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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – THIRD SESSION – 2024


PARLIAMENT  
OF KENYA  
LIBRARY

DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON:

THE LEARNERS WITH DISABILITIES BILL (SENATE BILL NO. 4 OF 2023)

CLERKS CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
DATE: <b>05 DEC 2024</b>	DAY: <b>Thursday</b>
TABLED BY:	Hon. Malu Injochi (Vice Chairman, Education Committee)
CLERK-AT THE TABLE:	Anastacia

NAIROBI

DECEMBER 2024

NATIONAL ASSEMBLY  
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## **LIST OF ABBREVIATIONS AND ACRONYMS**

<b>AIDS</b>	-	<b>Acquired Immunodeficiency Syndrome</b>
<b>EARCs</b>	-	<b>Educational Assessment and Resource Centres</b>
<b>HIV</b>	-	<b>Human Immunodeficiency Virus</b>
<b>KPO</b>	-	<b>Kenyan Paraplegic Organization</b>
<b>MVC</b>	-	<b>Marginalized and Vulnerable Children</b>
<b>ODM</b>	-	<b>Orange Democratic Movement</b>
<b>UDA</b>	-	<b>United Democratic Alliance</b>

## **LIST OF ANNEXURES**

1. Report adoption Schedule
2. Minutes
3. Copy of the newspaper advertisement on public participation
4. Letter inviting stakeholders for meetings with the Committee
5. Stakeholder submission

## **CHAIRPERSON'S FOREWORD**

This report contains proceedings of the Departmental Committee on Education on its consideration of the Learners with Disabilities Bill (*Senate Bill No. 4 of 2023*) which was submitted to the National Assembly on 26<sup>th</sup> October, 2023 pursuant to the provisions of the Senate's Standing Order No. 161.

The Bill was read a First time on 7<sup>th</sup> November, 2023 and thereafter committed to the Departmental Committee on Education for consideration and reporting to the House pursuant to the provision of Standing Order 127.

The Bill has forty six (46) clauses and seeks to provide for education of learners with disabilities, for the conduct of educational institutions for learners with disabilities and for connected purposes.

Following placement of advertisements in the print media on 10<sup>th</sup> November 2023 seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee received memoranda from one stakeholder, the National Disabilities Forum.

Further, in considering the Bill the Committee held a total of three meetings to receive and consider submissions.

The Committee having considered the Bill clause by clause and taking into consideration views and recommendations of the stakeholders pursuant to Standing Order 127(3A) made observations and recommendations contained in section 4.0 and 5.0 of this Report.

### **Acknowledgement**

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

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education on its consideration of the Learners with Disabilities Bill (*Senate Bill No. 4 of 2023*).

**HON. JULIUS K. MELLY, CBS, M.P.**  
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION**

## PART ONE

### 1 PREFACE

#### 1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Education and Research was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly Standing Orders. Pursuant to the Standing Order 216 (5) read together with the Second Schedule to the Standing Orders, the functions of the Committee are to: -
  - (i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the Ministry of Education;
  - (ii) study the programme and policy objectives of Ministry and the Departments of the Ministry, 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 relevant Ministry as measured by the results obtained as compared with their stated objectives and,
  - (v) investigate and inquire into all matters relating to the as may be necessary, and as may be referred to the Committee by the House;
  - (vi) to vet and report on all appointments where the Constitution or any law requires the National Assembly and by extension, the Committee to approve;
  - (vii) make reports and recommendations relating to the functions of the relevant Ministry to the House as often as possible, including recommendation of proposed legislation;
  - (viii) make recommendations to the House as often as possible, including recommendation of proposes legislation;
  - (ix) consider reports of the relevant 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 the mandate of the Committee.

#### 1.2 Subjects

2. The Committee, according to the Second Schedule of the Standing Orders, examines the following subjects:
  - i) Education;
  - ii) Training; and
  - iii) Research.
3. The Committee oversees the following government entities: -
  - (a) Ministry of Education comprising the following State Departments:
    - (i) State Department for Early Learning and Basic Education
    - (ii) State Department for University Education
    - (iii) State Department for Vocational and Technical Training
    - (iv) State Department for Post Training and Skills Development
    - (v) State Department for Implementation of Curriculum Reforms
  - (b) The Teachers Service Commission.

