*



*TVETA has brought in a regulatory position for all institutions providing education and training between basic and university education for coherence and ensuring recognition of national qualifications and portability of competencies internationally*

*Section 46 – The proposed amendments are to ensure the composition of the Council are as per the MWONGOZO principles whereby a Board should have a maximum of nine members.*

*4 0 ANNEXURES*

## REPUBLIC OF KENYA


**NATIONAL ASSEMBLY**  
**TWELFTH PARLIAMENT – SECOND SESSION**

In the matter of consideration by the National Assembly of the Statute Law (Miscellaneous Amendments) Bill, 2018  
 (National Assembly Bill No. 12 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". Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation and shall take into account views and recommendations of the public when the Committee makes its report to the House".

The Statute Law (Miscellaneous Amendments) Bill, 2018 National Assembly Bill No. 12 of 2018 was published on 10<sup>th</sup> April, 2018 and read a First Time 18<sup>th</sup> April, 2018. The Bill is in keeping with the practice of making various amendments which do not merit the publication of separate Bills and consolidating them into one Bill. The Bill therefore proposes amendments to various Acts of Parliament. Pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Orders which provides that a Bill having been read a First Time shall stand committed to the relevant Departmental Committee, the proposed amendments to various Acts of Parliament stand committed to the following Departmental Committees of the National Assembly:-

NO.	ACT TO BE AMENDED	COMMITTEE	NO.	ACT TO BE AMENDED	COMMITTEE	
1.	The Judicature Act (Cap 8)	Justice and Legal Affairs	35.	The Higher Education Loans Board Act, 1995	Education and Research	
2.	Oaths and Statutory Declarations Act (Cap 15)		36.	The Kenya School of Law Act No. 26 of 2012		
3.	The Advocates Act (Cap 16)		37.	The Legal Education Act No. 27 of 2012		
4.	The Civil Procedure Act (Cap 21)		38.	The Kenya Institute of Curriculum Development Act No. 4 of 2013		
5.	The Law of Contract Act (Cap 38)		39.	The Universities Act No. 42 of 2012		
6.	The Foreign (Reciprocal Enforcement) Act (Cap 43)		40.	The Science, Technology and Innovation Act No. 28 of 2013	Trade, Industry and Cooperatives	
7.	The Probation of Offenders Act (Cap 64)		41.	The Industrial Property Act No. 3 of 2001		
8.	The Criminal Procedure Code (cap 75)		42.	The Export Processing Zones Act, 1990		
9.	The Extradition (Contiguous & Foreign Countries) Act (Cap 76)		43.	The Privatization Act No. 2 of 2005		
10.	The National Council for Law Reporting Act 1994		44.	The Competition Act No. 12 of 2010		
11.	The Witness Protection Act No. 16 of 2006		45.	The Children Act No. 8 of 2001	Labour and Social Welfare	
12.	The Anti-Counterfeit Act No. 13 of 2008		46.	The Employment Act No. 11 of 2007		
13.	The Proceeds of Crime & Anti-Money Laundering Act No. 9 of 2009		47.	The Labour Institutions Act No. 12 of 2007		
14.	The Judicial Service Act No. 1 of 2011		48.	The Labour Relations Act No. 14 of 2007		
15.	The Office of the Director of Public Prosecutions Act No. 2 of 2012		49.	The National Youth Council Act No. 10 of 2009		
16.	The Kenya Law Reform Commission Act No. 19 of 2013		50.	The National Social Security Fund Act No. 45 of 2013	Environment and Natural Resources	
17.	The Nairobi Centre for International Arbitration Act No. 26 of 2013		51.	The Wildlife Conservation and Management Act No. 47 of 2013		
18.	The Companies Act No. 17 of 2015		52.	The Forest Conservation and Management Act No. 34 of 2016		
19.	The Bribery Act No. 47 of 2016		53.	The National Drought Management Authority Act No. 4 of 2016		
20.	The Law of Succession Act (Cap 160)	54.	The Environmental Management and Coordination Act No. 8 of 1999			
21.	The Registration of Persons Act (Cap 107)	Administration and National Security	55.	The Retirement Benefits (Deputy President and Designated State Officers) Act No. 8 of 2015	Finance and National Planning	
22.	The Public Holidays Act (Cap 110)		56.	The Kenya Post Office Savings Bank Act Cap 243		
23.	The Community Service Order Act No. 10 of 1998		57.	The Land Act No. 6 of 2012	Lands	
24.	The Alcoholic Drinks Control Act No. 4 of 2010		58.	The Land Registration Act No. 3 of 2012	Sports, Culture and Tourism	
25.	The Independent Police Oversight Authority Act No. 35 of 2011		59.	The Tourism Act No. 28 of 2011		
26.	The National Authority for the Campaign Against Alcohol and Drug Abuse Act No. 14 of 2012		60.	The National Youth Service Act Cap 208		
27.	The Housing Act (Cap 117)		Transport, Public Works and Housing	61.	The Protection of Traditional Knowledge and Cultural Expressions Act No. 33 of 2016	Defence and Foreign Relations
28.	The Kenya Ports Authority Act (Cap 391)			62.	The Public Archives and Documentation Service Act (Cap 19)	
29.	The Kenya Airports Authority Act Cap. 395			63.	The Kenya Defence Forces Act No. 25 of 2012	
30.	The Traffic Act (Cap 403)			64.	The Treaty Making and Ratification Act No. 45 of 2012	Agriculture and Livestock
31.	The Kenya Roads Board Act No. 7 of 1999	65.		The Kenya Agricultural and Livestock Research Act No. 17 of 2013		
32.	The National Construction Authority Act No. 41 of 2011	66.		The Biosafety Act No. 2 of 2009	Communication, Information and Innovation	
33.	The Engineers Act No. 43 of 2011	67.		The Kenya Information and Communication Act No. 2 of 1998		
34.	The National Transport and Safety Authority No. 33 of 2012	68.		The Copyright Act No. 12 of 2001		

Pursuant to Article 118(1)(b) and Standing Order 127(3), the Clerk of the National Assembly invites members of the Public to submit any representations they may have on the Statute Law (Miscellaneous Amendments) Bill, 2018. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Monday, 14<sup>th</sup> May, 2018 at 5:00 pm. The Bill may be found on the Parliament website at <http://www.parliament.go.ke> or <http://www.kenyalaw.org>.

MICHAEL SIALAI, EBS  
 CLERK OF THE NATIONAL ASSEMBLY

**MINUTES OF THE 27<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON TUESDAY, 22<sup>ND</sup> MAY, 2018 IN COMMITTEE ROOM 9 MAIN PARLIAMENT  
BUILDINGS 10: 00 AM**

**PRESENT**

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
3. Hon. (Eng.) Nzambia Kithua, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. Eric Muchangi, MP
6. Hon. Jerusha Momanyi, MP
7. Hon. Joseph Tonui, MP
8. Hon. Oroo Oyioka, MP
9. Hon. Jackson Lekumontare, MP

**ABSENT WITH APOLOGY**

1. Hon. Moses Injendi, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. Eve Obara MBS, MP
5. Hon. Catherine Wambilianga, MP
6. Hon. Peter Lochakapong, MP
7. Hon. Lilian Tomitom, MP
8. Hon. Omboko Milemba, MP
9. Hon. Wilson Kogo, MP
10. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Ms. Annceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**MIN.NO. 127/EDUC/2018: PRELIMINARIES/ADOPTION OF THE AGENDA**

The Chair called the meeting to order at 10:25 am followed by a word of prayer.

The agenda of the meeting was adopted having been proposed and seconded by Hon. (Prof.) Zadoc Ogutu, MP and Hon. Joseph Tonui, MP respectively.

**MIN.NO. 128/EDUC/2018: CONFIRMATION OF MINUTES**

Minutes of the previous sittings were confirmed as follows: -

Minutes of the 25<sup>th</sup> sitting were confirmed as a true record of the proceedings having been proposed by Hon. (Prof.) Zadoc Ogutu, MP and seconded by Hon. Jackson Lekumontare, MP.

Minutes of the 26<sup>th</sup> sitting were confirmed as a true record of the proceedings having been proposed by Hon. Oroo Oyioka, MP and seconded by Hon. Jerusha Momanyi, MP.

**MIN. NO. 129/EDUC/2018: MATTERS ARISING**

**Under Min. No. 124/EDUC/2018 (25<sup>th</sup> Sitting)**

The Committee observed that the Committee's observations in the Report on the Consideration of Supplementary Budget Estimates II for 2017/18 Financial year for the Ministry of Education, Science and Technology and the Teachers Service Commission ought to have been captured in the minutes as follows: -

That National Council for Nomadic Education in Kenya be considered for allocation be considered for additional budgetary allocation of KSh. 300 Million in the 2018/19 budget to allow it roll out its various activities aimed at improving access and quality education in Arid and Semi Arid areas, nomadic counties and urban settlement.

**MIN. NO.130/EDUC/2018: BRIEFING BY THE LEGAL COUNSEL ON THE STATUTE LAWS (MISCELLANEOUS AMENDMENTS) BILLS, 2018**

**The Committees Legal Counsel briefed the Committee on the Statute Law (Miscellaneous Amendments) as follows: -**

That the the Statute Law (Miscellaneous Amendments) Bill, 2018 was published on 10<sup>th</sup> April, 2018 and read a First Time on 18<sup>th</sup> April, 2018. Pursuant to the provisions of Standing Order 127(1) of the National Assembly Standing Orders, the Bill having been read a first time stood committed Committee. Standing Order 216(5)(b) mandates the Committee to study and review all legislation referred to it.

That the the Statute Law (Miscellaneous Amendments) Bill, 2018 proposes amendments to following Acts of Parliament and committed to the Departmental Committee on Education and Research for scrutiny: -

1. The Higher Education Loans Board Act, 1995;
2. The Kenya School of Law Act, No. 26 of 2012;
3. The Legal Education Act, No. 27 of 2012;
4. The Kenya Institute of Curriculum Development Act, No. 4 of 2013;
5. The Universities Act, No. 42 of 2012; and,
6. The Science, Technology and Innovation Act, No. 28 of 2018.

The Committee was further informed that the Kenya School of Law Act, No. 26 of 2012 and the Legal Education Act, No. 27 of 2012 have since been committed to the Departmental Committee on Justice and Legal Affairs for consideration and thus the Committee is to consider the proposed amendments to the remaining four Acts of Parliament.

Further, the the Statute Law (Miscellaneous Amendments) Bill, (No. 2) 2018 proposes amendments to various statutes concerning county government. The proposed amendments to the Technical and Vocational Education and Training Act, 2013 therein have also been been committed to the Committee on Education and Research for consideration.

The proposed amendments to the various Acts are as follows:

## **1. HIGHER EDUCATION LOANS BOARD ACT No. 3 of 1995**

The proposed amendments to the Higher Education Loans Board Act No. 3 of 1995 are:

### **Section (4)(1)**

Deletion of Section (4) (1) and substitution with the following subsections –

- (1) The Board shall comprise of nine members as follows—
  - (a) a chairperson who shall have a strong financial background, appointed by the Cabinet Secretary;
  - (b) the Principal Secretary in the Ministry for the time being responsible for higher education;
  - (c) the Principal Secretary in the Ministry for the time being responsible for finance;
  - (d) the Chief Executive Officer of Kenya Universities and Colleges Central Placement Service;
  - (e) the Chief Executive Officer of Commission for University Education;
  - (f) the Chief Executive Officer of Technical and Vocational Education and Training;
  - (g) the Chief Executive Officer of the Universities Funding Board;
  - (h) one person with financial expertise, appointed by the Cabinet Secretary; and
  - (i) the Chief Executive Officer, as an ex-officio member.

### **Section (4)(3) Members of the Board**

Deletion and substitution of the subsection with the following new subsection-

- (1) The members of the Board other than ex-officio members shall hold office for a period of three years and may be eligible for appointment for one more final term.

### **Section (5) Chief Executive Officer**

Deletion and substitution of the sub-sections with the following new subsection

- (1) There shall be a Chief Executive Officer of the Board who shall be appointed by the Cabinet Secretary on the recommendation of the Board after a competitive process conducted by the Board.
- (2) The Chief Executive Officer shall be the head of the secretariat and shall be responsible for the day to day management of the activities of the Board.
- (3) The Chief Executive Officer shall be an ex-officio member of the Board and shall have no right to vote at meetings of the Board.
- (4) The Chief Executive Officer shall hold office for a period of four years and shall be eligible for reappointment for one final term, upon satisfactory performance, as evaluated by the Board.

### **Section 22: Staff of the Board of the Authority.**

The Board may employ a Corporation Secretary and such other officers, inspectors and staff as may be necessary for the performance of the functions of the Board under this Act, and shall pay out of the fund to such officers, inspectors and staff, such salaries and allowances as the Board may determine from time to time.

### **Committee Observations**

#### **The Committee observed that:**

- (i) On composition of the Board for HELB, the amendment is aimed at ensuring the Board

has representation from the relevant stakeholders in higher education currently as the current Board membership is based on the old structure of higher education

- (ii) Amendment of section 4 (3) seeks to align membership of the Board with the MWONGOZO principles which recommend a term of three years renewable once for Board Membership
- (iii) Amendment of section 5 (1) seeks to replace the Secretary to the Board with the Chief Executive Officer (CEO) only in tandem with various other Boards,

## **2. UNIVERSITIES ACT, No. 42 of 2012**

Deletion of sub-section 35(1) (a)(v), 39(1) and substitution with the following new subsections-

35 (1) (a) (v) in the case of public universities, appoint Vice Chancellor, Deputy Vice Chancellors and Principals and Deputy Principals of Constituent Colleges, in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission.

39 (1)(a) Deletion and substitution with the following new paragraph -

In the case of a public university, by the Council, in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission.

---

40 (3) Deletion and substitution with the following new subsection-

The Vice-Chancellor of a public university shall hold office for one term of five years.

### **Second Schedule**

Deletion of the schedule and substitution with the following new Schedule -

(Section 38(1))

- (1) Where a vacancy occurs in the office of the Chancellor of a public university, the senate of that university shall, in consultation with key stake holders, identify suitable persons for appointment.
- (2) Five names shall be proposed to the Senate and submitted to the Public Service Commission for shortlisting and identification of three suitable candidates, ranked in order of merit.
- (3) The Public Service Commission shall forward the names of the top three candidates to the Cabinet Secretary for onward transmission to the President, who shall pick one of the persons for appointment as the Chancellor.
- (4) The appointment of the Chancellor by the President shall be by notice published in the Gazette.

### **Committee Observations**

**The Committee observed that:**

- (i) Amendment to section 35 (a) (v) requires that the Council to consult with the Cabinet Secretary on the appointment of Vice Chancellors, Deputy Vice Chancellors and Principals and Deputy Principals of Constituent Colleges who must undergo a competitive recruitment process conducted by the Public Service Commission as opposed to the process done by the Council.
- (ii) Amendment to section 39 (3) reduces the term of office of Vice-Chancellor to a single term of 5 years. This is relatively a short time

- (iii) There is need to clearly define the term key stakeholders in the proposed amendment of section 38 (1) who are involved in appointment of the Chancellor of a public university.

### **3. KENYA INSTITUTE OF CURRICULUM DEVELOPMENT ACT, No. 4 of 2013**

Section 5(2) Delete and substitute therefore with the following new subsection—

- (2) The Council shall consist of—
- (a) a chairperson who shall be appointed by the President;
  - (b) the Principal Secretary in the ministry responsible for matters relating to education and training or a representative designated by the Principal Secretary;
  - (c) the Principal Secretary responsible for Treasury or a representative designated by the Principal Secretary;
  - (d) one person to represent the Kenya National Examinations Council;
  - (e) one person to represent the Teachers Service Commission;
  - (f) the following members appointed by the Cabinet Secretary—
  - (g) one person to represent public universities;
  - (h) one person from the private sector;
  - (i) one person nominated by the Kenya Primary Schools Head Teachers Association;
  - (j) one person nominated by Kenya Secondary Schools Head Teachers Association; the Director who shall be an *ex-officio* member.

5(3) To be deleted altogether.

7 (1) Insertion of the words “if the chairperson or the member” immediately after the word “vacant”.

This will now read as follows:

- (1) The office of the chairperson or a member of the Council, other than an *ex officio* member, shall become vacant if the chairperson or the member.

7(1)(a) Delete the words “if the member” appearing immediately before the word “resigns” in paragraph (a).

This will now read as follows:

- (a) resigns by giving notice in writing to the Cabinet Secretary, which notice shall take effect on the date specified therein, and, where no date is specified, on the date of receipt of the notice by the Cabinet Secretary, as the case may be;

Deletion of the following sub-sections 7(2), 8 and First Schedule.

### **Committee Observations**

The Committee observed that the proposed amendment of section 5 (2)(f) (iii) should clarify that the one council member from the private sector be preferably from the Kenya Private Schools Association.

### **4. SCIENCE, TECHNOLOGY AND INNOVATION ACT, NO. 28 of 2013**

#### **5 (1) Board of the Commission**

Delete and substitute therefor the following new subsection—

5 (1) The Commission shall be governed by a Board which shall consist of—

- (a) a chairperson, who shall be an eminent scientist in any of the scheduled sciences set out in the Second Schedule, appointed by the President;



- (b) the Principal Secretary in the Ministry for the time being responsible for research, science and technology, or his or her designated representative;
- (c) the Principal Secretary in the Ministry for the time being responsible for finance, or his or her designated representative;
- (d) the Director of the Kenya National Innovation Agency established under section 28;
- (e) the Director of the National Research Fund established under section 32;
- (f) three persons, appointed by the Cabinet Secretary virtue of their knowledge and experience in science, technology and innovation;
- (g) one person nominated by the body currently recognized as representing the private section, and appointed by the Cabinet Secretary;
- (h) the Director-General, who shall be an ex officio member and the Secretary to the Board.