### **Committee Membership**

4. The Committee comprises of the following Members: -

**1. Hon. Julius Kibiwott Melly, CBS, MP**

Chairperson  
Tinderet Constituency  
UDA

**2. Hon. Moses Malulu Injendi, MP**

Vice Chairperson  
Malava Constituency  
ANC

**3.Hon. Dr. Christine Ombaka, MP**

Siaya County  
ODM

**10.Hon Julius Taitumu M'Anaiba, MP**

Igembe North Constituency  
UDA

**4.Hon. Eve Akinyi Obara, MP**

Kabondo Kasipul Constituency  
ODM

**11.Hon. Nabii Nabwera Daraja, MP**

Lugari Constituency  
ODM

**5.Hon. Jerusha Mongina Momanyi, MP**

Nyamira County  
JP

**12.Hon. Peter Ochieng Orero, MP**

Kibra Constituency  
ODM

**6.Hon. Abdul Ebrahim Haro, MP**

Mandera South Constituency  
UDA

**13.Hon. (Prof.) Phylis Jepkemoi Bartoo**

Moiben Constituency  
UDA

**7.Hon. Anne Muratha, MP**

Kiambu County  
UDA

**14.Hon. Rebecca Noonaiishi Tonkei, MP**

Narok County  
UDA

**8.Hon. Clive Gisairo, MP**

Kitutu Masaba, Constituency  
ODM

**15. Hon. Timothy Toroitich, MP**

Marakwet West Constituency,  
IND

**9.Hon. Dick Oyugi Maungu, MP**

Luanda Constituency  
DAP-K

#### **1.4 Committee Secretariat**

5. The Committee secretariat comprise of: -

**Mr. Mohamed Boru  
First Clerk Assistant**

**Mr. Clive Onyancha  
Clerk Assistant II**

**Mr Eric Kanyi  
Fiscal Analyst II**

**Ms. Fiona Wanjiru  
Legal Counsel**

**Dr. Mburu Maina  
Research Officer III**

**Mr. Jared Onyancha  
Public Relations Officer III**

**Mr. Richard Sang  
Serjeant-At-Arms**

**Mr. Nimrod Ochieng'  
Audio Recording Officer**

**Ms Pauline Njuguna  
Hansard Officer II**



## PART TWO

### 2 BACKGROUND OF SPECIAL NEEDS EDUCATION IN KENYA

#### 2.1 INTRODUCTION

6. Approximately 1.7 million people in Kenya live with disability with only 39% of this population having attended a mainstream primary school and a mere 9% having attended high school (National Council for Population and Development (2008). In Kenya special needs education is provided in special schools, integrated units and in inclusive settings in regular schools. The Ministry of Education (MoE) reported that in 1999 only 22,000 learners with special needs enrolled in schools with the number increasing to 26,885 in 2003 and 45,000 in 2008. This however compares poorly with the proportion of their regular peers considering that the total population of pupils in 2008 stood at 8,563,821.
7. It is worth noting that despite the reintroduction of Free Primary Education in 2003, about 1 million children of school going age were still out of school. These children include Marginalized and Vulnerable Children (MVC), such as those with special needs, those affected by HIV and AIDS, as well as those in urban slums.

#### 2.2 EFFORTS TO IMPROVE SPECIAL NEEDS EDUCATION BY THE GOVERNMENT OF KENYA

8. There have been several attempts at formulating policy on Special Needs Education by the Government of Kenya.
9. The Committee on Care and Rehabilitation of the Disabled chaired by Ngala Mwendwa (1964) came up with recommendations which resulted in the formulation of Sessional Paper No. 5 of 1968
10. The National Education Commission on Education Objectives and Policies (Gachathi Report, 1976), recommended, among other measures, that there should be coordination of early intervention and assessment of children with special needs. The Report further recommended that public should be made aware of the causes of disabilities to promote prevention and increased research to determine the nature and extent of handicaps. In order to provide SNE, the Report recommended that Early Childhood Development Education programs to be established as part of special schools and a policy for integrating learners with special needs to be developed;
11. The Presidential Working Committee on Education and Training for the next Decade and Beyond (Kamunge Report, 1988) emphasized the deployment of SNE inspectors at the district level.
12. The Totally Integrated Quality Education and Training Taskforce (Koech Report, 1999) recognized the lack of a comprehensive SNE policy or legal framework on SNE and recommended the establishment of a national special education advisory board.
13. The Task Force on Special Needs Education (Kochung Report, 2003) recommended that there should be training and in-service programs for teachers of children with special needs. The Report also recommended for strengthening of Educational Assessment and Resource Centres (EARCs) through

increased equipping and budgetary allocation. Further, it recommended a special needs national survey carried to determine the population of special needs children in and out of school and have an inventory of assistive devices and equipment available in schools.

14. The Presidential Working Party on Education Reforms (Munavu, 2023) acknowledged existing frameworks such as the Persons with Disabilities Bill (2023) and the Children Act (2022), commending them for addressing the educational rights of learners with disabilities. It recommended that these legal frameworks be fully implemented and mainstreamed into Kenya's education system to ensure equitable access for all learners.

### **2.3 CURRENT SITUATION AND KEY CHALLENGES**

15. Despite ongoing policy efforts and interventions, the state of Special Needs Education in Kenya remains a mix of progress and persistent challenges. The lack of funding, trained personnel, inclusive facilities, and cultural awareness continues to limit access to quality education for children with disabilities. Addressing these challenges through comprehensive policy reforms, increased funding, specialized training, and community awareness initiatives is essential to building an inclusive education system that leaves no child behind.

## PART THREE

### 3 OVERVIEW OF THE LEARNERS WITH DISABILITIES BILL (*SENATE BILL NO. 4 OF 2023*)

#### 3.1 INTRODUCTION

16. The Bill has forty-six (46) clauses and seeks to provide for education of learners with disabilities; for the conduct of educational institutions for learners with disabilities and for connected purposes.

#### 3.2 REVIEW OF THE BILL

##### **Part I: Preliminary**

17. Clause 1 provides for the short title of the Bill.
18. Clause 2 provides for definition of terms used in the Bill.
19. Clause 3 sets out the objectives of the Act which includes the provision of a framework for the realization of the right to education for learners with disabilities, establishment of a comprehensive education system for the provision of education to learners with disabilities and ensure equal access to education for learners with disabilities among others.
20. Clause 4 provides for the principles in performing duties under the Act.

##### **Part II: Rights and Responsibilities**

21. Clause 5 provides that learners with disability will be entitled to access to quality education and information through use of Kenya sign language, braille and other medium of instruction. As well as provision of access to facilities, free basic education, equal access to play, recreation and equal treatment with other learners.
22. Clause 6 provides responsibility of parents or guardians of learners with disability are mandated to ensure that these learners are admitted in school and they attend school regularly. Failure to fulfil the obligation, the parent or guardian shall be liable on conviction, to a warning in the first instance and a fine not exceeding five thousand shillings for any subsequent offence.
23. Clause 7 provides for the National and County Government shall be responsible for promoting the development and implementation of education for learners with disability. The Cabinet Secretary for Education is obligated to put in place measures and develop a national strategy for the fulfilment of this obligation. In doing so, the Cabinet Secretary shall cooperate with the County Governments.
24. Clause 8 mandates the County Governments to ensure the implementation and effective and efficient delivery of special needs education in learning institutions falling within their mandate under the Constitution.

##### **Part III: Registration and Management of Special Needs Education Institutions**

25. Clause 9 mandates the county executive member responsible for education to keep a register of special needs educational institutions and the members of public may inspect the register and obtain a copy of, or an extract from the register upon payment of prescribed fee.

26. Clause 10 requires the registration of any person offering special needs education services or establishment or maintenance of a special needs educational institution unless such person is registered in accordance with the Basic Education Act, the Technical and Vocational Education and Training Act and the Universities Act.
27. Clause 11 provides for the procedure of deregistration and closure of special needs educational institutions.
28. Clause 12 provides for the procedure of admission of a learner with disability in an early childhood education or technical and vocational training centres, which includes an assessment by a licensed medical practitioner or an educational assessment centre to determine the nature and the severity of the disabilities to enable appropriate educational placement
29. Clause 13 provides for the constitution of the board of management of an educational institution for learners with disabilities.
30. Clause 14 provides for the functions of the board of management.
31. Clause 15 mandates the educational institution to establish a parents and guardians association to assist the board of management by, among others, advising the board on matters relating to the welfare of learners and staff at the institution.
32. Clause 16 requires the County Education Board to ensure provision of resources or facilities required for the delivery of education to learners with disabilities where the resources are not available.
33. Clause 17 provides for the facilities in institutions providing for special needs education. It further provides for delegated authority, that the Cabinet Secretary shall prescribe the architectural and building standards in the construction of education facilities for learners with disabilities.
34. Clause 18 mandates the Cabinet Secretary or a County Education Board to arrange the provision of special education outside of an educational institution where they are satisfied that such education institution is not appropriate for them.
35. Clause 19 provides the qualifications for a person to be registered as a special service provider and mandates the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.

#### **Part IV: Identification and Assessment of Children with Disabilities**

36. Clause 20 obligates the County Education Board to keep a register of all learners receiving domestic, medical, institutional or other special education services outside of regular school programmes as well as, special needs learners who are not receiving special education services.
37. Clause 21 gives the County Education Board the mandate to examine children attending an educational institution within its area of jurisdiction for the identification of children with disabilities.

38. Clause 22 provides that where a County Education Board may identify a child with special needs within its jurisdiction, they shall inform the child or guardian of the child of their intent to assess the learner and determine a suitable educational provision.

#### **Part V: Institutional Management of Special Needs Education**

39. Clause 23 establishes the Special Needs Education Advisory Board, its composition and functions.
40. Clause 24 provides for the establishment of the special needs education resource centre in every county by the Cabinet Secretary, provides for its purpose and functions.
41. Clause 25 mandates the Cabinet Secretary to ensure the provision of adequate infrastructure, facilities, amenities and transport to school for learners with disabilities in special needs schools.
42. Clause 26 gives the Cabinet Secretary power to establish a unit for development, production, procurement and distribution of special equipment, material, supplies and devices for use in the education of learners with special educational needs.
43. Clause 27 requires the Cabinet Secretary to create mechanisms for the co-ordination of the activities of County Education Boards to enable the fulfilment of their functions.
44. Clause 28 mandates the special needs education institution to ensure that the non-teaching staffs are qualified in their area of specialty.

#### **Part VI: Development and Financing of Special Needs Education**

45. Clause 29 requires the Cabinet Secretary to ensure equitable funding of registered educational institutions so as to ensure the proper exercise of the rights of learners with disabilities to education and the redress of fast inequalities in the promotion of education.
46. Clause 30 mandates the Cabinet Secretary to determine the funding procedures, provisions and minimum standards of the funding or provision of subsidies to special educational institutions and the proportion of the budget to be allocated between public and private special educational institutions. The Cabinet Secretary may terminate or reduce the funding or subsidy for failure to comply with conditions attached to the funding.
47. Clause 31 mandates the governing body of educational institution to take measures to supplement the funding in order to improve the quality of education provided by the institution.
48. Clause 32 obligates the governing body of an educational institution to keep financial records and statements.
49. Clause 33 provides for disqualification of private educational institution from receiving funding for failing to comply with guidelines set out by the Cabinet Secretary.
50. Clause 34 delegates legislative authority to the Cabinet Secretary to issue guidelines for the levying of fees for learners with disabilities attending or intending to attend by universities and other tertiary education institutions.

#### **Part VII: Quality Assurance and Standards of Special Needs Education**

31. Clause 35 obligates the Cabinet Secretary to appoint officers to ensure quality assurance in special needs education.
32. Clause 36 mandates the county executive committee member to ensure that special needs education is delivered as per the standards prescribed by the Cabinet Secretary or county legislation. In doing so, the member shall collaborate with the County Education Board, the Education Standards and Quality Assurance Council established under section 64 of the Basic Education Act and the Technical and Vocational Educational and Training Authority.