**8 (1) Appointment of Director-General**

Delete and substitute therefore with the following new subsection-

8 (1) "There shall be a Director-General to the Commission who shall be appointed by the Board in consultation with the Cabinet Secretary after a competitive recruitment process".

Delete and substitute therefore the following new subsection-

8 (4) The Director General shall hold office for a period of four years, which period may be renewed once after satisfactory performance, as evaluated by the Commission".

Delete and substitute therefor the following new subsection-

8 (5) "The Commission may employ a Corporation Secretary and such other officers and staff as may be necessary for the performance of the functions of the Commission".

**Committee Observations**

**The Committee observed that:**

- (i) On the proposed amendment to section (5) (1) (h) the Director-General is still the Secretary to the Board. The secretarial duty should be transferred to the Corporation Secretary thus the title Secretary should be removed in the proposed amendment.
- (ii) The Commission has now been granted the power to appoint a Corporation Secretary under proposed amendment (8) (5) which was previously not provided.

**5. TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING ACT, No. 29 of 2013**

**Section 2**

Insert the words "other than an institution established under any other law and which is not expressly subjected to this Act" immediately after the word "institution" appearing in the definition of the expression "public institution".

This will now read as follows:

"public institution" means an institution other than an institution established under any other law and which is not expressly subjected to this Act established or maintained by use of public funds or by the community;

**Section 46** Insert the following new paragraph immediately after paragraph (b) -

- (b) the Principal Secretary in the National Treasury.

**Section 52** Insert the words “unless otherwise provided by any other statute” immediately before the word “admission”.

This will read as follows:

Unless otherwise provided by any other statute admission of students into technical and vocation education institutions shall be conducted by the Service established under the law relating to universities.

**Section 58** Insert the following new subsection immediately after subsection (3)-

“(4) For the avoidance of doubt, this Act shall not apply to institutions established under statutes other than the Education Act (repealed).”

### **Committee Observations**

#### **The Committee observed that:**

- (i) The proposed amendment to Section 2 excludes institutions established under separate statutes from the application of the TVET Act.
- (ii) The Kenya Universities and Colleges Central Placement Service is established under section 55 of the Universities Act, 2012. Section 56 (1) (a) provides one of its functions as coordinating the placement of the government sponsored students to universities and colleges. The effect of proposed amendment to Section 52 is that KUCCPS would not be responsible for placement of government sponsored students to colleges which are established under their own separate statutes. This will render KUCCPS redundant.

#### **MIN. NO.131/EDUC/2018: FIELD VISITS**

The Committee noted reiterated the need to conduct field visits to establish the status of the following:

- (i) Distribution of text books in schools under the new policy
- (ii) Teacher: Student ratio
- (iii) Implementation of the new curriculum
- (iv) Schools infrastructure

#### **MIN. NO.132/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

#### **MIN. NO.133/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:40 pm. The next meeting to held on Wednesday 16<sup>th</sup> May, 2018 at 10.00 am.

Signed.....

Date.....2016/2018

**Hon. Julius Melly, MP**

**(Chairman)**

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**MINUTES OF THE 28<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON WEDNESDAY, 16<sup>TH</sup> MAY, 2018 IN COMMITTEE ROOM 9 MAIN PARLIAMENT  
BUILDINGS 10: 00 AM**

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**PRESENT**

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
3. Hon. Moses Injendi, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. (Prof.) Zadoc Ogutu, MP
1. Hon. Eric Muchangi, MP
2. Hon. Eve Obara MBS, MP
6. Hon. Jerusha Momanyi, MP
7. Hon. Joseph Tonui, MP
8. Hon. Omboko Milemba, MP
9. Hon. Oroo Oyioka, MP
10. Hon. Jackson Lekumontare, MP
11. Hon. Wilson Sossion, MP

**ABSENT WITH APOLOGY**

1. Hon. Geoffrey Odanga, MP
2. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Ms. Annceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**TECHNICAL AND VOCATIONAL EDUCATION TRAINING AUTHORITY**

1. Dr. Kipkurui Langat - Director, TVETA
2. Dr. Lawrence Guantai - CEO, NET CDACC
3. Mr. Nanjakululu Owanambirifuna - Ag. CEO, KNQA
4. Mr. Zachary Ooko ADTE - ADTE
5. Eng. George Matoke - Deputy Director, VET

**MIN.NO. 134/EDUC/2018: PRELIMINARIES/ADOPTION OF THE AGENDA**

The Chair called the meeting to order at 10:15 am followed by a word of prayer.  
The agenda of the meeting was adopted having been proposed and seconded by Hon. (Prof.) Zadoc Ogutu, MP and Hon. Joseph Tonui, MP respectively.  
The Committee was informed that the Cabinet Secretary for the Ministry of Education could not attend the meeting due to exigencies of duty outside Nairobi.

## **MIN.NO. 135/EDUC/2018: CONFIRMATION OF MINUTES**

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

## **MIN. NO.136/EDUC/2018: SUBMISSION BY THE TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING**

The Director, TVETA informed the the Committee as follows:

The Constitution of Kenya, 2010 Article 43 (1f), 53 (1b) and 55 (a) makes education a right every Kenya and directs the State to undertake measures, including affirmative action and programmes to guarantee access to education and training. On the other hand, the Kenya Vision underscores the importance of education and training relevant human and social capital for sustainable development.

The reforms in education and training have gone a long in addressing the requirements of East African Common Market Protocol article 5 and 102 on harmonization of TVET curricula and standardization of training, African Union TVET strategy to support the goals of African Union Agenda 2063 and achieving both the SDG No. 4 on quality education, and 8<sup>th</sup> on good jobs and economic.

The sessional paper No. 14 on policy framework for reforming education and training in Kenya, placed emphasis on the role of TVET in the development of middle level professionals which would drive the economy to middle income economy by 2030. The policy sets out the objective of TVET in Kenya as to develop an effectively coordinated and harmonized TVET system that is capable of producing quality skilled human resource with right attitudes and values required for growth and prosperity of the various sectors of the economy.

The TVET Act 2013 was enacted by Parliament to provide for the establishment of a technical and vocational education and training system to provide for the governance and management of institutions offering technical and vocational education and training; to provide for coordinated assessment, examination and certification; to institute a mechanism for promoting access and equity in training; to assure standards, quality and relevance; and for connected purposes.

The purpose was to streamline TVET and remove fragmented and unsynchronized processes in education and training. To achieve this the Act established various state agencies:

1. **TVET Authority (TVETA)** – Assigned the function to to promote, regulate and coordinate and vocational institutions including to those in other line ministries. Further the Authority accredits transfer trainers in the sector to ensure all training providers meet the requirements as set out in the regulations and trainers qualification framework.
2. **TVET – CDACC (Curriculum Development Assessment and Certification Council)**- Coordinate and promote the development, assessment and certification of the Competency Based Education and Training in technical and vocational training and issue certificates to candidates who satisfy national TVET examination and competence assessment requirements amongst others.

3. **TVET Funding Board** – Yet to be operationalized. Its mandate is to disburse funds to institutions in accordance with criteria prescribed by the Cabinet Secretary, taking into account the respective institution's output, efficiency and role in areas prioritized by the Government and establish the maximum differentiated unit cost for programmes offered and disciplines remuneration for academic staff and advise the Government accordingly.
4. **Kenya National Qualification Authority (KNQA)** – Established by the Kenya National Qualifications Framework Act, 2014. The mandate of the Authority is to co-ordinate and supervise the development of policies on national qualification and co-ordinate and supervise the development of policies on national qualifications amongst others.

### **International Best Practices**

The education and training sector reforms being implemented in the country are comparable and bench marked with international best practices adopted in the continent and worldwide. These practices have had tremendous impact in the TVET subsector leading to development of a more market responsive and innovative manpower.

### **TVET in Rwanda – Workforce Development Authority**

Its mission is to promote, facilitate, and guide the development and upgrading of skills and competencies of national workforce in order to enhance competitiveness and employability. Its mandated to coordinate all activities relating to TVET, develop TVET curricula and standards as well as inspect TVET institutions to ensure compliance with applicable standards among other functions.

### **TVET in Tanzania**

TVET in Tanzania entails a cocktail brand of vocational educational and training (VET) and technical education and training (TET) systems each of which has its own history, legal mandate and status. VET is under the mandate of the vocational education and training authority (VETA), a statutory body established by Act No. 1 of 1994. TET is under the National Council for Technical Education (NACTE), a statutory body established by Act No. 9 of 1997. VETA and NACTE were established respectively pursuant to the VET policy. TVET management policy in Tanzania is more less the same as Kenya and Uganda.

### **TVET in Uganda**

Regulation universities and tertiary education and training in Uganda is under the Universities and other Tertiary Institutions Act, 2001 which established the National Council for Higher Education with mandate to accredit and regulate universities and tertiary institutions both public and private.

### **TVET in Malawi**

Malawi embarked on a reform of its Technical, Entrepreneurship Vocational Education and Training (TEVET) IN 1997 which led to the establishment and formation of an independent authority called TEVETA. TEVETA was established in 1999 as a regulating

and coordinating body for all providers of TEVET to facilitate and promote technical, entrepreneurial, vocational education and training. Since then TEVETA has taken the lead to develop a TEVET qualification framework to span the diverse TVET offer.

### **TVET in Zambia**

The Technical Education, Vocational and Entrepreneurship Training (Amendment) Act No. 11 (2005) stipulates the establishment of Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA) and it outlines its roles and functions as a regulatory framework for all TVET providers both public and private.

### **COTVET Ghana**

Council for Technical and Vocational Education and Training (COTVET) is a national body set up by an Act of Parliament of the Republic of Ghana to coordinate and oversee all aspects of technical and vocational education and training in the country. Its mandate is to formulate policies for skills development across the broad spectrum of pre-tertiary and tertiary, formal, informal and non-formal sectors. In order to establish TVET system to improve productivity and competitiveness of the skilled workforce through provision of quality oriented, industry-focused and competency based training programmes and complementary services.

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### **Technical Education System in India**

Is made up of the National Skills Development Agency and Directorate of General Employment.

### **Technical Training in the Philippines**

Is coordinated by the Technical Education Skills Development Authority (TESDA) established through the enactment of Republic Act No. 7796 – the Technical Education and Skills Development Act of 1994. The Act aims to encourage the full participation of and mobilize the industry, labour, local government and technical-vocational institutions in the skills development of the country's human resources.

### **The Status of TVET regulation in Kenya**

TVETA as a regulator and coordinator is so critical such that the exclusion of TVET institution in the line ministries result in within the TVET subsector such as inadequate TVET opportunities, inadequate trainers, uncoordinated admission, fragmented nature of TVET which adversely affect training.

Currently the TVET Authority has enhanced harmonization of all TVET institutions, CBET curriculum, high quality programmes to increase graduate employability by enabling industries to lead curriculum development, increased partnership with the private sector, enhance cost efficiency and increasing the enrolment through rebranding TVET to increase its attractiveness and by promoting TVET as an attractive career choice.

The Authority has so far accredited 1301 institutions including 34 training institutions in lines ministries.

Statute Law (Miscellaneous Amendments) No. 2 Bill, 2018

Technical and Vocational Education and Training Act, No. 29 Of 2013

S	Proposed amendments	TVET Act 2013	Comments/Justification
2	<p><b>“public institution”</b> means an institution established or maintained by use of public funds or by the community;</p> <p>Insert the words “other than an institution established under any other law and which is not expressly subjected to this Act” immediately after the word “institution” appearing in the definition of the expression “public institution”.</p>	<p>“public institution” means an institution other than an institution established under any other law and which is not expressly subjected to this Act established or maintained by use of public funds or by the community”.</p>	<p>All institutions established or maintained by public funds for education and training, were brought under one Act and one Ministry of Education. Allowing this amendment is tantamount to going back to multiple ministries and regulators in the education sector.</p>
46	<p>Insert the following new paragraph immediately after paragraph (b) -</p> <p>(ba) the Principal Secretary in the National Treasury.</p>	<p>Principal Secretary in the National Treasury was omitted</p>	<p>The amendment is in order, Treasury oversee institutions established and maintained by public funds.</p>
52	<p>Insert the words “unless otherwise provided by any other statute” immediately before the word “admission”.</p>	<p>Placement of students into technical and vocation education institutions</p> <p>Placement of students into technical and vocation education institutions shall be conducted by the Service established under the law relating to universities.</p>	<p>KUCCPS was established to conduct equitable placement to all institutions of education and training for students from same cohort class. This amendment seeks to give preferential placement to certain institutions .</p>
58	<p>Insert the following new subsection immediately after subsection (3)-</p> <p>“(4) For the avoidance of doubt, this Act shall not apply to institutions established under statutes other than the Education Act (repealed).”</p>	<p>No subsection (4) in the 2013 Act</p>	<p>The realignment of the Acts to the constitution meant that education and training should be placed in education sector. Allowing this proposed amendment means going back to pre-realignment to the constitution. TVET Authority was</p>



			brought in as regulatory body for all institutions providing education and training between basic and university education for coherency and ensuring recognition of national qualifications and portability of competencies internationally. Hence regulators for basic- Quality and Standards and for University - CUE
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**TVET Authority proposed that:**

1. **Proposed amendment to Section 2 of the Technical and Vocational Education and Training Act, No. 29 Of 2013 be dropped.**
2. **Proposed amendment to Section 46 of the Technical and Vocational Education and Training Act, No. 29 Of 2013 be upheld.**
3. **Proposed amendment to Section 52 of the Technical and Vocational Education and Training Act, No. 29 Of 2013 be dropped.**
4. **Proposed amendment to Section 46 of the Technical and Vocational Education and Training Act, No. 29 Of 2013 be dropped.**

**Committee Observations**

The Committee observed that:

1. Some of the proposed amendments to the TVET Act No. 29 of 2013 are meant to remove regulation of training institutions in line from the requirements of the TVET Act, 2013. This will negate the spirit and the letter of the TVET reforms in the country as outlined in the national policies as well as the Constitution of Kenya.
2. Some other the proposed amendments are against the global best practices and therefore may not yield real benefits to the TVET sector.
3. TVET Authority needs to be strengthened to achieve its mandate and and to guarantee competent workforce.
4. That one of the two Board members represent the private sector can be dropped to allow representation of the Principal Secretary National Treasury to retain the Board members at nine.
5. There is need to establish the criteria for appointing the Board member from the representing the universities Senate (of technical universities) since there is no a formal forum of universities senates.
6. For purposes of regulation and equitable placement of students to institutions of education and training for students, placement of students into technical and vocation education institutions shall be conducted by the Service established under the law.
7. The rationale for accreditation of military colleges by the Authority is to ensure that technical and vocational courses offered by such institutions are compliant,

accredited and regulated in case such institutions open training on technical courses to members of the public.

8. That other training institutions in other ministries need to review their Acts to comply with TVET act
9. Technical Training Institutions across the country need to be operationalized.

**The Authority brought to the attention of the Committee the acute short of human and financial resources in TVEVTA, CDACC and KNQA which have one staff each and operate with limited resources.**

**MIN. NO.137/EDUC/2018: INSPECTION AND FOREIGN VISITS**

The Committee reiterated the need to conduct field visits to various educational institutions to establish facts on the ground.

Members proposed to conduct a fact finding visits to selected universities for the purposes of establishing the status of physical infrastructure, verification of academic resources to support academic programmes and the adherence to the regulations by the Commission for University Education by the institutions

The Committee also proposed to visit as schools in Solai area affected by the Patel Dam tragedy, schools affected in Kisii affected by students' unrest in and schools in Tana River affected by the current floods.

It was reported that some Committee members did not manage to travel to London for a conference due to challenges in obtaining visas in time. Such members will be given priority in the next foreign visits.

The Secretariat was tasked to write to the Cabinet Secretary Ministry of Education on the extent of adherence to fees guidelines by secondary schools principals, extra levies charged and action taken against schools principals contravening fees guidelines.

**MIN. NO.138/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

**MIN. NO.139/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:40 pm. The next meeting to held on Wednesday 16<sup>th</sup> May, 2018 at 2.30 pm.

Signed.....

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

Date.....

20/6/2018

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**MINUTES OF THE 29<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON WEDNESDAY, 16<sup>TH</sup> MAY, 2018 IN COMMITTEE ROOM 9 MAIN PARLIAMENT  
BUILDINGS 2: 30 PM**

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. Moses Injendi, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. (Prof.) Zadoc Ogutu, MP
6. Hon. Eric Muchangi, MP
7. Hon. Eve Obara MBS, MP
8. Hon. Jackson Lekumontare, MP
9. Hon. Jerusha Momanyi, MP
10. Hon. Joseph Tonui, MP
11. Hon. Omboko Milemba, MP
12. Hon. Oroo Oyioka, MP

**ABSENT WITH APOLOGY**

1. Hon. Geoffrey Odanga, MP
2. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Wilson Sossion, MP
7. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Eric Kanyi - Fiscal analyst
4. Ms. Annceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**MIN.NO. 140/EDUC/2018: CONFIRMATION OF MINUTES**

The Chair called the meeting to order at 10:15 am. A word of prayer was said by Hon. Amos Kimunya EGH, MP.

The Chair informed the Committee that the 2018/19 financial year Budget Estimates were tabled in the National Assembly pursuant to Standing Order 235 (1) and upon being laid before the House the Estimates stood committed to the relevant Departmental Committee to consider and make recommendations to the Budget and Appropriations Committee within twenty-one days of committal; which in turn make recommendations to the House.

**MIN.NO. 140/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN. NO.141/EDUC/2018: BRIEFING BY BUDGET PARLIAMENTARY OFFICE ON BUDGET ESTIMATES FOR THE MINISTRY OF EDUCATION AND THE TEACHERS SERVICE COMMISSION FOR THE 2018/2019 FINANCIAL YEAR.**

The Parliamentary Budget Officer informed the Committee as follows. -

**Broad Overview of the 2018/19 Budget Estimates for the Education Sector**

The total 2018/19 proposed budget for the Education Sector which has **five spending agencies** is Kshs 439.1 Billion. The allocation to this sector has been on an upward trend in the last five years rising from Kshs 274.5 Billion in 2013/14 to Kshs 439.1 Billion under the proposed budget.