#### **Part VIII: Miscellaneous Provisions**

33. Clause 37 provides that the principal manager or head of an educational institution may require a person attending or applying for admission to undergo an assessment by a licensed medical practitioner or an educational assessment centre to determine the nature and the severity of the disabilities and assign appropriate education statement.
34. Clause 38 gives special educational institution established on Government land including land held in trust by Counties the right to occupy and use the land for educational purpose without interference
35. Clause 39 prohibits the alienation of land occupied by a public special education institution without prior approval of the Cabinet Secretary.
36. Clause 40 gives individuals power to establish private education institution.
37. The Cabinet Secretary is empowered by Clause 42 to enter into an agreement with the governing body of a private education institution or research or training centre for it to be eligible to receive funding or be declared as a public special education institution.
38. Clause 43 provides for the application for registration of a learner with disability to receive home based education and which application shall be made to the Cabinet Secretary.
39. Clause 43 provides for application of Government Funding for purposes of education of learners with disabilities or the furnishing of transportation
40. Clause 44 gives the Cabinet Secretary powers to make delegated legislation.
41. Clause 45 makes it an offense to, among others, manage and maintain unregistered special education institution and hinder or obstruct an officer in the performance of his duty

#### **Part IX: Provisions on Delegated Powers**

42. The Bill once enacted, would give the Cabinet Secretary the power to create subsidiary legislation that would affect all educational facilities in order to accommodate learners with disabilities.

#### **Part IX: Statement on How the Bill Concerns County Governments**

43. As per paragraph 9 of Part Two of the Fourth Schedule of the Constitution, pre-primary education, village polytechnics and home craft centres are educational institutions within the function of the county governments. This Bill concerns learners with disabilities within all educational institutions and as such it concerns the county governments.

## PART FOUR

### 4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

#### 4.1 NATIONAL DISABILITIES FORUM

44. Following the call for memoranda from the public through the placement of adverts in the print media on 10<sup>th</sup> November 2023 and vide a letter REF: NA/DDC/ EDUC/2024/ (055) dated 15<sup>th</sup> September 2024 inviting stakeholders for a meeting, the Committee received memoranda from the National Disability Forum
45. In a meeting with the Committee held on Thursday, 26<sup>th</sup> September 2024, National Disabilities Forum proposed amendments to the Learners with Disabilities Bill. The Forum is an umbrella group that brings together various organizations working to improve the livelihoods of people living with disabilities in Kenya.
46. The member organizations of the Forum include United Disabled Persons of Kenya, Sight of Relief, Kiambu Disability Network, University and college students with Special Needs Association of Kenya, Women Challenged to challenge, Action for Children with Disability; Kenyan Paraplegic Organization (KPO), Kenya National Deaf Association, Deaf Empowerment Kenya and the Stammering Association of Kenya.
47. The National Disabilities Forum proposed the following amendments to the Learners with Disabilities Bill (2022):

CLAUSE	ANALYSIS OF THE BILL	STAKEHOLDER COMMENTS	COMMITTEE OBSERVATION/RESOLUTION
Clause 3	This clause sets out the objectives of the Act which includes the provision of a framework for the realization of the right to education for learners with disabilities, establishment of a comprehensive education system for the provision of education to learners with disabilities and ensure equal access	<p>1. To provide for a definition of the words “comprehensive education” used in clause 3(b).</p> <p><b>Justification</b> To ensure clarity.</p> <p><b>Recommendation</b> “Comprehensive education” means a system of education comprising primary, secondary, university or tertiary education.</p>	<b>The Committee is in agreement with the proposed amendment to define comprehensive education, particularly in outlining the scope of this Act. Therefore, we propose amending Clause 2 to include a definition of comprehensive education.</b>

	to education for learners with disabilities among others.		
Clause 4	The effect of this clause is to provide that learners with disability will be entitled to access to quality education and information through use of Kenya sign language, braille and other medium of instruction. As well as provision of access to facilities, free basic education, equal access to play, recreation and equal treatment with other learners.	<p>1. Amendments to various sub-clauses including—</p> <p>(c) to include “teachers’ aides”</p> <p>(e) to include admission, on application to any public institution of learning and access to an inclusive, quality and free basic education on an equal basis with others.</p> <p>2. Provide a definition for inclusive education and limit the use of special education.</p>	<p>i. <b>The Committee proposes the amendment of the sub-clauses to include provisions for teacher aides, which will enhance the education of learners with disabilities and ensure their admission to public institutions.</b></p> <p>ii. <b>The Committee is in agreement with the proposal to define 'inclusive education,' as emphasized in the 2017 Report on the Basic Education Curriculum Framework by the Kenya Institute of Curriculum Development.</b></p>
Clause 5	The effect of this clause is to provide for the National and County Government shall be responsible for promoting the development and implementation of education for learners	<p>1. Amend by including sub-clause (w)</p> <p>“Ensure certification of learners with disabilities at exit on various stages of education cognizant to their capabilities” including time committed that shall not be limited to exit exams.”</p>	<b>The Committee rejected the proposed amendment since the modes of transition between different levels of education is sufficiently addressed in subparagraphs (j), (r), and (t) of the Bill.</b>



	with disability. The Cabinet Secretary for Education is obligated to put in place measures and develop a national strategy for the fulfilment of this obligation. In doing so, the Cabinet Secretary shall cooperate with the County Governments.		
Clause 7	The effect of this clause is that the County Governments have a duty to ensure the implementation and effective and efficient delivery of special needs education in learning institutions falling within their mandate under the Constitution. The county executive committee member responsible for education shall put in place measures, policies, programs and infrastructure to	1. Amendment in clause 8 – “(h) ensure that every education centre under the mandate of the county has proportional teachers and teaching assistants who are able to assist learners with disabilities”  (m) “legislate on other laws that are appropriate to promote inclusive education”	<b>The Committee concurred with the proposed amendment which aims to ensure that every educational centre is adequately equipped with sufficient resources and staffed with qualified teachers and professionals.</b>  <b>The Committee rejected the proposed amendment. Paragraph 16 of Part 1 of the Fourth Schedule to the Constitution designates the role of the National Government to include special education and special education institutions. This implies that laws governing this sector are to be enacted by Parliament at the national level.</b>