The 2018/19 budget Estimates for the sector has made budgetary provisions for various programmes and projects which support the overall goal of having a poll of human resources in the economy to support the big four agenda.

The various programmes which have been given priority in the 2018/19 Budget include: the free primary and secondary education, school's infrastructure improvement, funding of the university education, research as well as expansion and improvement of TVET infrastructure. A new State Department on post training and skills development has been created to ensure that education effectively contribute the Big Four.

The key area of spending under the various State Departments in the Ministry of Education is as indicated below:

1. The **State Department for Early Learning and Basic Education** has an allocation of Kshs 99.7 Billion which is meant to support free primary and secondary education. The programmes which have received priority in terms in the 2018/19 Budget allocation are the **Secondary Education Programme** which has been allocated Kshs 69.8 Billion and the **Primary Education Programme** has also been prioritized where it has been allocated Kshs 20.9 Billion.
2. The **State Department for Vocational and Technical Training** has a proposed allocation of Kshs 10.3 Billion which is mainly on capital spending where the focus is on improving and expanding TVET infrastructure. The programmes which have received priority in terms in the 2018/19 Budget allocation are the **Technical and Vocational Programme** which has been allocated Kshs 8.1 Billion and the **Youth Training and Development programme** has an allocation of Kshs 2.1 Billion which is majorly the conditional allocation of Kshs 2 Billion to support village polytechnics at county level.
3. The **State Department for Research and University Education** has a proposed allocation of Kshs 100 Billion which is largely on current spending where the focus is on funding of the various public universities as well as Agencies under it such as HELB, CUE among others. The programme which has received priority in terms in the 2018/19 Budget allocation is the **University Education programme** which has a proposed allocation of Kshs 97.4 Billion.
4. The **State Department for Post Training and Skills** development is the newly created State Department which has proposed allocation of Kshs 1.9 Billion which is

mainly on capital spending where the focus is on manpower development and employment. The programme which has received priority in terms in the 2018/19 Budget allocation is **manpower development, Employment and productivity management** which has a Kshs 1.8 Billion allocation. One of the key results of creation of this State Department is the placing of the National Industrial Training Authority (NITA) under Ministry of Education from the Ministry of Labor and shifting of the Kenya Education Management Institute from the State Department of Early Learning and Basic Education.

5. The proposed allocation of **Kshs 226 Billion** to the **Teachers Service Commission** is largely on recurrent spending where the focus is on teacher resource management. The programme which has received priority in terms in the 2018/19 Budget allocation is Teacher Resource Management which has been allocated Kshs 219.7 Billion as recurrent budget.

### **Committee Observations**

The Committee made the following key observations as regards the 2018/19 Budget for the Education Sector:

1. That the proposed budget for the Education Sector represents 26% of the entire National government budget for 2018/19. This indicates the importance the government has placed on the Education Sector. This allocation also comes with a huge responsibility especially among the Accounting Officers to ensure that resources are well utilized for the benefit of the Sector.
2. The Committee noted that under free primary and secondary Education, there is a **Kshs 4 Billion** allocation for **other operating expenses** which requires further interrogation on the intended use of this allocation.
3. The Committee noted that the completion of Mitihani House has been allocated Kshs 15 Million. The Committee noted that Kshs 300 Million was allocated during the supplementary budget and was meant to complete the project to allow the KNEC to occupy that space. The Committee had an expectation that this project would not be allocated additional resources in 2018/19 budget.
4. The Committee noted that resources have continued to be allocated towards construction and rehabilitation of the Teacher Training Colleges projects despite the fact that these colleges are not attracting any students to study the P1 certificate course.
5. The Committee also noted that Kshs 15 Million has been allocated to ECDE development where the key output is the construction of the ECDE model centres. The Committee had recommended during the scrutiny of the BPS 2018 that devolved functions need not be funded by the National Government.
6. The Committee also observed that the GOK-equipping of the 60 Technical Training Institutes (TTIs) has not been funded in the 2018/19 budget for the State Department for Vocational and Technical Training thus the need to establish the Status of this project from the Ministry.
7. The Committee noted that a conditional grant of Kshs 2 Billion has been allocated to support village polytechnics, project which is administered at the National level

under the Youth Training programme hence the need to establish what so far has been done in terms of support to the village polytechnics.

8. The Committee noted that CUE and the NACOSTI are involved in various income (AIA) generating activities whereas their local revenues are not captured in the budget estimates hence the need to establish why these two entities are not declaring the revenues they collect.
9. The Committee also noted that a number of ongoing projects in various public universities are not funded hence the need to establish why this is the situation.
10. The Committee also noted that a new State Department has been created in the Ministry and a key agency, the National Industrial Training Authority (NITA) has been shifted to Education Sector, hence the need to find the rationale and the mandate of this new State Department.

The Committee resolved to interrogate and engage the Cabinet Secretary and Ministry of Education Senior Officials and the Chief Executive Officer Teachers Service Commission on the above concerns and other issues which may arise when they appear before the Committee to defend their proposed Budget.

**MIN. NO.142/EDUC/2018: COMMITTEE RETREAT**

The Committee resolved to proceed to a two-day retreat starting Thursday 17<sup>th</sup> May 2018 at Windsor Hotel in Kiambu to receive submission from Cabinet Secretary and Ministry of Education and the Chief Executive Officer Teachers Service Commission on the 2018/19 financial year budget estimates.

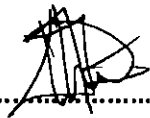
**MIN. NO.143/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

**MIN. NO.144/EDUC/2018: ADJOURNMENT**

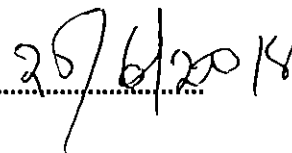
There being no other business the meeting was adjourned at 12:40 pm The next meeting to held on Thursday 17<sup>th</sup> May, 2018 at 2.30 pm at Windsor Hotel.

Signed.....



**Hon. Julius Malek MD**

Date.....



**MINUTES OF THE 30<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON WEDNESDAY, 17<sup>TH</sup> MAY, 2018 IN WINDSOR HOTEL, KIAMBU COUNTY 9: 00  
AM**

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**PRESENT**

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

**ABSENT WITH APOLOGY**

1. Hon. Moses Injendi, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Eric Kanyi - Fiscal analyst
4. Ms. Anneceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**MINISTRY OF EDUCATION AND AGENCIES**

1. Amb. (Dr) Amina Mohamed EGH - Cabinet Secretary, MOEST
2. Dr. Belio Kipsang, CBS - PS Early Learning and Basic Education
3. Prof. Micheni Ntiba - PS University Education and Research (UE & R)
4. Dr. Kevit Desai - PS, Vocational and Technical Training (VTT)
5. Dr. Dr. M.K Rugutt - Director General NACOSTI
6. Dr. Kipkurui Langat - Director General TVETA
7. Mr. Mr. Charles Ringera - CEO, HELB
8. Mr. Christopher Yegon - Ag. Director University Education
9. Mr. Antony Masinde - Finance Officer, VTT
10. Mr. Peter Makobo - SAAG, VTT



11. Mr. Benson Gicheru	- Finance Officer, VTT
12. Ms. Hellen Odhiambo	- Finance Officer, VTT
13. Mr. Kiptoo Sammuel	- ADTE – DTVET
14. Ms. Priscilla Munyiri	- AS –VTT
15. Ms. Everlyn Anupi	- DCE, VTT
16. Mr. Stanley Maindi	- VTT
17. Mr. Zachary Ooko	- ADTVET – VTT
18. Eng. George Matoke	- DVET
19. Mr. Paul Kibet	- DSESP
20. Mr. Mwenda Ntarangoi	- CEO, CUE
21. Mr. Harun Mohammed	- CEO Naconek
22. Mr. Johnstone Nyauumba	- US, UE
23. Mr. B. M Kihia	- SPFO, MOE
24. Ms. Lilian Miliza	- FO, EL & BE
25. Mr. Robert Osano	- SPFO
26. Ms. Perpetua Wanaswa	- Managing Director, SEPU
27. Ms. Salome Odek	- Accountant SEPU
28. Ms. Mercy Karogo	- Ag, CEO KNEC
29. Mr. Abraham Kindi Oloo	- FO - KNEC
30. Ms. Imelda Barasa	- Director Examinations Administration, KNEC
31. Dr. Julius Jwan	- Director, KICD
32. Mr. S. M Kathuo	- CFO, KICD
33. Dr. Roy Mugiira	- Director Technical Training
34. Mr. Darius Mogaka	- Deputy Director Policy. EL & BE
35. Ms. Margaret Wanjiku	- SADE – ECDE & TE
36. Mr. Evans Atambo	- ADE - UE
37. Dr. Jemimah Onsare	- Ag. CEO NRF
38. Mr. George Muthemba Treasury	- Deputy Director Budget, the National Treasury
39. Ms. Fridah Kathure	- Budget Officer, The National Treasury

**MIN.NO. 145/EDUC/2018: CONFIRMATION OF MINUTES**

The Chair called the meeting to order at 9:25 am. A word of prayer was said followed by a round of introductions.

The Chair briefed the Members that the purpose of the retreat was to receive submission from the Ministry of Education and the Teachers Service Commission on the 2018/19 financial year Budget Estimates. After receiving the submissions, the Committee will thereafter retreat to write a report on the Estimates.

**MIN.NO. 146/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN. NO.147/EDUC/2018: STATUS REPORT ON IMPLEMENTATION OF PUBLIC ACCOUNTS COMMITTEE (PAC) RECOMMENDATIONS FOR 2013/2014 FOR STATE DEPARTMENT OF EARLY LEARNING AND BASIC EDUCATION**

The Principal Secretary for the Department of State of Basic education and Early Learning informed the Committee that all outstanding audit queries raised by the Auditor General in the Ministry's audited accounts for the Ministry of Education for the financial year 2013/14 have been substantially responded to and the matters were resolved conclusively and recommendations by PAC have been implemented.

**MIN. NO.148/EDUC/2018: THE STATUS REPORT ON IMPLEMENTATION OF PUBLIC INVESTMENTS COMMITTEE (PIC) RECOMMENDATIONS**

The Committee was informed that during the 2014/2015 financial year the School Equipment Production Unit (SEPU) has outstanding audit queries on land in Imara Daima that is encroached by squatters, irregular procurement procedures, debtors, supply of school equipment, unapproved budget, trade and other receivables and undelivered stocks.

During the same financial year, the Kenya National Examination Council has outstanding queries on New Mitihani House project which has been ongoing for over 30 years, evaluation of its land, receivables for exchange transactions, investments and net receivables. National Council for Science and Technology had cleared the outstanding issues with the Auditor General.

HELB has land measuring 0.6 hectares situated at Upper Hill area. Although the ownership documents indicate the land as belonging to the Board, a discrepancy between the deed plan at the Ministry of Lands and the actual position on the ground exists. Further, under separate circumstances, the Kenya Railways Corporation claims that the plot was illegally excised from the Corporation's Land by the Commissioner of Lands. Although the management has explained that the matter has since been taken up with the parent Ministry for resolution, no positive response appears to have been received as at 30 June 2013.

The Committee directed the agencies to resolve all outstanding issues with the Auditor-General and implement the recommendations by PIC.

**MIN. NO.149/EDUC/2018: SUBMISSION BY THE MINISTRY OF EDUCATION ON BUDGET ESTIMATES FOR THE MINISTRY OF EDUCATION FOR THE 2018/2019 FINANCIAL YEAR.**

The Cabinet Secretary informed the Committee that education and training are critical in promoting political, social and economic development of any country. The Committee was further informed that the provision of meaningful and adequate education and training is fundamental to Kenya's overall development strategy.

That the Ministry of Education is committed to the provision of quality education and training as well as research and innovation to the people of Kenya in line with the Constitution 2010, national objectives and the global trends.

As regards the 2018/19 Budget Estimates, the various State Departments made presentations through the respective Principal Secretaries. The State Departments also submitted the various documents requested in the letter on invitation including: status report on the up to date stock of pending bills; status report on the 2017/2018 financial and non-financial performance; list of projects; list of Medium Term Expenditure Programmes among other documentations. These documentations are annexed in this report.

The following is a summary of the submissions made by the various State Departments regarding the 2018/19 budget Estimates:

**(a) State Department for Early Learning and Basic Education**

The Principal Secretary submitted as follows regarding the proposed budget for the State Department:

That the proposed 2018/19 Budget for the State Department for Early Learning and Basic Education for 2018/19 FY is Kshs. 99.6 Billion comprising of the following:

Details	Budget 2018/19 FY
<b>Recurrent</b>	88,504,860,854
<b>Development</b>	11,178,830,978
<b>TOTAL</b>	<b>99,683,691,832</b>

That during the 2018/19 FY the State Department will implement its activities and projects within four programmes namely Primary Education, Secondary Education, Quality Assurance and Standards and General Administration, Planning and Support Services.

That some of the key medium Term Expenditure priorities earmarked for implementation 2018/19 FY are as indicated below:

Key Priority Area	Allocation (Kshs. Millions)	Remarks
Free Primary Education	13,401	Capitation funds to cater for free primary Education and low cost boarding in public primary schools
School Feeding programme	2,500	Funds to provide free meals to school on-going children in ASALs and pockets of poverty areas
Special Needs Education (SNE) capitation	655	Top-up capitation for FPE and FDSE for Special Needs students in public primary and secondary schools
Construct & Equip the National Psycho-Education Assessment Centre	185	The Centre will offer free psycho-educational services to all areas of disability to learners and the general public once completed and equipped.

Primary Infrastructure improvement	200	Infrastructure funds for construction and rehabilitation in primary schools
Free Day Secondary Education	59,419	Capitation funds to cater for Free Day Secondary Education
Secondary Infrastructure Improvement	2,669	Infrastructure funds for construction and rehabilitation in public secondary schools
Examination Fee (KCPE & KCSE)	4,024	Examination fee to cater for KCPE and KCSE examination fee for both private and public students.
Kenya Primary Education Project (GPE)	1,737	The project is a grant financed by Global Partnership of Education (GPE) and GoK counterpart funding. In the 2018/19 FY, funding will be geared towards training of 120,000 Teachers on Competency Based Curriculum (CBC), Print and Distribute 3.5 Million Early Grade Mathematics Books and Roll-out an Advanced TPAD online system to monitor Teacher Performance.
Kenya Secondary Education Project (SEQIP)	2,812	The project is a loan financed by World Bank. The project is intended to augment on-going interventions in support of secondary schools expansion. The project is implemented in 30 counties where transition and retention were established to be low and learning achievement also low.

That on the Contribution of Basic Education to the Big Four Agenda, the State Department will have focused on Creating a literate and numerate population, providing quality education which is a pre-requisite for manpower development, Laying the foundation for skills development at later years for the youth, contributing to basic health as well as Lifelong learning by preparing a wholesome population

That the pending bills in the State Department is Kshs 17.4 Million which relate to pending payments to suppliers and that some of the pending bills date back to 2008. The Committee was informed that internal audit verification revealed that some of the claims did not have necessary documentation attached to enable payments to be made. The State Department submitted that they are in the process of verifying and authenticating the pending bills in order to process the payments.

**(b) State Department for Vocational and Technical Training**

The Principal Secretary submitted as follows regarding the proposed budget for the State Department:

That the State Department for Vocational and Technical Training has been allocated Kshs. 2,577,094,377 for Recurrent expenditure and Kshs. 4,428,000,000 for Development expenditure from the exchequer.

That the donor financed projects have been allocated Kshs.3 Billion for the Government/China Projects and Kshs 300 million for the Government/AfDB Projects.

That the total proposed budget for the State Department including donor financed component is Kshs 10.3 Billion.

That the Donor Funded Projects in the State Department is indicated below:

<b>Description of Project</b>	<b>2017/18</b>	<b>2018/19</b>
GoK/AfDB	1.3 Billion	300 Million
GoK/China	8.267 Billion	3 Billion
<b>TOTAL</b>	<b>9.567 Billion</b>	<b>3.3 Billion</b>

The erratic nature of the donor financed projects especially with reductions which are experienced during the supplementary budgets usually have serious implications on the implementation of that project.

The Government/China project is progressing well and equipment has so far been delivered to 70 Institutions out of the 134 institutions that are expected to receive equipment.

The equipment are for various disciplines such as Mechanical Technology, Electrical, Mechatronics, Automotive technology, Welding technology and agriculture value addition technology. It was submitted to the Committee that all these disciplines relate to the Big Four Agenda.

The Projects slated under the equalization funding program in Rabai and Msambweni have not taken off due to delay in getting funds from the equalization fund. The Rabai TVC was allocated Kshs 39 million and Msambweni constituency was allocated Kshs 50 million under the equalization fund.

The State Department is in the process of initiating major reforms in TVET Sector. Some of the reforms include:

- (i) Transiting technical trainers from Teachers Service Commission to TVET
- (ii) Seeking additional funding for capitation for students training in TVET institutions.
- (iii) Seeking additional funding for construction of additional TTIs in the remaining 88 Constituencies

The State Department is a key enabler in the Big Four Agenda since it is required to provide skilled labour to support the Housing, Manufacturing, Health and Food Security Sectors.

**(c) State Department for Research and University Education**

The Principal Secretary submitted as follows regarding the proposed budget for the State Department:

That the State Department has a proposed allocation of Kshs 100.3 Billion in 2018/19 budget out of which recurrent budget is Kshs 87.3 Billion and the development budget is Kshs 13 Billion as indicated below.