	ensure the fulfillment of this mandate. They member shall cooperate with the Cabinet Secretary to ensure coordinated approach in facilitating access to, and delivery of, education for learners with disabilities.		
Clause 8	The effect of this clause is that the county executive member responsible for education shall keep a register of special needs educational institutions and the members of public may inspect the register and obtain a copy of, or an extract from the register upon payment of prescribed fee.	<p>1. Amend clause 9(1)(a) Public educational institutions that provide inclusive education.</p> <p>2. Amend clause 9(2) to read  “Any person may inspect the register and obtain a copy of, or, an extract from the register commensurate to data protection laws, and upon payment of such fee as the county may prescribe.”</p>	<p><b>We note that the term 'person with disabilities' is constitutionally recognized, as per Article 54, to refer to any individual with a disability. Therefore, 'institutions that provide education for learners with disabilities' aligns with this constitutional terminology.</b></p> <p><b>The data protection Act, CAP 411C automatically applies as per section 4 of the Act which provides for the mechanism of handling personal data. The Committee therefore rejected the proposal.</b></p>

Clause 9	This clause provides for the procedure of deregistration and closure of special needs educational institutions.	1. Amend clause by including – “ (a) Provide a redress mechanism whereby such an institution is under deregistration or closure process.”	<b>The proposed amendment is in line with the principles of justice enshrined under Article 50 of the Constitution. The Committee therefore approved the amendment.</b>
Clause 19	This clause provides the qualifications for a person to be registered as a special service provider and mandates the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.  It further provides an appeal mechanism where one is aggrieved by the refusal of the Board to register them.	1. Amend the words “unsound mind” sub-clause (4)(c) in line with the Convention of the Rights of Persons with Disabilities (CRPD).  <b>Justification</b> Persons with mental health conditions who have legal and mental capacity should not be excluded from providing services.	<b>The Committee rejected the proposed amendment noting that the term 'unsound mind' is defined as not being mentally well, according to Black's Law Dictionary, Ninth Edition.</b>  <b>Sub-clause 4 outlines the grounds for disqualification from registration as a special service provider. This provision is designed to safeguard the welfare of learners with disabilities, by excluding persons declared of unsound mind.</b>  <b>The Committee proposes an amendment to sub-clause 3 to replace the pronoun 'he' and</b>

	It provides for delegated authority to the Cabinet Secretary, to provide other qualifications that they may consider necessary for one to practice as a special service provider.		<b>propose amending it to 'they' for gender neutrality.</b>
Clause 28	The clause mandates the special needs education institution to ensure that the non-teaching staffs are qualified in their area of specialty.		<b>This clause concludes by requiring that non-teaching professional staff be properly qualified in their respective areas. However, this provision is ambiguous.</b>  <b>The Committee therefore proposes an amendment to specify that qualifications should be in 'the care of children with special needs.</b>
Clause 30	The Cabinet Secretary is mandated to determine the funding procedures, provisions and minimum standards of the funding or provision of subsidies to special educational institutions and the proportion of the budget to be allocated		<b>The Committee observed that this provision contradicts the principles of justice, envisioned in the Constitution which affords an aggrieved person the right to appeal unfavourable decisions. Specifically, it requires the aggrieved person to appeal to the same authority that made the unfavourable decision, as observed in sub-clauses 1 and 4 and no further recourse to have</b>

	<p>between public and private special educational institutions. The Cabinet Secretary may terminate or reduce the funding or subsidy for failure to comply with conditions attached to the funding.</p> <p>This clause also provides for an appeals mechanism where a board of management is dissatisfied with the decision of the Cabinet Secretary to terminate or reduce funding or subsidy under this provision.</p>		<p><b>such decision appealed or reviewed by a court of competent jurisdiction.</b></p>
Clause 44	<p>The clause gives the Cabinet Secretary powers to make delegated legislation.</p>		<p><b>We note that this is contrary to Article 94(6) of the Constitution which states that—</b></p> <p><i>“An Act of Parliament, or legislation of a county, that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya, as contemplated in clause (5), shall expressly specify the</i></p>

		<p><i>purpose and objectives for which that authority is conferred, the limits of the authority, the nature and scope of the law that may be made, and the principles and standards applicable to the law made under the authority.”</i></p> <p><b>This clause does not comply with the requirements of Article 94(6) as it is open-ended and ambiguous.</b></p> <p><b>The Committee notes that this clause should house the delegated legislation powers given to the Cabinet Secretary, as a Part IX on Delegated Legislation, provided in other sections of the Bill, such as, clause 13 and 34.</b></p>
Clause 45	<p>The clause makes it an offense to, among others, manage and maintain unregistered special education institution and hinder or obstruct an officer in the performance of his duty</p>	<p><b>The Committee notes that the penalty is not a sufficient deterrent for individuals operating an unregistered special education institution. While no offense is intended, the current penalty provisions appear to be inadequately drafted.</b></p>

## **PART FIVE**

### **COMMITTEE RECOMMENDATION**

The Committee, having considered the Learners with Disabilities (*Senate Bill No 4 of 2023*) and the submissions from stakeholders, recommends that the House approves the Bill with amendments contained in the Schedule of Amendments forming part six.