Programmes	2018/19		
	Current	Capital	Total
University Education	84,734	12,741	97,475
Research, Science, Technology and Innovation	2,298	298	2,596
General Administration Planning and Support services	270	-	270
<b>Total</b>	<b>87,302</b>	<b>13,039</b>	<b>100,341</b>

That the proposed allocation is largely on current spending where the focus is on funding of the various public universities as well as Agencies under it such as HELB, CUE among others and funding of development projects in various universities.

That there are variations between the budget which State Department had submitted to Treasury and the budget which the National Treasury submitted to Parliament due to rationalization. This will call for the revision of various targets to be in line with the budget as provided.

That the pending bills in the State Department amounts to Kshs 1.15 Million and these pending bills mostly relate to services rendered to various suppliers but payments have not yet been done due to inadequate funds. That these pending Bills only relate to the State Department and not various agencies and public universities. The State Department is in the processing of ascertaining the pending bills in this agencies and public universities.

**(d) State Department for Post Training and Skills development**

That Cabinet Secretary requested for a scheduling a meeting to consider the proposed budget for the State Department for Post Training and Skills Development for FY 2018/19 and medium-term framework. The Committee acceded the request and scheduled the meeting for Tuesday 22<sup>nd</sup> May, 2018.

**COMMITTEE OBSERVATIONS**

The Committee having considered the various submissions, made the following observations during the consideration of the Budget Estimates

- (i) The Committee noted that under free primary and secondary Education, there is a Kshs 4 Billion allocation for other operating expenses which requires further interrogation on the intended use of this allocation. The State Department clarified that this allocation is for the Kenya National Examination Council (KNEC) to cater for National examinations in the two levels of learning.
- (ii) The Committee noted that the completion of Mitihani House has been allocated Kshs 15 Million. The Committee noted that Kshs 300 Million was allocated during the supplementary budget and was meant to complete the project to allow the KNEC to occupy that space. The Committee had an expectation that this project would not be allocated additional resources in 2018/19 budget. The Committee was informed that the Kshs 300 million under supplementary Budget was meant to cater for the various pending bills for the project.
- (iii) The Committee noted that resources have continued to be allocated towards construction and rehabilitation of the Teacher Training Colleges projects despite the fact that these colleges are not attracting any students to study the P1 certificate course. The State Department submitted that the next financial year is the last period where the government will be admitting students for P1 certificate since the government is phasing out P1. Thus the colleges will begin offering Diploma Courses.
- (iv) The Committee also noted that Kshs 15 Million has been allocated to ECDE development where the key output is the construction of the ECDE model centres. The Committee had recommended during the scrutiny of the BPS 2018 that devolved functions need not be funded by the National Government. The State Department submitted that this is a donor supported project aimed at setting standards on an ideal ECDE center and is meant to guide the county governments on the minimum norms in establishing ECDE centres.
- (v) The Committee also observed that the GOK-equipping of the 60 Technical Training Institutes (TTIs) has not been funded in the 2018/19 budget for the State Department for Vocational and Technical Training thus the need to establish the Status of this project from the Ministry. The State Department submitted that the project is 100% complete based on what the government was supposed to undertake. However, some of the TTIs under this project are facing some challenges in terms of completion as a result of some Constituencies CDF not meeting the agreed obligations.
- (vi) The Committee noted that a conditional grant of Kshs 2 Billion has been allocated to support village polytechnics, project which is administered at the National level under the Youth Training programme hence the need to establish what so far has been done in terms of support to the village polytechnics. The State Department undertook to come up with a comprehensive report on this project in term of what has been done so far.
- (vii) The Committee noted that CUE and the NACOSTI are involved in various income (AIA) generating activities whereas their local revenues are not captured in the budget estimates hence the need to establish why these two entities are not declaring the revenues they collect.

- (viii) The Committee also noted that a new State Department has been created in the Ministry and a key agency, the National Industrial Training Authority (NITA) has been shifted to Education Sector, hence the need to find the rationale and the mandate of this new State Department. The Cabinet Secretary undertook to provide more information on the role of this new State Department to the Committee
- (ix) The Committee also observed that some of the targets set by the various State Departments are not in line with the budget provision hence the need to revise the targets to be in line with the budget allocated. The Ministry undertook to revise the targets to reflect the budget realities.

### **Committee Resolutions**

The Committee directed the Ministry to submit the following information:

- (i) Detailed information on the feeding programme and the beneficiary schools;
- (ii) Enrolment in Teacher Training Colleges in the country and whether such colleges continue to attract students to study the P1 certificate course;
- (iii) Schedule of completion of the Mitihani House, works completed so far and amount of funds required to complete the building (to include budget and timeline);
- (iv) The proposed budget for the State Department for Post Training and Skills Development for FY 2018/19 and medium-term framework;
- (v) How the Ministry intends to utilize the allocation to NITA given that this is workers money.
- (vi) Schedule of completion of TTI's as some are not included in the submission provided.

### **Further Oral Submission**

The Principal Secretary on further interrogation informed the Committee as follows:

1. On rehabilitation of school's infrastructure damaged by the ongoing rains, the Principal Secretary for Basic Education informed the Committee that an Inter-Ministerial Committee has been formed to coordinate emergency response and put in place mitigation measures in collaboration with the Department of Disaster Management.
2. That the National Treasury has allocated the Ministry Kshs. 300 million for purchase of vehicles for County Quality Assurance officer to enable them undertake their field duties effectively.
3. That the Ministry will fund schools' co-curricular activities at all levels. In addition, the Ministry has issued school fees guidelines and head teachers found to be surcharging extra levies will be held liable and action will be taken against them.
4. That the School Equipment Production Unit needs an additional funding for purchase of and introduction mobile laboratories for secondary schools without permanent laboratories in a programme to be undertaken together with Centre for Mathematics and Technology Education in Africa.
5. On the concerns that Adult Education is not visible in the Counties, the Principal for Secretary Basic Education informed the Committee that every county has an adult education officer to manage programmes and activities in the adult education.

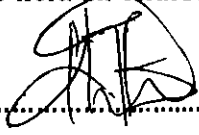


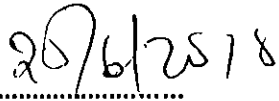
**MIN. NO.149/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

**MIN. NO.150/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 3:40 pm. The next meeting to held on Thursday at 4.00 pm at the same venue.

Signed.....

Date.....

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

**MINUTES OF THE 31<sup>ST</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON WEDNESDAY, 17<sup>TH</sup> MAY, 2018 IN WINDSOR HOTEL, KIAMBU COUNTY 4:00  
PM**

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**PRESENT**

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

**ABSENT WITH APOLOGY**

1. Hon. Moses Injendi, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Peter Lochakapong, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Mr. Eric Kanyi - Fiscal analyst
4. Ms. Annceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**TEACHERS SERVICE COMMISSION**

1. Dr. Nancy Macharia, CBS - CEO TSC
2. Mr. Cheptumo Aiyabei - Director, Finance
3. Mr. Peter Kimwomi - Deputy Director, Finance
4. Ms. Monica Munyira - Senior Finance Officer
5. Mr. Paul Njuguna - PA to CEO
6. Mr. George Muthemba - Deputy Director Budget, the National Treasury
7. Ms. Fridah Kathure - Budget Officer, The National Treasury

**MIN.NO. 151/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 4:00 pm followed by a round of introductions.

**MIN.NO. 152/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN. NO.153/EDUC/2018: STATUS ON ISSUES RAISED BY PUBLIC ACCOUNTS COMMITTEE ON THE REPORT OF THE AUDITOR-GENERAL ON AUDITED FINANCIAL STATEMENTS OF TSC FOR THE YEAR ENDED 30<sup>TH</sup> JUNE 2014**

The CEO informed the Committee that the Teachers Service Commission appeared before the Public Accounts Committee to discuss the Auditor General's reports on the TSC accounts for three (3) financial years on three (3) separate dates. The financial statements discussed are for the years ending June 2014, June 2015 and June 2016.

The only report which has been finalized and recommendations of PAC captured in the report and circulated is for the financial year ended 2014 whose status on the issues are as follows plant, property and equipment, losses of stores ten million four eighty seven thousand five hundred and sixteen (Kshs. 10, 487,516) and In addition, included in the balance of Kshs. One Billion One ninety seven million nine hundred and fifty six thousand and fifty three (1,197,956,053) is a long outstanding pay as you earn (PAYE) figure of Kshs. one twenty eight million three hundred and ninety two thousand nine hundred and thirty nine (128, 392,939). The queries are still pending.

The Committee directed the Commission to resolved all pending audit queries.

**MIN. NO.154/EDUC/2018: STATUS REPORT ON UP TO DATE STOCK OF PENDING BILLS INCLUDING COMMITMENTS BY THE COMMISSION AS AT 31<sup>ST</sup> MARCH, 2018.**

The CEO informed the Committee has Commission has continued to settle its bills as and when they fall due. As at 31<sup>st</sup> March, 2018 the Commission had not accumulated any pending bills.

**MIN. NO.155/EDUC/2018: SUBMISSION BY TEACHERS SERVICE COMMISSION**

The CEO Teachers Service Commission submitted as follows:

That the total proposed allocation to the Commission for the 2018/19 financial year is Kshs.226.7 billion as summarized in the table below.

<b>Expenditure</b>	<b>Amount (KSHS)</b>
Recurrent	226.6 Billion
Development	136 Million
<b>Total</b>	<b>226.7 Billion</b>

The Committee was informed that the following are the Activities financed in the 2018/19 budget:

- (i) Roll out of teacher professional development Modules
- (ii) Sensitization and monitoring of teacher performance appraisal and Development and Performance Contract.
- (iii) Supporting the decentralized functions.
- (iv) Establishment of disaster recovery site infrastructure and automation of records.

- (v) Construction of County office Accommodation in Kiambu and Machakos and completion of Kilifi and Bomet Projects.
- (vi) Improvement of learning in upper primary and secondary school through capacity building under the SEQIP Project.

The Committee was informed that the following are activities which the Commission is supposed to undertake in 2018/19 but have not been financed:

- (i) Recruitment of teachers to cater for the huge shortage - **Ksh.10 billion** (Approximately **22,000 teachers**).
- (ii) As per government policy, recruitment of intern teachers was necessary. TSC had projected to recruit **68,000 teachers** at **Ksh. 16.2 Billion**.
- (iii) Digital Learning Programme - **Ksh.720 million**
- (iv) Training teachers on Competency Based Curriculum - **Ksh. 800 Million**
- (v) Procure vehicles for Counties and Sub-Counties - Approximately **Ksh.475 Million** for the next three (3) years.

The Committee was informed that the Commission has continued to settle its bills as and when they fall due and that as at 31<sup>st</sup> March, 2018 the Commission had not accumulated any pending bills.

The Committee was informed that the Commission is on course in the implementation of the 2017/18 financial year budget. As at 31<sup>st</sup> March, 2018 the overall absorption of allocated funds stood at 74.5%.

The Commission submitted that on Recruitment of teachers the target to recruit 2,500 primary school teachers has been attained whereas in secondary school the 2,447 have been recruited against a target of 6,000 where the remaining will be recruited in the fourth quarter of the current financial year to support 100% transition

That the Commission is currently implementing three development projects that is; Construction project of offices in Bomet and Kilifi Counties and the Secondary Education Quality Improvement Project (SEQIP).

The Committee was informed under the Second Medium Term plan the Commission was required to recruit 25,000 teachers at a rate of 5,000 per annum as its flagship project and that the Commission was able to achieve this target.

The Committee was informed that the function of recruiting TVET instructors has been shifted to the Public Service Commission hence the TSC will not be managing this cadre of teachers. The Commission is in the process of handing over the TVET instructors to PSC.

#### **Committee Observation**

The Committee observed that The Committee observed that in the FY 2018/2019 no budgetary allocation has been made for the recruitment of teachers to cater for the huge shortage in cognizant of the implementation of the 100% transition to form one policy and that approximately Ksh.10 billion was required for recruitment of 22,000 teachers.

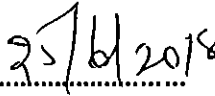
#### **MIN. NO.156/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

**MIN. NO.157/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 5:40 pm. The next meeting to held on Tuesday 22<sup>nd</sup> May, 2018 10.00 am.

Signed..........

Date..........

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

**MINUTES OF THE 32<sup>ND</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON TUESDAY, 22<sup>ND</sup> MAY, 2018 IN MINI CHAMBERS, COUNTY HALL  
PARLIAMENT BUILDINGS 10:00 AM**

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**PRESENT**

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

**ABSENT WITH APOLOGY**

1. Hon. Geoffrey Odanga, MP
2. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Jackson Lekumontare, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Omboko Milemba, MP
7. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Mr. Nimrod Ochieng' - Audio Officer

**MINISTRY OF EDUCATION**

1. Amb. (Dr) Amina Mohamed, EGH - Cabinet Secretary, MOEST
2. Dr. Belio Kipsang, CBS - PS Early Learning and Basic Education
3. Zeinab Hussein - PS Post Training and Skills Development
4. Prof. Micheni Ntiba - PS University Education and Research
5. Dr. Dr. M.K Rugutt - Director General NACOSTI
6. Mr. Mr. Charles Ringera - CEO, HELB
7. Mr. Christopher Yegon - Ag. Director University Education
8. Dr. Roy Mugira - Director Technical Training
9. Dr. Jemimah Onsare - Ag. CEO NRF
10. Dr. Salome Guchu - Ag. CEO KENIA
11. Ms. Nelly Njoroje - Advisor PS Post Training
12. Ms. Lucy Mulili - S.A Post Training

**MIN.NO. 151/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 10:20 am followed by a round of introductions. In his remarks the Chair informed the meeting that the sitting was convened to receive submission on the 2018/2019 financial year budget estimates for the State Department of Post Training and Skills Development and framework of the working of the new State Department.

In addition, the Committee invited the Ministry and its agencies to submit its views and make representations regarding the Statute Law (Miscellaneous Amendments) Bill, 2018 (National Assembly Bills No. 12) of 2018 published on 10<sup>th</sup> April, 2018 and read a First Time on 18<sup>th</sup> April, 2018 pursuant to the provisions of Article 118 (1)(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders.

**MIN.NO. 152/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN. NO.153/EDUC/2018: SUBMISSION BY THE STATE DEPARTMENT FOR POST TRAINING AND SKILLS DEVELOPMENT ON THE PROPOSED BUDGET ESTIMATES FOR THE 2018/19 FINANCIAL YEAR FOR THE STATE DEPARTMENT.**

The Cabinet Secretary Ministry of Education introduced the new Principal Secretary for the newly created State Department for Post Training and Skills Development Ms. Zeinab Hussein to the Committee. The PS thereafter submitted the proposed budget estimates for the 2018/19 financial year for the State Department.

The proposed budget for the State Department for Post Training and Skills Development for FY 2018/19 and medium-term framework is as follows:

VOTE	FY 2018/2019	FY 2019/2020	FY 2020/2021
Recurrent	887,818,000	1,022,595,720	1,015,415,563
Development	1,039,480,000	2,029,750,000	2,214,250,000
<b>TOTAL</b>	<b>1,927,298,000</b>	<b>3,052,345,720</b>	<b>3,229,665,563</b>

During the FY 2018/2019 the State Department will implement its activities and projects within three programs namely:

- (i) Secondary Education
- (ii) Manpower Development, Employment and Productivity Management
- (iii) General Administration, Planning and Support Services

The key list of medium term expenditure programmes, projects and activities earmarked for implementation in FY 2018/2019 are as in the table below:

Key Priority Area	Allocation Kshs. Million	Remarks
Secondary Education	92,000,000	To enhance management skills
Manpower Development, Employment and Productivity Management	1,787,718,000	For optimal human resource utilization and competitive workforce

General Administration, Planning and Support Services	47,580,000	To improve service delivery
-------------------------------------------------------	------------	-----------------------------

The funds provided for the FY 2018/2019, may not be sufficient for the departments operation since it is a new department hence lacks key sections such as human resource, finance and procurement.

The following are the key activities for the state department, which funds have also not been allocated for the FY 2018/2019 as tabulated below:

No:	Programme	Estimated cost
1	National Internship Program	1.5 Billion
2	The National Apprenticeship Program	100 M
3	Entrepreneurship Skills Development Program	50 M
4	National Skills Development Program	10 M
5	Establishment of Trade Skills Center	50 M
	<b>Total</b>	<b>1.710B</b>

**The Principal Secretary further briefed the Committee on the mandate of the newly created State Department as follows:**

That the State Department of Post Training and Skills Development is charged with realigning and developing market responsive skills and training. It seeks to address the problem of having an education system that produces graduates not required by the market through realigning skills and training with market demands.

With the advent of the Big 4 pillared on Manufacturing, Universal Healthcare, Affordable Housing and Food Security, The Vision 2030 and the Sustainable Development Goals, the country will need to skill her youth to prepare them for gainful employment and economic productivity and foster entrepreneurship to catalyze efforts of new job opportunities which are expected to be needs-based.

The Department will also coordinate, harmonize and oversight all levels of skills development in Kenya.

Skills Development undertaken by the State Department is designed to take a period of 3 months to one year and is aimed at skilling of youth across the entire education continuum.

### **Committee Observations**

The Committee observed that:

- i.) That a new State Department has been created in the Ministry and a key agency, the National Industrial Training Authority (NITA) has been shifted to Education Sector, hence the need to find the rationale and the mandate of this new State Department. The Cabinet Secretary undertook to provide more information on the role of this new State Department to the Committee.



- ii.) The new State Department has a programme named secondary education which might create confusion with the secondary education programme in basic education though the outputs are different.
- iii.) There is need to critically think about the conversion rate, establishment of strong career and linkages as well as apprenticeship programs.
- iv.) There is a potential conflict and duplication of mandates between the the State Department of Post Training and Skills Development and the Technical and Vocational Education and Training. Furthermore some of the roles of the new department are domiciled in Ministry's agencies such as KICD and KEMI.
- v.) That there is need for the State Department to streamline its mandate and resolve the issues of overlapping mandates with other government agencies.