## PART VI

### 6.0 SCHEDULE OF AMENDMENTS

The Committee proposed the following amendments to the Bill—

#### CLAUSE 4

**THAT** Clause 4 of the Bill is amended by inserting the following new subsection —

“(j) the progressive implementation of support for special needs education, with a transition to include secondary and tertiary levels.”

#### Justification

The proposed new subsection will facilitate the progressive overhaul of the entire education system, ensuring inclusive education as is envisioned in Article 24 of the Convention on the Rights of Persons with Disabilities (2006) and as supported by the UNESCO Policy Guidelines on Inclusion in Education (2009).

#### CLAUSE 5

**THAT** Clause 5 of the Bill is amended—

- (a) in subclause (c) by inserting the words “teachers’ aides” immediately after the word “braille”;
- (b) in subclause (e) to include admission, on application to any public institution of learning and access to an inclusive, quality and free basic education on an equal basis with others.

#### Justification

The proposed amendment to include teachers’ aides will enhance the education of learners with disabilities.

#### CLAUSE 8

**THAT** Clause 8 of the Bill is amended by deleting the words “at least one teacher who is” and inserting the words “proportional teachers and teaching assistants who are” appearing in sub-clause (h).

#### Justification

The proposed amendment to ensure that every educational centre is sufficiently staffed with qualified teachers and professionals.

#### CLAUSE 11

**THAT** Clause 11 of the Bill is amended by inserting the following new subsection —

“

- (e) appeal the deregistration or closure process with the Cabinet Secretary and where they are further dissatisfied by the decision on appeal, may seek redress from a court of competent jurisdiction.”



**Justification**

This amendment aligns this section with the principles of justice enshrined under Article 50 of the Constitution.

**CLAUSE 28**

**THAT** Clause 28 of the Bill is amended by deleting the words “their special areas” and inserting the words “the care of children with special needs” immediately after the words “properly qualified”.

**Justification**

To provide clarity by specifying that the qualification of staff and any person providing special needs services is qualified to provide care to children with special needs.

**CLAUSE 30**

**THAT** Clause 30 of the Bill be deleted.

**Justification**

That the current provision contradicts the principles of justice, envisioned in the Constitution which affords an aggrieved person the right to appeal unfavourable decisions. Specifically, it requires the aggrieved person to appeal to the same authority that made the unfavourable decision, no further recourse to have such decision appealed or reviewed by a court of competent jurisdiction.

**CLAUSE 44**

**THAT** Clause 44 of the Bill is deleted.

**JUSTIFICATION**

The current provision contradicts Article 94(6) of the Constitution which states that—

*“An Act of Parliament, or legislation of a county, that confers on any State organ, State officer or person the authority to make provision having the force of law in Kenya, as contemplated in clause (5), shall expressly specify the purpose and objectives for which that authority is conferred, the limits of the authority, the nature and scope of the law that may be made, and the principles and standards applicable to the law made under the authority.”*

**Recommendation**


A new part be included in the Bill to provide for the specific areas in which the Cabinet Secretary may make regulations on as per the article 94(6).

**CLAUSE 45**


**THAT** Clause 45 of the Bill is amended by deleting the words “ten thousand shillings or imprisonment for a term of three months” and inserting the words “liable to a fine of not more than five hundred thousand or imprisonment for a term of not more than three years or to both”.


**Justification**

To ensure that the penalty acts as an adequate deterrent for individuals operating an unregistered special education institution.

SIGNED.....  DATE 5/12/2024.....

**HON. JULIUS K. MELLY, MP  
CHAIRPERSON  
DEPARTMENTAL COMMITTEE ON EDUCATION**

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: <b>05 DEC 2024</b>	
DAY: <input type="text"/>	
TABLED BY:	<input type="text"/>
CLERK AT THE TABLE:	<input type="text"/>

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
DATE: <b>05 DEC 2024</b>	
DAY: <input type="text"/>	
TABLED BY:	Hon. Malib Injendi (Vice Chairperson Education Committee)
CLERK AT THE TABLE:	Anastacia

**ANNEX 1:**

**REPORT  
ADOPTION  
SCHEDULE**



REPUBLIC OF KENYA  
THE NATIONAL ASSEMBLY  
13<sup>TH</sup> PARLIAMENT – THIRD SESSION – 2024  
DEPARTMENTAL COMMITTEE ON EDUCATION

ADOPTION SCHEDULE

AGENDA: REPORT ON THE LEARNERS WITH  
DISABILITIES BILL (SENATE BILL NO. 4 OF 2023)

NO.	NAME	SIGNATURE
1.	Hon. Julius Melly, MP Chairperson	
2.	Hon. Malulu Injendi, MP Chairperson	
3.	Hon. Dr. Christine Oduor Ombaka, MP Member	
4.	Hon. Eve Obara, MP Member	
5.	Hon. Jerusha Momanyi, MP Member	
6.	Hon. Abdul Haro, MP Member	
7.	Hon. Anne Muratha, MP Member	
8.	Hon. Clive Gisairo, MP member	
9.	Hon. Dick Maungu MP Member	
10.	Hon. Julius Taitumu M'Anaiba, MP Member	
11.	Hon. Nabii Daraja, MP Member	
12.	Hon Peter Orero, MP Member	
13.	Hon. (Prof.) Phylis Bartoo, MP Member	
14.	Hon. Rebecca Tonkei, MP Member	
15.	Hon. Timothy Toroitich, MP Member	

**ANNEX 2:**

**MINUTES**

**MINUTES OF THE 48<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON THURSDAY, 26<sup>TH</sup> SEPTEMBER, 2024, IN THE COMMITTEE ROOM 22, 5<sup>TH</sup> FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:30 AM.**

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**PRESENT**

1. Hon. Moses Malulu Injendi, M.P. -Vice-Chairperson
2. Hon. Dr. Christine Oduor Ombaka, M.P.
3. Hon. Rebecca Noonaiishi Tonkei, M.P.
4. Hon. Peter Ochieng Orero, M.P.
5. Hon. Clive Ombane Gisairo, M.P.
6. Hon. Dick Maungu Oyugi, M.P.
7. Hon. Nabii Nabwera Daraja, M.P.
8. Hon. Anne Wanjiku Muratha, M.P.
9. Hon. Timothy Kipchumba Toroitich, M.P.

**ABSENT WITH APOLOGIES**

1. Hon. Julius Melly, CBS, M.P. - Chairperson
2. Hon. Eve Obara, MBS, M.P.
3. Hon. Julius Taitumu M'Anaiba, M.P.
4. Hon. Jerusha Momanyi, M.P.
5. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
6. Hon. Abdul Ebrahim Haro, M.P.

**SECRETARIAT**

- |                        |   |                     |
|------------------------|---|---------------------|
| 1. Mr. Mohamed Boru    | - | Clerk Assistant I   |
| 2. Mr. Clive Onyancha  | - | Clerk Assistant III |
| 3. Mr. Maina Mburu     | - | Research Officer    |
| 4. Ms. Fiona Wanjiru   | - | Legal Counsel       |
| 5. Mr. Jared Onyancha  | - | Protocol Officer    |
| 6. Ms. Pauline Njuguna | - | Hansard Officer     |
| 7. Mr. Nimrod Ochieng  | - | Audio Officer       |

**MIN. NO. 260/NA/EDUC/2024: PRELIMINARIES**

The Chairperson called the meeting to order at twenty six minutes past ten o'clock with a prayer by Hon. Moses Malulu Injendi, M.P followed by self-introductions.

**MIN. NO. 261/NA/EDUC/2024: ADOPTION OF AGENDA**

The agenda for the meeting was adopted having been proposed by Hon. Timothy Toroitich, M.P and seconded by Hon. Rebecca Tonkei, M.P.

**MIN. NO. 262/NA/EDUC/2024: SUBMISSION FROM THE NATIONAL DISABILITIES FORUM ON THE LEARNERS WITH DISABILITIES BILL, 2022**

Mr. John Wambua, the Caucus Convener of the National Disabilities Forum accompanied by Mr. Dennis Haya (Chairperson, Students with Disability) appeared before the Committee to present their submissions on the Learners with Disabilities Bill, 2022.

The Committee was taken through the clauses of the Bill with the proposed amendments as follows:

SPECIFIC PART/ARTICLE	RECOMMENDATION	REASON (S)
Article 3, Clause 3b: Provide a framework for the establishment of a <b>comprehensive education system</b> for the provision of education to learners with disabilities.	Provide a definition of the term 'comprehensive education'	The term could have different interpretation
Article 5 clause(a) Rights and Responsibilities: Rights of Learners with Disabilities: Every learner with a disability shall have the right to— (a)access quality education;	Add 'Inclusive ' to the sentence.	To make it specific to learners with diverse disabilities
Article 5 clause (d): access to all school buildings and facilities with ease;	Add the word 'full' access.	In alignment with the use of the word in CRPD
Article 5 clause (h): reasonable accommodation within the institution	Substitute 'special education' with ' inclusive education'	To use the right terminology in light of inclusive education

providing the special education.		
Article 6 clause (2) and (3)	<p>Delete the clauses</p> <p>Section 6 (2) seeks to push the burden of ensuring the learner with disability attends schools to the parent or guardian rather than being the primary duty of the government. It is the primary responsibility of the government to make sure appropriate measures are in place to address the issues preventing parents and guardians from enrolling their children in schools before criminalizing and imposing fines on them.</p>	<p>It is unfair to criminalize the inability of a parent or caregiver to enroll a child with disability in school whereas the school environment is not appropriate, accommodating and accessible to learners with disabilities.</p>
Article 7: Responsibility of the National government.	<p>Clause 7(b) Use the term 'inclusive education' instead of special needs education</p> <p>Clause 7(h) Should be adult and continuing education....</p> <p>Clause 7 (i) Add in the clause.....including in service for teachers and delete the subsequent text</p> <p>Clause 7 (j) add the word <b>Functional Assessments</b> after the word curriculum</p>	



	<p>Clause 7(n) Add the word 'fully' to precede the word 'accessible'.</p> <p>Clause 7 (t) add the word <b>adapted</b> curriculum</p> <p>Clause 7(u) add the word 'diverse' to read 'diverse needs'</p> <p>Clause 7 (w): Rephrase to include "Ensure certification of learners with disabilities at exit on various stages of education cognizant to their capabilities" including time committed that shall not be limited to exit exams.</p>	
<p>Article 8: Responsibility of County Governments</p>	<p>There is no reference to the County's responsibility to provide early intervention services (especially assessment, therapy etc) to children with disabilities.</p> <p>Include provision of early intervention services as one of the responsibilities of the County government and define the structure through which early intervention will be provided (e.g., EARCs) and the human resources required (e.g., Learning Support Assistants) should be specified.</p>	<p>According to The Early Childhood Education Act Part II Section 9 (2) (b), concerning the right to early childhood education for children with special needs, county executive committee members are responsible for ensuring "early identification, assessment and interventions of children."</p>
<p>Article clause 8 (2) (h) ensure that every education centre</p>	<p>Amend the clause to read as follows;</p>	