### Committee Resolutions

The Committee resolved to plan for a retreat with the Ministry of Education to deliberate on mandates of the State Departments and the various agencies under the Ministry.

**MIN. NO.154/EDUC/2018: PROPOSED AMENDMENTS TO THE STATUTE LAW  
(MISCELLANEOUS AMENDEMENTS) BILL ON  
UNIVERSITIES ACT NO. 42 OF 2012**

The Principal Secretary State Department for University Education informed the Committee as follows regarding the proposed amendments to the Statute Law (Miscellaneous Amendments) Bill on Universities Act No. 42 of 2012.

No.	Miscellaneous Amendments Bill	Recommendations and Justification
35(1) (a)(v)	Delete and substitute therefor the following new subparagraph -  (v) in the case of public universities, appoint Vice Chancellor, Deputy Vice Chancellors and Principals and Deputy Principals of Constituent Colleges, in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission.	Retain proposed as proposed save for replacing the word "consultation" with "concurrence"  The word consultation is open to more than one interpretation/ambiguous.
39(1)(a)	Delete and substitute therefor the following new paragraph -  (a) In the case of a public university, by the Council, in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission.	Retain as propose.  This to retain the status of universities as national institutions.
39 (3)	Delete and substitute therefor the following new subsection-  (3) The Vice-Chancellor of a public	Retain as proposed  Justification: within the

	university shall hold office for one term of five years.	five years the VC would have adequate. Longer terms would engage professors (VCs) in management duties rather than their core mandate of teaching and research.
SECOND SCHEDULE	<p>Delete and substitute therefor with the following new Schedule – SECOND SCHEDULE (Section 38(1))</p> <p>(1) Where a vacancy occurs in the office of the Chancellor of a public university, the senate of that university shall, in consultation with key stake holders, identify suitable persons for appointment.</p> <p>(2) Five names shall be proposed to the Senate and submitted to the Public Service Commission for shortlisting and identification of three suitable candidates, ranked in order of merit.</p> <p>(3) The Public Service Commission shall forward the names of the top three candidates to the Cabinet Secretary for onward transmission to the President, who shall pick one of the persons for appointment as the Chancellor.</p> <p>(4) The appointment of the Chancellor by the President shall be by notice published in the Gazette.</p>	<p>The proposed amendments are supposed to remove the alumni association from taking any role in the appointment of the Chancellor.</p> <p>This is informed by the fact that most universities have not institutionalized alumni association hence likelihood of abuse.</p> <p>The proposed amendment makes the procedure of choosing the Chancellor very lengthy and cumbersome. This is not feasible given that this is not salaried position.</p>

### Committee Observation

The Committee observed that:

1. In its submission the Ministry further introduced new amendments to the Statute Law (Miscellaneous Amendments) Bill on Universities Act No. 42 of 2012 tabled in the House which is unprocedural. The Committee rejected the new proposed amendments by the Ministry.
2. The University alumni is a crucial asset to the university, and their contributions and involvement significantly increase the development, professional networks, mentorship and reputation of the university nationally and internationally. The alumni should therefore be involved in framework to strengthen the appointment of the Chancellors as well as the Vice-Chancellors.
3. University Senate members should be democratically elected by the

**respective bodies to achieve independence and objectivity amongst the senate which in turn would be process of the appointment of the Chancellor. This is to remedy the current situation where most senate members are appointed by the Vice Chancellor leading to lack of independence.**

After deliberation on on Universities Act no. 42 of 2012, the Cabinet Secretary requested indulgence of the Committee for more time to provide an organized and comprehensive submission to the Committee on all the proposed amendments to contained in the statute law (miscellaneous amendments) bill touching the education sector.

The Committee scheduled the meeting for Wednesday 30<sup>th</sup> May, 2018 at 10.00am.

**MIN. NO.155/EDUC/2018: BUSINESS PENDING BEFORE THE COMMITTEE**

The following business is pending before the Committee:

- (i) Conclusion of the Petition by UASU on the 2012- 2017 and 2017 – 2022 CBAs
- (ii) Conclusion of the Petition regarding the Universities Act No. 42 of 2012
- (iii) Consideration of the Petition on the Engineers' Act
- (iv) Consideration and adoption of the foreign visit reports (Fiji, Canada and London)

The Committee resolved the conduct field visits as follows:

- (i) Visit to schools to assess extent of damage of schools infrastructure by the ongoing rains. The areas suggested areas are Tana River, Solai in Nakuru County and Nyando in Kisumu.
- (ii) Inspection visits to various universities establish compliance to the Universities Act and the Commission for University Education regulations.

The Committee resolved to fasttrack the conclusion of the above business.

The secretariat was tasked to fast to make a follow-up on the report on Completion of Mitihani from KNEC, report on extra levies charged by principals of secondary schools and request for information on extent of damage caused by the current rains and any assistance offered to schools from the Ministry.

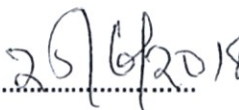
**MIN. NO.156/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

**MIN. NO.157/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:57 pm. The next meeting to held on Wednesday 23<sup>rd</sup> May, 2018 10.00 am.

Signed.....

Date.....

**Hon. Julius Melly, MP**

**(Chairman)**

**MINUTES OF THE 33<sup>RD</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON WEDNESDAY, 23<sup>RD</sup> MAY, 2018 IN MINI CHAMBERS, COUNTY HALL  
PARLIAMENT BUILDINGS 10:00 AM**

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**PRESENT**

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
3. Hon. Moses Injendi, MP
4. Hon. Geoffrey Odanga, MP
5. Hon. (Dr.) Pamela Ochieng, MP
6. Hon. (Eng.) Nzambia Kithua, MP
7. Hon. (Prof.) Zadoc Ogutu, MP
8. Hon. Eric Muchangi, MP
9. Hon. Eve Obara MBS, MP
10. Hon. Jerusha Momanyi, MP
11. Hon. Joseph Tonui, MP
12. Hon. Peter Lochakapong, MP
13. Hon. Oroo Oyioka, MP

**ABSENT WITH APOLOGY**

1. Hon. Catherine Wambilianga, MP
2. Hon. Jackson Lekumontare, MP
3. Hon. Lilian Tomitom, MP
4. Hon. Omboko Milemba, MP
5. Hon. Wilson Sossion, MP
6. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Ms. Winnie Odhiambo - Audio Officer

**UNIVERSITIES' ACADEMIC STAFF UNION**

1. Dr. Constantine Wasonga - National Secretary General, UASU
2. Dr. Janepher Kumba - National Treasurer, UASU
3. Mr. Muiga Rugare - National Organising Secretary, UASU
4. Prof. George Osanjo - National Trustee, UASU
5. Dr. Kinzi Joab - Deputy National Secretary General, UASU

**MIN.NO. 158/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 10:12 am followed by a round of introductions.

**MIN.NO. 159/EDUC/2018: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous meeting were deferred to the next meeting.

**MIN.NO. 160/EDUC/2018: PROPOSED AMENDMENTS TO THE STATUTE LAW  
(MISCELLANEOUS AMENDEMENTS) BILL ON  
UNIVERSITIES ACT NO. 42 OF 2012**

**The Secretary General submitted the Unions proposals on the proposed amendments to the Statute Law (Miscellaneous Amendments) Bill, 2018 regarding the Universities Act No. 42 of 2012 as follows:**

The Statute Law (Miscellaneous Amendments) Bill, 2018 seeks to amend Sections 35 and 39, and the Second Schedule of the Universities' Act 2012.

In particular, the Bill proposes that:

- (i) Vice Chancellors of public universities shall be appointed by the University Council in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission;
- (ii) (ii) Vice Chancellors shall be appointed by the President after the Public Service Commission identifies and ranks three candidates from a list of five names submitted by the University Senate.

The governance structure of a public university is key to the performance of a university in training, scholarship, research, innovation and internal administration; and is an important determinant in attracting qualified staff and students.

The University Chancellor, Vice-Chancellor and Chair of University Council occupy the top positions of the organizational structure of public universities, and the procedure for their recruitment, selection and appointment must yield the most qualified individuals.

The principles and values that should guide recruitment and appointment of University Chancellor, Vice-Chancellor and Chair of University Council include:

- (i) Democracy
- (ii) Accountability
- (iii) Transparency
- (iv) Participation
- (v) Representativeness
- (vi) Integrity, and
- (vii) The core values of the individual university.

The individuals selected to these positions must be able to lead the public universities through the current challenges facing higher education in Kenya and globally. Such challenges include: changing student enrolment, quality of university education, curriculum reform, improving research and innovation, chronic underfunding of public universities, internationalization, increasing competition among universities, ethnicity and tribalism, corruption, creativity, productivity, working with student associations, worker's unions among other challenges.

### **The Vice Chancellor**

The Vice Chancellor is the administrative and academic head of the university. The traditional model in Kenya and other countries was appointment by the President, or appointment by the President from a shortlist of names competitively recruited by the University Council. UASU Submission to Globally the trend is that Vice Chancellors (or University Presidents) are recruited by a Search Committee specifically constituted for

that purpose.

Such a system, which found in many continental European countries, USA and Canada allows some input of the academic staff for the selection of Vice Chancellors in Estonia, Germany, Ireland, Netherlands and Sweden.

In some countries such as the UK, the Vice Chancellor's position is also open to external candidates.

For Harvard, Stanford and other Ivy League American Universities, the Board of Trustees (equivalent to the University Council) appoints a Search Committee, consisting of the distinguished faculty members, representatives of the equivalent of the University Senate, alumni, students, and staff. The University then publicly announces the beginning of their search for a Vice Chancellor. The names of Search Committee members are publicly listed, and the recruitment and selection process is highly transparent. The Search Committee makes a shortlist, and interviews may be conducted publicly by the University Senate, and appointments made by the University Council.

UASU therefore recommends a similar system for appointment of Vice Chancellors, in which the University Council forms a Search Committee composed of distinguished academicians, representatives of the University Senate, UASU, alumni association and representatives of the Public Service Commission to conduct a search; interviews are then publicly conducted by the Search Committee, and a shortlist presented to University Council for submission to the President.

#### **Tenure of Service**

Most Vice Chancellors in the UK and USA serve one term of seven (7) years.

Currently in Kenya, the Vice Chancellors serve a five-year term renewable once; with a majority serving for a cumulative period of 10 years.

UASU recommends that Vice Chancellors serve a three-year term renewable once. This type of tenure of service was previously used at Moi University.

#### **Renewal of term**

The renewal of term however should be through a competitive process, with the same process for initial appointment.

#### **Deputy Vice Chancellors, Principals, Deputy Principals of Constituent Colleges**

These should be appointed in a process similar to the appointment of Vice Chancellors.

#### **Principals (within a University), Deans, Directors and Academic Heads of Departments**

These should be elected by the academic community of the relevant College, Faculty, School or Institute.

Assessment of the current scenario shows that elected Deans perform better than Deans or Directors solely appointed by the Vice Chancellors, who most often look to ethnicity as a parameter.

UASU therefore recommends that Section 35 of the Universities Act 2012 be amended to provide for election of Academic Heads of Departments, Deans, Directors and Principals.

Additionally, an amendment to Section 35(b) of the Act should be made to ensure that a majority of members of the University Senate are elected representatives. Currently

nearly all members of the University Senate are appointees of the Vice Chancellor, making this critical organ of the universities an instrument of Vice Chancellor's suppression of academic independence.

### **Acting Positions**

Persons should act no longer than one year. Currently, there are universities with individuals acting in the positions of Vice Chancellor, Deputy Vice Chancellor, Principal or Deans for longer than five years.

### **University Chancellor**

The University Chancellor is the titular head of the University. He or she is Chair of the Convocation, confers degrees granted by the University.

Given the strong ties with the convocation and university alumni; the University Senate and alumni association should be strongly involved in the process.

An assessment of the performance of the current Chancellors shows that the process of recruitment, selection and appointment has functioned well; and should therefore be retained.

### **University Council Members**

It is notable that the root cause of the current attempts to change the law is the inefficiencies in the University Councils. Many members of University Councils have been recruited through an opaque process, and are individuals who lack knowledge of strategic leadership of universities.

UASU recommends an amendment of Section 36 of the Universities Act 2012 to introduce recruitment and appointment of University Council members through a **Search Committee** for each university comprising representatives of the workers Unions, alumni association, Public Service Commission, distinguished scholars and student association.

Workers and students should also be represented in the University Council on an ex-officio basis.

### **Ethnicity**

The membership of University Council, the holders of the positions of Vice Chancellor and Deputy Vice Chancellor should be carefully balanced to avoid communities holding university administration hostage to local political interests, as has happened in the past.

### **Commission for University Education**

It is important to note that Section 6 of the Universities Act 2012 was amended in 2016 to increase representation of the employers. CUE Commissioners include representatives from FKE and IPUCCF, but there is no representation of university workers.

UASU recommends an amendment of Section 6 of Universities Act 2012 to include representatives of workers in CUE, particularly as the mandate of CUE includes recommendations on workload and criteria for appointment and promotion of academic staff.

**On further Interrogation the Union responded to the members' questions as follows:**

That the Union suggested that a transparent Search Committee be formed to identify

suitable persons for appointment to the position of the Vice chancellor. The following organs are to nominate members the academic staff Union, the Students Body, alumni association and the senior professors.

For effective management of the university, the union proposed that vice chancellors must undergo a management training. This requirement may be outlined in the regulations.

To eradicate tribalism in public universities and promote diversity; there should be established universities service commission commission to deal with recruitment, appointment, discipline, promotion and remuneration of university staff. VC should not necessary come from the local community.

That Vice Chancellors serve a three-year term renewable once subject to passing of interviews for both terms and satisfactory performance in the first tenure before renewal.

### **Committee Observations**

The Committee observed that:

1. UASU is opposed to the the proposal of the Public Service Commission to recruit the Vice Chancellors of public universities as this will usurp the autonomy of public universities. The union proposes for the formation of a robust and independent search Committee to give a fair and objective process in appointment of vice-chancellor and deputy vice chancellors for public universities.
2. UASU proposes that an amendment to Section 35(b) of the Act should be made to ensure that a majority of members of the University Senate are elected representatives. Currently nearly all members of the University Senate are appointees of the Vice Chancellor, making this critical organ of the universities an instrument of Vice Chancellor's suppression of academic independence.
3. UASU recommends that Section 35 of the Universities Act 2012 be amended to provide for election of Academic Heads of Departments, Deans, Directors and Principals by the academic community of the relevant College, Faculty, School or Institute.
4. It should be made a requirement that the VC should be an academician with proven track record and with managerial skills who understands the functions of university and the reasons foe which they exist.

### **MIN. NO.161/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

### **MIN. NO.162/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:15 pm. The next meeting to held at 2.30 pm same day.

Signed.....

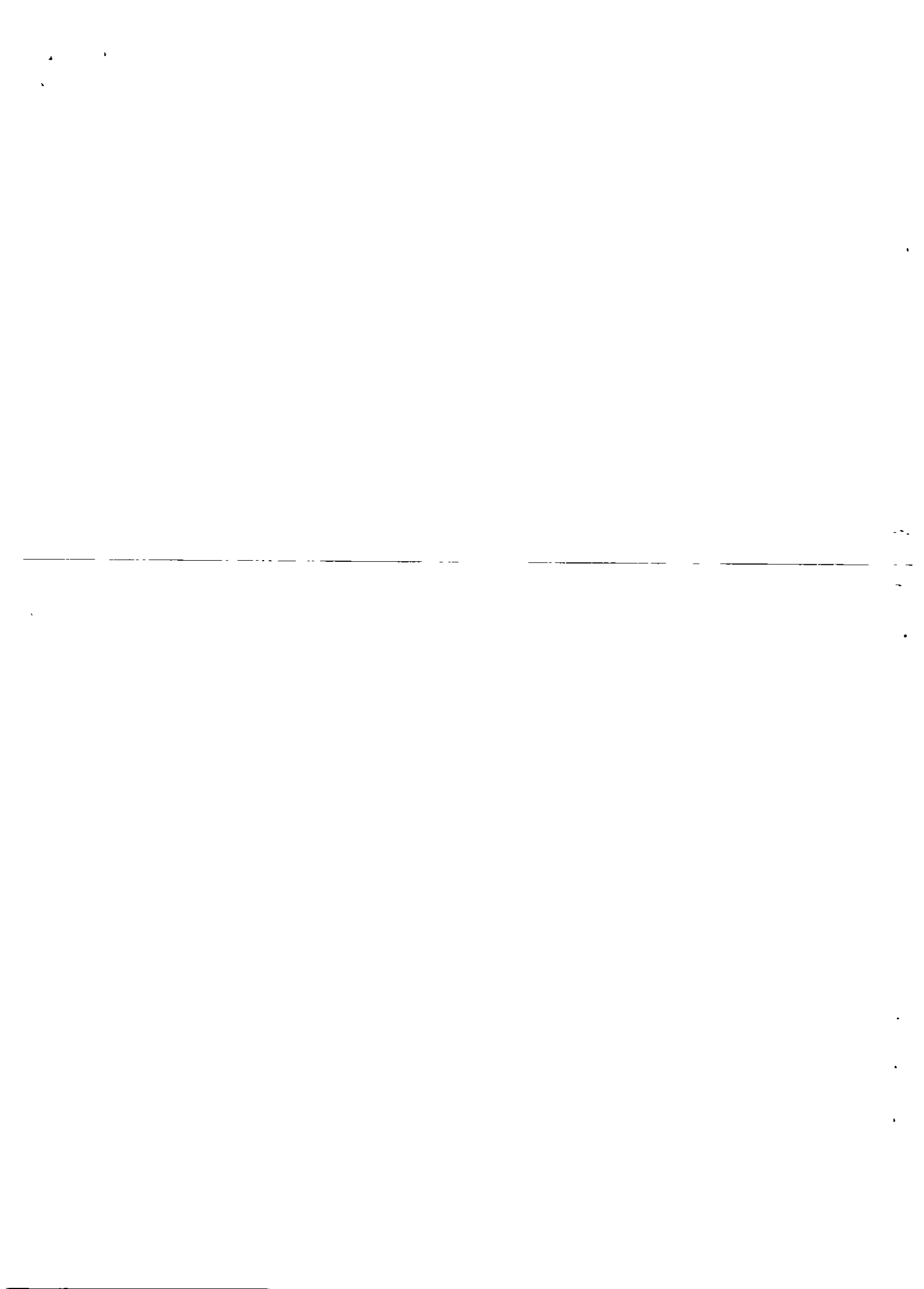
**Hon. Julius Melly, MP**

**(Chairman)**

Date.....

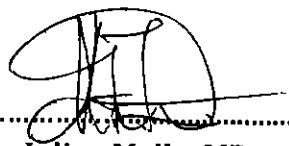


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**MIN. NO.178/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 1:02 pm. The next meeting to held on Friday 25<sup>th</sup> May 2018 at 9.00 am.

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

Date.....25/6/2018

Development.

The Committee having scrutinized and reviewed the 2018/19 Budget Estimates for the two state departments under the Education Sector makes the following observations and recommendations:

**(I) State Department for Research and University Education**

- (i) The Committee observed that most of the public Universities are not well funded and are struggling to stay operational. This is compounded by the criteria used to allocate resources as well as the abrupt reduction in resources as a result of reduction in number of students in the module II programmes.

The Committee recommends a review of the funding criteria to ensure that Universities remain operational.

- (ii) The Committee also observed that the Country needs conservation on whether the many public universities are required in view of the constrained resources.

The Committee recommends a review of the Universities Act which envisages a university in every county and open discussion on the ideal number of Universities required in the Country.

- (iii) The Committee noted that CUE and the NACOSTI are involved in various income (AIA) generating activities whereas their local revenues are not captured in the budget estimates hence the need to establish why the two entities are not declaring the revenues they collect.

**(II) State Department for Post Training and Skills Development**

The Committee observed that this is a new State Department which has been created aimed at supporting the big 4 agenda by linking graduates to relevant practical skills through attachments, internships and apprenticeship. However, the new State Department needs to be clearly defined in terms of its core mandate to avoid any duplication of functions.

**MIN. NO.176/EDUC/2018: BUDGET ESTIMATES FOR THE STATE DEPARTMENT FOR THE TEACHERS SERVICE COMMISSION**

The Committee observed that the TSC has not been allocated resources to employ teachers in the next financial year despite the fact that the PBB budget has set various targets for teacher recruitment in 2018/19. The resources allocated to TSC are meant to cater for compensation of existing teachers in the service and the normal yearly salary increments.

The Committee recommends that targets be set on the teachers to be recruited in government planning documents to guide resource allocation

**MIN. NO.177/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MINUTES OF THE 36<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON THURSDAY, 24<sup>TH</sup> MAY, 2018 IN TWIGA HALL, BOMA INN HOTEL NAIROBI  
AT 2:00 PM**

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**PRESENT**

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
1. Hon. Moses Injendi, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. (Eng.) Nzambia Kithua, MP
4. Hon. Eric Muchangi, MP
5. Hon. Jerusha Momanyi, MP
6. Hon. Joseph Tonui, MP
7. Hon. Peter Lochakapong, MP
4. Hon. Oroo Oyioka, MP
5. Hon. Omboko Milemba, MP
6. Hon. Wilson Sossion, MP

**ABSENT WITH APOLOGY**

1. Hon. (Prof.) Zadoc Ogutu, MP
2. Hon. Eve Obara MBS, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Jackson Lekumontare, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Eric Kanyi - Fiscal Analyst
4. Mr. Nimrod Ochieng' - Audio Officer
5. Ms. Catherine Mukunyi - Serjeant at Arms

**MIN.NO. 173/EDUC/2018: PRELIMINARIES**

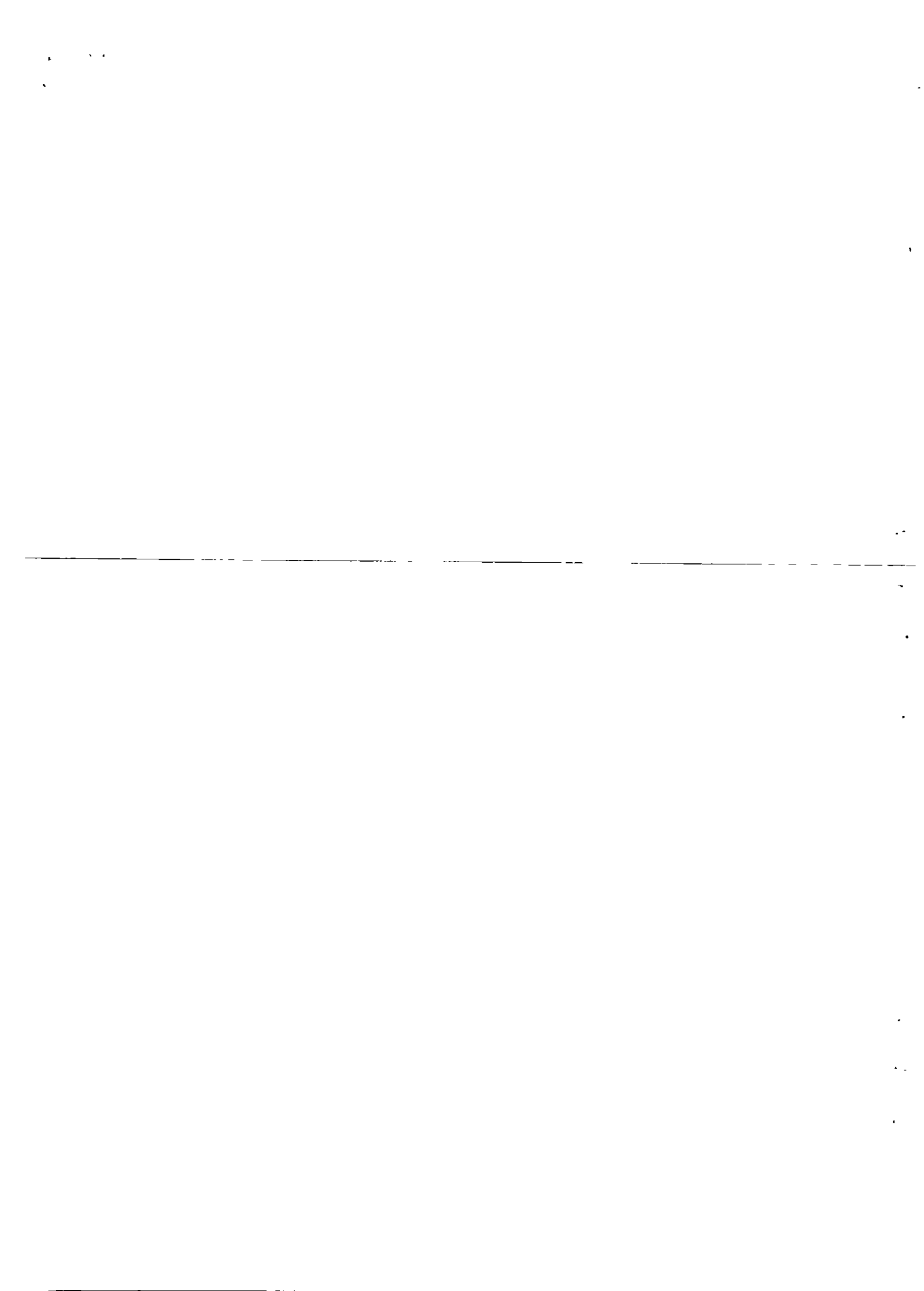
The Chair called the meeting to order at 2.15 Pm.

**MIN.NO. 174/EDUC/2018: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sitting were deferred to the next sitting.

**MIN.NO. 175/EDUC/2018: BUDGET ESTIMATES FOR THE STATE DEPARTMENT  
FOR UNIVERSITY EDUCATION & RESEARCH AND  
STATE DEPARTMENT OF POST TRAINING AND SKILLS  
DEVELOPMENT**

The Committee was taken through the budget estimates report for the the State Department for University Education and State Department of Post Training and Skills



The Committee recommends that the Ministry and the CDF management coordinate to ensure that this projects are fully complete and that the institutions are operationalized.

- (ii) The Committee observed that the TVETA which is the agency tasked with quality control in Technical Training Institutes is not fully operational.

The Committee recommends that as the number of TTIs increase in the country this agency needs to be fully operational to ensure that the various TTI's are inspected for quality assurance.

- (iii) The Committee observed that a conditional grant of Kshs 2 Billion has been allocated to counties to support village polytechnics. This is the second financial year this grant has been allocated and the impact of allocation is not visible in the counties and the State Department has not submitted any status report on the same.

The Committee recommends that since this is National government resources, the Committee needs to be involved in its oversight to ensure that this allocation is well spent.

**MIN. NO.171/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO.172/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 1:02 pm. The next meeting to held 2.00 pm same day.

Signed.....

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

Date.....

25/6/2018

**MIN.NO. 170/EDUC/2018: BUDGET ESTIMATES FOR THE STATE DEPARTMENT FOR EARLY LEARNING AND BASIC EDUCATION AND STATE DEPARTMENT FOR VOCATIONAL AND TECHNICAL TRAINING.**

The Committee was taken through the budget estimates report for the the State Department for Early Learning and Basic Education and the State Department for Vocational and Technical Training.

**1) Summary of the Committee Observations and Recommendations**

The Committee having scrutinized and reviewed the 2018/19 Budget Estimates for various votes under the two state departments made the following observations and recommendations:

**Policy Observations and Recommendations**

**(I) State Department for Early Learning and Basic Education**

- (i) The Committee observed that the Ministry has begun capturing of the Learners details at the various levels of Education through the National Education Management Information System (NEMIS).

The Committee recommends that going forward and upon successful rollout of EMIS, the data captured should guide resource allocation through capitation to various schools to allow effective use of the resources provided for free primary and secondary education.

- (ii) The Committee observed that resources have been provided towards infrastructure and improvement in both primary and secondary schools.

The Committee recommends that to allow for uniformity in terms of infrastructural works which are undertaken in these institutions, the Ministry should develop a standard norm of various amenities within schools which will ultimately guide resource use.

- (iii) The Committee observes that the Ministry through donor support intends to construct ECDE model centres across the 47 counties aimed at establishing standard norms to guide county governments on an ideal ECDE centre as part of policy formulation.

The Committee instructed the Ministry to ensure the get a buy in from the county governments to ensure smooth implementation of this project

**(II) State Department for Vocational and Technical Training**

- (i) The Committee observed that the first phase of construct 60 TTI's has been completed and the second phase is well on course. However, the Committee observed that a few of the TTI's under phase 1 are not 100% complete due to challenges between the Ministry and the CDF.



**MINUTES OF THE 35<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON THURSDAY, 24TH MAY, 2018 IN TWIGA HALL, BOMA INN HOTEL NAIROBI  
AT 9:00 AM**

---

**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
1. Hon. Moses Injendi, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. (Eng.) Nzambia Kithua, MP
4. Hon. Eric Muchangi, MP
5. Hon. Jerusha Momanyi, MP
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7. Hon. Peter Lochakapong, MP
4. Hon. Oroo Oyioka, MP
5. Hon. Omboko Milemba, MP
6. Hon. Wilson Sossion, MP

**ABSENT WITH APOLOGY**

1. Hon. (Prof.) Zadoc Ogutu, MP
2. Hon. Eve Obara MBS, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Jackson Lekumontare, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Eric Kanyi - Fiscal Analyst
4. Mr. Nimrod Ochieng' - Audio Officer
5. Ms. Catherine Mukunyi - Serjeant at Arms

**MIN.NO. 168/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 9:25am.

The Chair welcomed the members to the report writing retreat and informed them that the objective of retreat was to consider draft report on the 2018/19 budget estimates for the Ministry of Education and the Teachers Service Commission.

**MIN.NO. 169/EDUC/2018: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sitting were deferred to the next sitting.

Teachers Service Commission at Boma Inn Hotel between 24<sup>th</sup> -26<sup>th</sup> May 2018.

**MIN. NO.166/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO.167/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 4:22 pm. The next meeting to held on Thursday 24<sup>th</sup> May 9.00 am.

Signed.....

**Hon. Julius Melly, MP**

**(Chairman)**

by the academic community of the relevant College, Faculty, School or Institute

Date.....

under the new Mwangozo Code of Governance for State Corporations

### **Way Forward**

The status quo should be maintained but have the Principal Secretary responsible for Public Service be directly and actively involved in the recruitment of vice-chancellors. The university community should also be involved in the identification and hiring of the vice-chancellors. This university community include the senate, staff representation, UASU, student organization, the university alumni, industry sector and government representation through three principal secretaries.

### **Further oral submission**

In the appointment of the vice-chancellor, public involvement and participation should be part of the process. Recruitment process should be public, open and non-discriminatory on the basis of gender, region or nationality.

On the appointment Chancellor, the vice-chancellors committee submitted that the Chancellor should be a person of influence and stature, with wide experience in public affairs graduate and need not necessarily have a PhD.

The university community comprising of the council, senate, staff, students, industry sector and alumni should be involved in making proposal of names for appointment by the President.

### **Committee Observations**

#### **The Committee observed that:**

1. The Vice-chancellors committee is opposed to the proposal to have the Public Service Commission to hire vice-chancellors deputy vice-chancellors of universities and principals and deputy principals of constituent colleges as its not consistent with universities best international practices and traditions. Their proposal is to strengthen the Committee that hires the Vice-chancellors. It also proposes maintaining of the current tenure of office of the Vice -Chancellor.
2. The full cycle of a university academic programmes takes an average four years after which the success of the program with respect to the university leadership can be evaluated. A term limit of less than for four years for the vice-chancellor would affect the success of academic programs
3. Short single non renewable term may breed complacency while at the same time longer terms may bring in familiarity and slackness on the part of the vice-chancellors.

The Committee directed the the Vice-chancellor Committee to provide additional information on their proposals to amend the Second Schedule of the Universities Act on the appointment of University Chancellor and best practice in other universities around the world.

The information is to be submitted to the Committee by Friday 25<sup>th</sup> May, 2018.

### **MIN. NO.160/EDUC/2018: REPORT WRITING RETREAT**

The Committee was informed that the Committee will proceed for Report writing retreat on the FY 2018/19 Budget Estimates for the Ministry of Education and the

**MIN.NO. 164/EDUC/2018: CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sitting were deferred to the next sitting.

**MIN.NO. 165/EDUC/2018: PROPOSED AMENDMENTS TO THE STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) BILL, 2018 -  
UNIVERSITIES ACT, 2012**

The Chairperson of the Vice-Chancellors Committee submitted the vice-chancellor's proposal on proposed amendments to the Statute Law (Miscellaneous amendments) Bill, 2018 - Universities Act, 2012 as follows:

**Appointment of Vice-Chancellors, Deputies and Principals of constituent colleges**

Currently the Principal Secretary Ministry of Education and the Principal Secretary the National Treasury are represented in the University Councils. They fully participate in the hiring process of vice-chancellors, deputy vice-chancellors of universities and principals and deputy principals of constituent colleges.

The vice chancellor is both the academic and administrative head of a university. The vice-chancellor chairs the University Senate, the highest academic organ that sets academic standards and criteria for admission, teaching and award various qualifications. Each university is independent in its own right and should be seen as such where hiring a vice-chancellor. The administrative role of the vice-chancellor is but the other one, though equally important.

The University community should be involved in the entire process of hiring the vice-chancellor so as to enjoy the good will of the academia. Otherwise they may feel like a stranger has been imposed on them and will not have confidence on the person will negatively affect their working relationship while delivering university mandate.

If the Public Service Commission is given the sole and absolute authority of hiring the vice-chancellors, autonomy and academic freedom that is globally associated with universities will be greatly eroded.

The proposal therefore to have the Public Service Commission to hire vice-chancellors deputy vice-chancellors of universities and principals and deputy principals of constituent colleges is not consistent with universities best international practices and traditions.

**Term of office of the vice-chancellor**

The bill proposes to have the vice-chancellors and their deputies serve for a fixed one term of five years. The general practice has been that the heads of parastatals serve for a term ranging from three to five years renewable once upon satisfactory performance based on targets. Experience has shown that a head of a government agency ordinarily spends that the first term within an institution putting in systems and setting targets for performance. This process is painstaking and requires seeking the concurrence and approval of the Council or the Board of Directors. Its therefore during the second term that the head really implements the approved projects and decisions on critical matters. If the term of the vice-chancellor is reduced to one term of five years universities risk having a perpetual state of paralysis and always on the look out for a suitable replacement. This requirement is also discriminatory because it will only be applicable in the universities but not in other parastatals. Further the fixed one one term limit contravenes the requirements that all semi-autonomous government agencies operate

**MINUTES OF THE 34<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON WEDNESDAY, 23<sup>RD</sup> MAY, 2018 IN MINI CHAMBERS, COUNTY HALL  
PARLIAMENT BUILDINGS 2:30 PM**

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
1. Hon. Moses Injendi, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. (Dr.) Pamela Ochieng, MP
3. Hon. (Eng.) Nzambia Kithua, 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. Joseph Tonui, MP
9. Hon. Peter Lochakapong, MP
4. Hon. Oroo Oyioka, MP
5. Hon. Wilson Sossion, MP

**ABSENT WITH APOLOGY**

1. Hon. Catherine Wambilianga, MP
2. Hon. Jackson Lekumontare, MP
3. Hon. Lilian Tomtom, MP
4. Hon. Omboko Milemba, MP
5. Hon. Wilson Kogo, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Ms. Winnie Odhiambo - Audio Officer

**VICE-CHANCELLORS COMMITTEE**

1. Prof. Francis Aduol - Chairperson Vice-Chancellors Committee (VC - TUK)
2. Prof. Daniel Mugendi - VC University of Embu
3. Prof. Geoffrey Muluvi - VC South Eastern Kenya University
4. Prof. Mary Ndung'u - VC Kirirnga University
5. Prof. Haroun Mengech - DVC JKUAT
6. Ms. Ruth Kirwa - Secretariat VCs Committee

**MIN.NO. 163/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 2:25 am followed by a round of introductions. Agenda of the meeting was adopted having been proposed and seconded by Hon. (Prof.) Zadoc Ogutu, MP and Hon. Oroo Oyioka, MP respectively

**MINUTES OF THE 39<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON TUESDAY 5<sup>TH</sup> JUNE, 2018 IN THE MEDIA CENTRE PARLIAMENT BUILDINGS  
AT 10:00 AM**

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**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Moses Injendi, MP
3. Hon. (Eng.) Nzambia Kithua, MP
4. Hon. Eric Muchangi, MP
5. Hon. Eve Obara MBS, MP
6. Hon. Jackson Lekumontare, MP
7. Hon. Jerusha Momanyi, MP
8. Hon. (Dr.) Pamela Ochieng, MP
9. Hon. Peter Lochakapong, MP
10. Hon. Oroo Oyioka, MP
11. Hon. (Prof.) Zadoc Ogutu, MP
12. Hon. Wilson Sossion, MP
13. Hon. Wilson Kogo, MP

**ABSENT WITH APOLOGY**

1. Hon. Amos Kimunya EGH, MP - Vice Chairperson
2. Hon. Geoffrey Odanga, MP
3. Hon. Catherine Wambilianga, MP
4. Hon. Joseph Tonui, MP
5. Hon. Lilian Tomitom, MP
6. Hon. Omboko Milemba, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Eric Kanyi - Fiscal Analyst
4. Mr. Nimrod Ochieng' - Audio Officer
5. Ms. Annceta Gacheri - Research Officer
6. Ms. Catherine Mukunyi - Serjeant at Arms

**MIN.NO. 192/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 11.20 am. Prayer was read. The agenda of the meeting was adopted having been proposed by Hon. Wilson Sossion, MP and seconded by Hon. Moses Injendi, MP respectively.

**MIN.NO. 193/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN.NO. 194/EDUC/2018: SUBMISSION OF THE REPORT ON BUDGET ESTIMATES FOR THE 2018/2019 FY FOR THE MINISTRY OF EDUCATION AND THE TEACHERS SERVICE COMMISSION**

The Chair informed members that he had presented the Committee's report on the Budget Estimates for the 2018/2019 FY for the Ministry of Education and the Teachers Service Commission to the Budget and Appropriation Committee in accordance with Standing Order No.235 (a). Budget and Appropriation Committee will consider the report and make recommendations to the House.

The Chair thanked the members for their input in consideration of the budget estimates and called upon all members to turn up and support approval of the budgetary allocations once the report comes up for debate in the House in the course of the week.

**MIN.NO. 195/EDUC/2018: SAFETY IN SCHOOLS**

The Committee noted with concern the rise in cases of indiscipline, physical assault and defilement of students in schools. The increasing wave of unrests needs to be checked and reduced before the situation worsens.

The high student population due 100% transition rate to secondary schools coupled with lack of adequate supervision of students' and schools, poor school infrastructure, weak guidance and counselling programs, mismanagement of schools, capacity and commitment of schools heads have all contributed to the to cases and incidences of indiscipline in schools.

Various other other cases of defilement of learners, physical assault and unrests of students reported across the country were singled out by the Committee.

The recent case of Moi Girls School Nairobi has once again put into focus safety challenges in schools that need to be addressed by school administrators, parents and the government.

**Incident at Moi Girls School Nairobi.**

It was reported that stranger accessed one of girls' dormitory in the school and raped some girls at a time between 12 midnight and 5.00am early Saturday of 2<sup>nd</sup> June 2018. The incident took place in the bathroom annexed to the dormitory. The exact number of girls assaulted is not clear as conflicting sources put the number at three girls and others one.

On the night of the incident there was Inter-Houses drama competition that went up to 11:00 pm and its further alleged that the drama coaches and adjudicators during the event were non-teachers contrary to the Ministry of Education regulations.

Its alleged that the school tried to conceal the incident.

**Committee Observations**

**In regard to safety of learners and teachers in schools the Committee observed the following, that: -**

1. School safety is a fundamental and indispensable component of the teaching and learning process. Safety in schools is a major concern to the governments, parents, teachers and students.

2. Article 53 of the Constitution (2010) safeguards the rights of all children against all forms of inhuman treatment and punishments while Section 4 of the TSC Act 2012 provides that the Commission should at all times take into account the best interests of the learner in the performance of its functions and exercise of its powers will.
3. Section 36 (1) of the Basic Education Act, 2013 states that *"No pupil shall be subjected to torture and cruel, inhuman or degrading treatment or punishment, in any manner, whether physical or psychological"*.
4. The persistent recurrence of safety problems in public secondary schools even after the release of the Safety and Standards' Manual (2008) by the Ministry of Education poses serious questions that demand urgent answers if similar cases are to be avoided.
5. Unsafe schools disrupt learning, destruction of resources and worst of all lives are lost hence placing head teachers on the spot light. Moreover, when school property is destroyed by students, parents often pay huge fines for the damages.
6. Times have changed thus the growing need to address the issue of safety in depth. Violent and deliquescent behavior in schools manifests in a wide range of aggressive acts from name calling to physical assault and sexual abuse. Thus the legal system or discipline mechanisms in schools must have a disposition for dealing with such deliquescent behavior.
7. Safety guidelines spelt out in Safety and Standards Manual in Schools issued by the Ministry of Education are not being enforced by the Schools administrators. Reports also show that the school communities are not sensitized on safety in schools. Copies of the manuals are also inadequate.

### **Committee Recommendations**

The Committee recommends the following:

1. The Ministry of Education through Quality Assurance and Standards Officers (QASOs) should ensure school safety policies are disseminated to all schools and implemented, through proper coordination, monitoring and evaluation.
2. The Ministry of Education should introduce the disaster management practices into schools' and training institutions' curriculum at all levels. This will equip the schools community with adequate skill required for prevention as well as the management of disasters or implementation of safety standards in schools.
3. The Ministry of Education should provide the school community members with compulsory in service disaster management training and implementation of safety standards through workshops and seminars.
4. The Ministry of Education should constantly provide funds for implementation of safety measures in schools and search for alternative sources for more funding.
5. and evaluation of safety in schools.
6. The Ministry of Education should revise the safety standards manual for schools in Kenya (2008) to conform to emerging safety and security challenges.



7. Safety audit and awareness in schools should be conducted regularly by an agent such as Red Cross or any other agency which is well versed in disaster preparedness to identify safety needs, strengths, and gaps in implementation of safety policies.
8. The schools should enhance safety by facilitating a greater involvement of all the stakeholders to ensure a collaborative approach to the implementation of safety policies. In addition, schools should set up safety committees to assist in the implementation, monitoring safety standards in schools.
9. There should be concerted efforts from the headteachers, teachers, parents and Board of Management in running and management of schools.
10. Schools must vet all students and keep the extreme deliquescent cases out of formal schools. Resources should be set aside to establish more approved schools to rehabilitate extreme cases.
11. Schools should install close circuit television cameras (CCTV) in strategic locations in schools for surveillance and monitoring activities going on in schools to enhance safety, security and for records for reference in case of of an incident. Further schools should invest more in intelligence within the school.
12. Teachers should closely observe and be wary of students behavior in second term of the school calendar when co-curricular activities are taking place.
13. Public schools should not hire non-teachers should to train/coach students in co-curricular activities such as drama and sports.

**MIN. NO.196/EDUC/2018: FACT-FINDING VISITS TO AFFECTED SCHOOLS**

The Committee resolved to visit Moi Girls School Nairobi on 6<sup>th</sup> June 2018 on a fact-finding tour regarding the alleged case of rape in the School.

The Committee also resolved to visit other schools affected by similar incidences and students unrest to establish the facts.

The Committee further resolved to issue a press statement on safety and security in schools immediately after the meeting.

**MIN. NO.197/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO.198/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:03 pm. The next meeting will be on Friday 8<sup>th</sup> June, 2018.

Signed.....

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

Date.....

25/6/2018

**MINUTES OF THE 40<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON THURSDAY 7<sup>TH</sup> JUNE, 2018 IN MOI GIRLS SCHOOL, NAIROBI AT 11:00 AM**

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**PRESENT**

1. Hon. Moses Injendi, MP - Chairing
2. Hon. (Prof.) Zadoc Ogutu, MP
3. Hon. Eve Obara MBS, MP
4. Hon. Jerusha Momanyi, MP
5. Hon. Peter Lochakapong, MP
6. Hon. Lilian Tomitom, MP
7. Hon. Oroo Oyioka, MP
8. Hon. Wilson Sossion, MP
9. Hon. Wilson Kogo, MP

**ABSENT WITH APOLOGY**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. (Eng.) Nzambia Kithua, MP
4. Hon. (Dr.) Pamela Ochieng, MP
5. Hon. Geoffrey Odanga, MP
6. Hon. Catherine Wambilianga, MP
7. Hon. Eric Muchangi, MP
8. Hon. Jackson Lekumontare, MP
10. Hon. Joseph Tonui, MP
11. Hon. Omboko Milemba, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Philip Lekarkar - Clerk Assistant III
2. Mr. Nimrod Ochieng' - Audio Officer
3. Ms. Annceta Gacheri - Research Officer

**MOI GIRLS SHOOOL STAFF**

- Ms. Kabobi - Deputy Principal Administration  
Mrs. Omusula - Academics  
Ms. Mutiso - Boarding Mistress  
Ms. Monica Wambui - Matron  
Ms. Joyce Karimi Muchiri - County Staffing Officer - Riruta Zone  
Ms. Lydia Mutegi - Sub County Director of Education, Kibra  
Ms. Kimachas Bernard - TSC County Director, Nairobi  
Mr. Susan Murerwa - Deputy Regional Director of Education - Nairobi  
**Mr. John OloLtuua** - Regional Director of Education

**MIN.NO. 199/EDUC/2018: PRELIMINARIES**

The Committee members arrived in the school at 11:15 and paid a courtesy call to the outgoing principal who however declined to hold a meeting with the Members as she

was due to hand over to the incoming acting principal after opting for early retirement.

The Members were introduced to the two deputy principals and boarding mistress who led the members in a guided tour around the school premises.

#### **MIN.NO. 200/EDUC/2018: TOUR OF THE SCHOOL PREMISES**

The School sit on 52 acres of land and between the Kibera slums and Woodley estate in Kibra Constituency. The school has a population of over 800 students.

The alleged rape incident took place at a time between at 12 midnight or 5.00am (early Saturday morning) 2<sup>nd</sup> June, 2018 in the bathrooms area of one of the girls dormitory named Elgon.

The dormitory is located next to the school perimeter fence and is the nearest to the schools administration block. It is divided into cubicles each having six beds and has two exits/entrances on either sides on the front and rear sides. The dormitory has also a prayer room enclosed within the dormitory.

The dormitory houses the school matron. The matron's house is annexed to the dorm on one side and is separated from the principals house by iron sheets. On other extreme end of the dormitory are toilets and bathrooms where the incident is alleged too have taken place. Members of the dormitory access the bathrooms only from the inside and not from outside meaning that any person accessing the bathrooms from outside has to use one of the two entrances. The dorm's doors are wooden and locked from the inside at night by the House prefect.

The school compound compound is guarded by Lavington security guards and on the night of the incident it was reported that there was only one guard around the dormitory area guarding all dorms backed by male guards patrolling the compound.

Part of the duties of the guard is to monitor the dormitory entrances and on the fateful night the guard on duty did not report any incident in the morning.

Windows on one side of the dormitory are grilled while those on the side are not

On either side of the dorm. The dorm has an alarm bell which is working however nobody used it to raise alarm on the night of the incident.

#### **Testimony of the Matron.**

It was around 5.00am on 2<sup>nd</sup> June, 2018 when some girls banged her door to wake her up informing her that girls were raped in the dorm. The matron went to girls and found the girl in one of the cubicles, checked her the girl and discovered that she had been raped, she administered first aid and then called for transport to take her to hospital. According to her nobody raised the alarm until 5am and and she could therefore know the exact time the incident took place.

#### **Testimony by Boarding Mistress**

She narrated that she received distress call from the matron at exactly 5.08am in the morning of Saturday that girls a stranger had accessed the Elgon dormintory and raped the girls. She in turn called Ms. Wachiuri the Deputy principal incharge of academics who both happen to live in the same quarters within the school compound. They quickly

drove to the dormitories area and found the girls crowding outside the dorm where the incident took place. She also found the matron there with the girls.

When she entered the dorm the other students pointed to her the three girls allegedly involved in the incident seated on a bed three cubicle away from their cubicle who were crying. She asked the girl involved whether she had taken bath which she replied in the affirmative. She picked the three girls and took them out of the dormitory.

The principal and the Deputy principal in charge of administration then arrived and she handed girls to them. The boarding mistress then called the nurse and other teachers and took a roll call and accounted for all the 360 girls sleeping in Elgon dormitory.

The three girls were then taken to Nairobi hospital for medical examination.

#### **Testimony by the Deputy Principal In charge of Administration**

At around 5.20am on Saturday morning she received a call from the matron that a girl was raped in the dormitory, she left her house and rushed to the school and found the boarding mistress and the Deputy principal in charge of academics. They organize for the girls allegedly involved to be take to the hospital and sealed the scene of crime.

#### **Committee Observations**

The Committee observed as follows:

1. On the evening of Friday the school had inter houses drama competition which ended at 8.00 pm.
2. The female guard on night duty when the incident took place did not raise any alarm nor gave any official report in the morning at the end her shift as required.
3. Its not clear whether the students reported the incident to the school matron immediately or long after it had happened. No alarm was was raised despite the alarm bell in the dormitory working.
4. The CCTV cameras installed in the dorms areas were not working on the night of the incident hence there is no footage of the incident.
5. The Committee further observed that investigations on the incidents are on going and no one should be victimized in the meanwhile.

#### **MIN. NO.201/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

#### **MIN. NO.201/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 1:03 pm. The next meeting will be on Friday 8<sup>th</sup> June, 2018 at 10.00am.

Signed.....

Hon. Julius Melly, MP  
(Chairman)

Date.....

26/6/2018

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**MINUTES OF THE 41<sup>ST</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON FRIDAY 8<sup>TH</sup> JUNE, 2018 IN WINDSOR HOTEL KIAMBU COUNTY AT 10:00 AM**

**PRESENT**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Amos Kimunya EGH, MP - Vice Chairperson
3. Hon. Moses Injendi, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. (Eng.) Nzambia Kithua, MP
6. Hon. Catherine Wambilianga, MP
7. Hon. Eve Obara MBS, MP
8. Hon. Jerusha Momanyi, MP
9. Hon. Oroo Oyioka, MP
10. Hon. Wilson Kogo, MP

**ABSENT WITH APOLOGY**

1. Hon. Omboko Milemba, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. Eric Muchangi, MP
4. Hon. (Dr.) Pamela Ochieng, MP
5. Hon. Jackson Lekumontare, MP
6. Hon. Joseph Tonui, MP
7. Hon. Peter Lochakapong, MP
8. Hon. Lilian Tomitom, MP
9. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant III
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Mr. Eric Kanyi - Fiscal Analyst
5. Ms. Annceta Gacheri - Research Officer
6. Mr. Nimrod Ochieng' - Audio Officer

**MIN.NO. 202/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 10.10 am thereafter followed by prayers.

**MIN.NO. 203/EDUC/2018: CONFIRMATION OF MINUTES**

Minutes of the previous sitting were confirmed as follows:

Minutes of the the 27<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. (Prof.) Zadoc Ogutu, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the the 28<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Moses Injendi, MP and seconded by Hon. Eve Obara, MP.

Minutes of the the 29<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. (Prof.) Zadoc Ogutu, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the the 30<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Eve Obara, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the the 31<sup>st</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. (Eng.) Nzambia Kithua, MP and seconded by Hon. (Prof.) Zadoc Ogutu, MP.

Minutes of the the 32<sup>nd</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Moses Injendi, MP and seconded by Hon. Oroo Oyioka MP.

Minutes of the the 33<sup>rd</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Jerusha Momanyi, MP and seconded by Hon. Eve Obara, MP

Minutes of the the 34<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. (Prof.) Zadoc Ogutu, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the the 35<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Oroo Oyioka MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the the 36<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by

Minutes of the the 37<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Moses Injendi, MP and seconded by Hon. Oroo Oyioka MP

Minutes of the the 38<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Oroo Oyioka MP and seconded by Hon. (Eng.) Nzambia

**MIN.NO. 202/EDUC/2018: MATTERS ARISING**

Min. No. 187 of the 37<sup>th</sup> Sitting Members noted that deliberations on allocation to Muranga University was not part of the Committees deliberation

**MIN.NO. 203/EDUC/2018: CONSIDERATION OF THE REPORT ON THE PROPOSED AMENDMENTS IN THE STATUTE LAW (MISCELLANEOUS AMENDMENTS) BILLS, 2018 NOS. 12 AND 13.**

Having scrutinized the proposed amendments and taking into consideration the oral and written submissions of the stakeholders, the Committee recommends as follows: -

**SCHEDULE**

**THAT** the Schedule to the Bill be amended —

- (1) in the proposed amendments to the **Higher Education Loans Board Act, 1995** -
- (a) by deleting the proposed amendments to section 4(1);
  - (b) by deleting the proposed amendments to section 4(3);
  - (c) by deleting the proposed amendments to section 5; and
  - (d) by deleting the proposed amendments to section 22.
- (2) in the proposed amendments to the **Universities Act, 2012**—
- (a) by deleting the words “in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission” appearing immediately after the word “Colleges” in the proposed amendments to section 35 (1) (a)(v) and substituting therefor the words “in the manner provided in the Fourth Schedule”;
  - (b) by deleting the proposed amendments to section 39 (3) and substituting therefor the following new subsection –  
“(3) The Vice-Chancellor of a public university shall hold office for a term of three years and shall be eligible for one final term, upon satisfactory performance, as evaluated by the Council”.
  - (c) in the proposed amendments to the Second Schedule-
    - (i) by deleting the words “key stake holders” appearing immediately after the words “consultation with” in paragraph (1) and substituting therefor the words “the following persons”;
    - (ii) by inserting the following new sub-paragraphs immediately after the word “appointment” in paragraph (1) –
      - (a) the alumni association;
      - (b) the staff union;
      - (c) the students’ association; and
      - (d) the industry represented by the Kenya Private Sector Alliance, National Chamber of Commerce and the Association of Professional Societies of East Africa.
    - (iii) by deleting the words “Five names shall be proposed to the Senate and submitted to the Public Service Commission” appearing immediately before the words “for shortlisting” in paragraph (2) and substituting therefor the words “The Senate shall in consultation with the Public Service Commission submit five names to the Council”;



- (iv) by deleting the words “The Public Service Commission” appearing at the beginning of paragraph (3) and substituting therefor the words “The Council”.
- (d) by inserting the following new paragraph immediately after the proposed amendments to the Second Schedule –
- “by inserting the following new Schedule immediately after the Third Schedule”

Fourth  
Schedule.

**FOURTH SCHEDULE**

(Section 35 (a) (v))

(1) Where a vacancy occurs in the office of the Vice Chancellor or Deputy Vice Chancellor of a public university or Principal or Deputy Principal of a constituent college, the Council of that university shall constitute a selection panel consisting of –

- (a) a representative of the Council who shall not be the Vice Chancellor;
- (b) a representative of the Public Service Commission;
- (c) the Principal Secretary, Ministry of Education;
- (d) the Principal Secretary, the National Treasury;
- (e) a representative of the Senate who shall not be the Vice Chancellor;
- (f) a distinguished professor of the university;
- (g) a representative of the Universities Academic Staff Union;
- (h) a representative of the alumni association; and
- (i) a representative of the Students' Association.

(2) The Council shall—

- (a) convene the first meeting of the selection panel, at which the members of the selection panel shall elect a chairperson from among themselves; and
- (b) provide the selection panel with such facilities and other support as it may require for the discharge of its functions.

(3) Subject to this Act, the selection panel shall, within seven days of convening, by advertisement in the media, invite applications from persons who qualify for nomination and appointment for the position of Vice Chancellor, Deputy Vice Chancellor, Principal or Deputy

Principal.

(4) The selection panel shall—

(a) consider the applications received under paragraph (3) to determine their compliance with the provisions of the Constitution and this Act;

(b) short list the applicants;

(c) publish the names of the qualified applicants and short listed applicants in the media;

(d) conduct interviews of the short listed persons;

(e) shortlist three qualified applicants for the position of Vice Chancellor, Deputy Vice Chancellor, Principal or Deputy

Principal; and (g) forward the names of the qualified persons to the Council.

(5) The Council shall, within fourteen days of receipt of the names forwarded under paragraph (4)(e), in consultation with the Cabinet Secretary appoint the Vice Chancellor, Deputy Vice Chancellor, Principal or Deputy Principal from among the three qualified applicants.

(6) The selection panel may, subject to this section, determine its own procedure for the conduct of business and affairs.

(7) The selection panel shall stand dissolved upon the appointment of the Vice Chancellor, Deputy Vice Chancellor, Principal or Deputy Principal under paragraph (5).

(9) Despite the foregoing provisions, the Cabinet Secretary may, by notice in the Gazette, extend the period specified in respect of any matter under this schedule by a period not exceeding twenty-one days.

(3) Amend  
ments  
to  
section  
5 (2) of  
the  
**Kenya  
Institit  
e of  
Curric**

**ulum Development Act, 2013** by deleting the proposed amendments to paragraph (f)(ii) and substituting the following new paragraph –

“(f)(ii) one person to represent the Kenya Private Schools Association;”

(4) in the proposed amendments to the **Science, Technology and Innovation Act, 2013-**

(a) by deleting the proposed amendments to section 5(1);

(b) by deleting the proposed amendments to section 8(1);

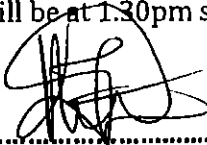
- (c) by deleting the proposed amendments to section 8(4); and
- (d) by deleting the proposed amendments to section 8(5).

**MIN. NO.204/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO.205/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:43 pm. The next meeting will be at 1.30pm same day

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

Date.....  
27/6/2018

**MINUTES OF THE 42<sup>ND</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON FRIDAY 8<sup>TH</sup> JUNE, 2018 IN WINDSOR HOTEL KIAMBU COUNTY AT 2:00 PM**

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**PRESENT**

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
3. Hon. Moses Injendi, MP
4. Hon. (Prof.) Zadoc Ogutu, MP
5. Hon. (Eng.) Nzambia Kithua, MP
6. Hon. Catherine Wambilianga, MP
7. Hon. Eve Obara MBS, MP
8. Hon. Jerusha Momanyi, MP
9. Hon. Oroo Oyioka, MP
10. Hon. Wilson Kogo, MP

**ABSENT WITH APOLOGY**

1. Hon. Omboko Milemba, MP
2. Hon. Geoffrey Odanga, MP
3. Hon. Eric Muchangi, MP
4. Hon. (Dr.) Pamela Ochieng, MP
5. Hon. Jackson Lekumontare, MP
6. Hon. Joseph Tonui, MP
7. Hon. Peter Lochakapong, MP
8. Hon. Lilian Tomitom, MP
9. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Mr. Eric Kanyi - Fiscal Analyst
5. Ms. Annceta Gacheri - Research Officer
6. Mr. Nimrod Ochieng' - Audio Officer

**MIN.NO. 206/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 2.30 pm thereafter followed by prayers.

**MIN.NO. 207/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN.NO. 208/EDUC/2018: CONSIDERATION OF THE REPORT ON THE PROPOSED  
AMENDMENTS IN THE STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) BILLS, 2018  
NATIONAL ASSEMBLY BILL NO. 13.**

Having scrutinized the proposed amendments and taking into consideration the oral and written submissions of the stakeholders on the proposed Amendments in the Statute Law (Miscellaneous Amendments) Bills, 2018 National Assembly Bill No. 13, the Committee recommends as follows: -

**SCHEDULE**

**THAT** the Schedule to the Bill be amended —

In the proposed amendments to the **Technical and Vocational Education and Training Act, 2013-**

- (a) by deleting the proposed amendments to section 2;
- (b) by inserting the expression "(1)" immediately after the expression "s. 46";
- (c) by inserting the following new paragraph immediately after the proposed new paragraph (b a) in the proposed amendments to section 46 –  
"Delete the word "three" appearing in paragraph (d)(iv) and substitute therefor the word "two";
- (d) by deleting the proposed amendments to section 52;
- (e) by deleting the proposed amendments to section 58.

**MIN. NO.209/EDUC/2018: ANY OTHER BUSINESS**

No other business arose

**MIN. NO.210/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 3:30 pm. The next meeting will be held on notice.

Signed.....

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

Date.....

**MINUTES OF THE 43<sup>RD</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON THURSDAY 14<sup>TH</sup> JUNE, 2018 IN NEW DINING ROOM, PARLIAMENT  
BUILDINGS AT 10.00AM**

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**PRESENT**

1. Hon. Julius Melly, MP - **Chairperson**
2. Hon. Amos Kimunya EGH, MP - **Vice Chairperson**
3. Hon. Moses Injendi, MP
4. Hon. Geoffrey Odanga, MP
5. Hon. (Dr.) Pamela Ochieng, MP
6. Hon. (Eng.) Nzambia Kithua, MP
7. Hon. Eric Muchangi, MP
8. Hon. Jackson Lekumontare, MP
9. Hon. Joseph Tonui, MP
10. Hon. Peter Lochakapong, MP
11. Hon. Eve Obara MBS, MP

**ABSENT WITH APOLOGY**

1. Hon. (Prof.) Zadoc Ogutu, MP
2. Hon. Catherine Wambilianga, MP
3. Hon. Omboko Milemba, MP
4. Hon. Jerusha Momanyi, MP
5. Hon. Oroo Oyioka, MP
6. Hon. Wilson Kogo, MP
7. Hon. Lilian Tomitom, MP
8. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Ms. Annceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**MIN.NO. 211/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 10.20 am thereafter followed by prayers.

**MIN.NO. 212/EDUC/2018: CONFIRMATION OF MINUTES**

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

**MIN.NO. 213/EDUC/2018: CONSIDERATION OF THE REPORT ON THE PROPOSED  
AMENDMENTS IN THE STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) BILLS, 2018  
NATIONAL ASSEMBLY BILL NO. 13.**

Having scrutinized the proposed amendments and taking into consideration the oral and written submissions of the stakeholders on the proposed Amendments in the Statute Law (Miscellaneous Amendments) Bills, 2018 National Assembly Bill No. 13, the Committee recommends as follows: -

**SCHEDULE**

**THAT** the Schedule to the Bill be amended —

In the proposed amendments to the **Technical and Vocational Education and Training Act, 2013-**

- (a) by deleting the proposed amendments to section 2;
- (b) by inserting the expression “(1)” immediately after the expression “s. 46”;
- (c) by inserting the following new paragraph immediately after the proposed new paragraph (b a) in the proposed amendments to section 46 –  
“Delete the word “three” appearing in paragraph (d)(iv) and substitute therefor the word “two”;
- (d) by deleting the proposed amendments to section 52;
- (e) by deleting the proposed amendments to section 58.

**The Report on the Proposed Amendments in the Statute Law (Miscellaneous Amendments) Bills, 2018 National Assembly Bill No. 13 was unanimously adopted by the Committee having been proposed and seconded by Hon. Eric Muchangi, MP and Hon. Eric Muchangi, MP respectively.**

**MIN.NO. 214/EDUC/2018: CONSIDERATION OF THE REPORT ON THE PROPOSED  
AMENDMENTS IN THE STATUTE LAW  
(MISCELLANEOUS AMENDMENTS) NATIONAL  
ASSEMBLY BILL NO. 12**

The deliberated on the proposed amendment to the Universities Act Section 39 (3) on selection and the term of office of the Vice Chancellor and recommended as follows:

- (1) in the proposed amendments to the **Universities Act, 2012—**
- (a) by deleting the words “in consultation with the Cabinet Secretary, after a competitive process conducted by the Public Service Commission” appearing immediately after the word “Colleges” in the proposed amendments to section 35 (1) (a)(v) and substituting therefor the words “in the manner provided in the Fourth Schedule”;
- (b) by deleting the proposed amendments to section 39 (3) and substituting therefor the following new subsection –  
“(3) The Vice-Chancellor of a public university shall hold office for a term of three years and shall be eligible for one final term, upon satisfactory performance, as evaluated by the Council”.

*Justification: Longer terms of the vice chancellor may breed slackness and familiarity*

In the proposed amendments to section 5 (2) of the **Kenya Institute of Curriculum Development Act, 2013** by deleting the proposed amendments to paragraph (f)(ii) and substituting the following new paragraph –

“(f)(ii) one person to represent the Kenya Private Schools Association;”

*Justification: Private schools are an integral part of the basic education system in Kenya. There is thus need to have their representative in the Council of the Kenya Institute of Curriculum Development so that their views can be considered and they can also enrich the resolutions of the Council.*

**The Committee considered the report on proposed amendments in the Statute Law (Miscellaneous amendments) National Assembly Bill No. 12 and adopted the report having been proposed by Hon. Moses Injendi, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.**

**MIN.NO. 214/EDUC/2018: CONSIDERATION OF THE REPORT ON THE CONFERENCE ON THE CICan TVET HELD IN VICTORIA, BRITISH COLUMBIA, CANADA, FROM APRIL 27 -MAY 1, 2018**

The Committee considered the Report on the The CICan TVET Conference in held in Victoria, British Columbia, Canada from April 27 – May 1, 2018 and unanimously adopted having been proposed by Hon. Eve Obara, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Consideration of the foreign visit reports to Fiji and London were deferred to the next sitting.

**MIN.NO. 215/EDUC/2018: FOREIGN VISIT TO THE REPUBLIC OF SOUTH KOREA**

The Committee was informed that an invitation to attend a conference in the Republic of South Korea is being awaited and once it is received members who have not previously travelled with the Committee will be considered for nomination. The Secretariat was tasked to make a follow up of the invitation.

**MIN. NO.216/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO.217/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 3:30 pm. The next meeting will be held on notice.

Signed.....

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

Date.....



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**MINUTES OF THE 44<sup>TH</sup> SITTING OF THE COMMITTEE ON EDUCATION & RESEARCH  
HELD ON TUESDAY 19<sup>TH</sup> JUNE, 2018 IN 5<sup>TH</sup> FLOOR BOARDROOM CONTINENTAL  
HOUSE, PARLIAMENT BUILDINGS AT 10.00AM**

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**PRESENT**

1. Hon. Amos Kimunya EGH, MP - Vice Chairperson/Chairing
2. Hon. Moses Injendi, MP
3. Hon. (Dr.) Pamela Ochieng, MP
4. Hon. (Eng.) Nzambia Kithua, MP
5. Hon. Jerusha Momanyi, MP
6. Hon. Oroo Oyioka, MP
7. Hon. Eric Muchangi, MP
8. Hon. Jackson Lekumontare, MP
9. Hon. Joseph Tonui, MP

**ABSENT WITH APOLOGY**

1. Hon. Julius Melly, MP - Chairperson
2. Hon. Geoffrey Odanga, MP
3. Hon. (Prof.) Zadoc Ogutu, MP
4. Hon. Eve Obara MBS, MP
5. Hon. Catherine Wambilianga, MP
6. Hon. Omboko Milemba, MP
7. Hon. Wilson Kogo, MP
8. Hon. Lilian Tomitom, MP
9. Hon. Peter Lochakapong, MP
10. Hon. Wilson Sossion, MP

**NATIONAL ASSEMBLY SECRETARIAT**

1. Mr. Daniel Mutunga - Principal Clerk Assistant I
2. Mr. Philip Lekarkar - Clerk Assistant III
3. Ms. Emma Esendi - Legal Counsel
4. Ms. Annceta Gacheri - Research Officer
5. Mr. Nimrod Ochieng' - Audio Officer

**MIN.NO. 218/EDUC/2018: PRELIMINARIES**

The Chair called the meeting to order at 10.20 am thereafter followed by prayers.

**MIN.NO. 219/EDUC/2018: CONFIRMATION OF MINUTES**

Minutes of the previous sitting were confirmed as follows:

Minutes of the 39<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Jerusha Momanyi, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

Minutes of the 40<sup>th</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Oroo Oyioka, MP and seconded by Hon. (Dr.) Pamela Ochieng, MP.

Minutes of the 41<sup>st</sup> Sitting were confirmed as true record of the of the proceedings having been proposed by Hon. Oroo Oyioka, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

**MIN.NO. 220/EDUC/2018: CONSIDERATION OF THE REPORT ON THE MEETING TO ADDRESS THE OPERATIONS OF BRIDGE INTERNATIONAL ACADEMIES HELD ON 2<sup>ND</sup> -6<sup>TH</sup> JUNE 2018 IN LONDON, UNITED KINGDOM**

The Committee considered the Report on the Meeting to Address the Operations of Bridge International Academies held on 2<sup>nd</sup> - 6<sup>th</sup> June 2018 in London, United Kingdom.

**Committee Observation**

The Committee observed that the various concerns raised by Education International regarding operations of Bridge Academies as captured in the report were serious in view of the ongoing agenda of ensuring that quality education is delivered to all. If the concerns were factual, then the quality of Education being offered in these schools may not be up to standard.

**Committee Recommendation**

The Committee recommended that the Sub-Committee Basic Education to delve deeper into to the issues regarding the operations of these schools which were identified as curriculum offered, school infrastructure and teaching staff.

The Report was unanimously adopted having been proposed by Hon. Eric Muchangi, MP and seconded by Hon. (Eng.) Nzambia Kithua, MP.

**MIN.NO.222/EDUC/2018: REPORT ON 20<sup>TH</sup> CONFERENCE OF COMMONWEALTH EDUCATION MINISTERS (20CCEM)**

The Committee was taken through the Report on 20<sup>th</sup> Conference of Commonwealth Education Ministers (20 CCEM) and having considered it, the Committee recommended inclusion of the Committees observations and Recommendations in addition to the resolutions.

The Report was adopted having been proposed by Hon. Jerusha Momanyi, MP and seconded by Hon. Oroo Oyioka, MP.

**MIN.NO.222/EDUC/2018: REPORT ON THE PETITION BY THE UNIVERSITIES ACADEMIC STAFF UNION ON THE COLLECTIVE 2010-2017 & 2017 -2021 BARGAINING AGREEMETS AND REPORT ON PROPOSED AMENDMENT TO THE UNIVERSITIES ACT, 2016 BY MR. JOHN WANGAI.**

The Committee considered the two reports and proposed additional observations and recommendations need to be included in the two reports for adoption. The Sub-

Committee on University Education will re-submit the report to the main Committee for adoption after confirmation of its minutes.

**MIN. NO.223/EDUC/2018: ANY OTHER BUSINESS**

No other business arose.

**MIN. NO.224/EDUC/2018: ADJOURNMENT**

There being no other business the meeting was adjourned at 12:30 pm. The next meeting will be held on Thursday 21<sup>st</sup> June, 2018 at 10.00am.

Signed.....

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

Date.....