<p>under the mandate of the county <b>has at least one teacher</b> who is able to assist learners with disabilities;</p>	<p>Ensure that every education centre under the mandate of the county has sufficient teachers and learner support assistants who are able to handle diverse learners with disabilities;</p> <p>Add a new clause 8(m) to read as follows - Legislate laws in line with schedule 4 of the Kenyan Constitution and appropriate to promotion of the county government mandate No.(9) - on pre-primary education, village polytechnics, homecraft centres and child care facilities</p>	
<p>Article 9, clause (2) Any person may inspect the register and obtain a copy of, or an extract from the register <i>upon payment of such fee as the county may prescribe.</i></p>	<p>Rephrase the clause to read as follows; Any person <b>may inspect</b> the register and obtain a copy of, or an extract from the register in line with the provisions of the data protection law.</p>	
<p>Article 11: Where the registration of a special needs education institution is revoked by the Cabinet Secretary, the <i>principal of the institution shall...</i></p>	<p>Replace the words 'the principal of the institution' with The principal secretary</p> <p>Add new clause 11(e) to read as follows - put in place a redress or appeal mechanism for an institution which has been deregistered or closed</p>	
<p>Article 12 - Admission of a learner with a disability</p>	<p>Delete clause 12 (1) (a) and (b) requiring administration of tests and studying learners' continuous assessment records to determine the learners</p>	<p>Ideally, admission of a learner with disability should be unconditional and compulsory irrespective of the</p>

	<p>capability and needs, will serve to lock out learners with disabilities from being admitted in school. This is also seen as an act of discrimination on LWDs because the regular learners are not subjected to such procedures as taking aptitude tests, personality tests to determine their admission in school..</p>	<p>learner's performance in tests. The Early Childhood Education Act Part V (42) prohibits the administration of exams for purposes of admission to education centres in the county. It is our view that the education assessment report from the EARC office is enough to inform on the learners with disabilities capabilities, needs and admission</p>
<p>Article 19: A person shall not be registered as a special service provider if such person</p> <p>clause (4) c) is of unsound mind;</p>	<p>19. delete 4c</p>	<p>The use of the term "unsound mind" is derogatory.</p>
<p>Article 24: The Cabinet Secretary shall establish a special needs education resource centre in every county</p>	<p>Section 24 establishes Special Needs Education Resource Centres, whose mandate would overlap significantly with that of Educational Assessment and Resource Centres (EARCs).</p> <p>In this section, rather than establishing Special Needs Education Resource Centres provide for the role of County government in supporting the strengthening and expansion of the existing EARC services.</p>	<p>According to the Sector Policy of 2018, the mandate of EARCs is to ensure early identification, assessment, intervention and placement of learners and trainees with disabilities. They are to be established and operationalized at the national, county, and sub-county levels.</p>

<p>Article 26: The Cabinet Secretary may establish a unit for development, production, procurement and distribution of special equipment, material, supplies and devices for use in the education of learners with special educational needs</p>	<p>The article seeks to establish a unit to develop and provide materials and equipment - this function is already being implemented by KISE</p> <p>In this Article, rather than establishing a different unit, provide for the role of county government in supporting or coordinating with KISE to provide materials and equipment to LWDs.</p>	
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1. The Forum further proposed review of terms and concepts to avoid use of outdated terms in the Bill. They proposed the following changes to terms used in the Bill:
  - i. Use 'Education Institution' instead of 'Education Centres'
  - ii. Use 'Special Needs Education Institution or School' instead of 'Special Education School'
  - iii. Use 'Learning Support Assistants' instead of 'Teacher Aides or Shadow Teachers'
  - iv. Use 'Education Assessment and Resource Centres (EARCs)' instead of 'Special Needs Education Resource Centre'
  - v. Use 'learner' instead of 'pupil' or 'student'
  - vi. Use 'regular learners' instead of 'normal learners'

### Committee Observations

The Committee made the following observations:

1. The Education Act needs to be reviewed to give effect to development of the necessary subsidiary legislations and regulations. The State Department of Basic Education should fastrack the tabling of the new Education Bill.
2. The Committee was not in agreement with the proposal by the National Disabilities Forum for deletion of Section 6 (2) which mandates parents with the responsibility ensuring the learner with disability attends schools. The Committee cited the use of the term 'reasonable cause' as a caveat provided to ensure that the clause is not punitive to parents who are not able to take their children to school.
3. The Committee agreed with the proposed amendment to clause 9 to ensure the provision of data privacy and protection are adhered to.

MIN. NO. 263/NA/EDUC/2024:

ANY OTHER BUSINESS

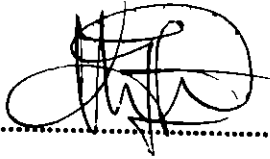
No other business arose.

MIN. NO. 264/NA/EDUC/2024:

ADJOURNMENT

There being no other business the meeting was adjourned at fifty minutes past eleven O'clock. The next meeting will be held on Notice.

SIGNED: .....



DATE: .....

12/11/2024

HON. JULIUS MELLY, CBS, MP,  
CHAIRPERSON

**MINUTES OF THE 46<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 17<sup>TH</sup> SEPTEMBER, 2024, IN THE COMMITTEE ROOM, 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:00 AM.**

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**PRESENT**

1. Hon. Julius Melly, CBS, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Dr. Christine Oduor Ombaka, M.P.
4. Hon. Rebecca Noonaiishi Tonkei, M.P.
5. Hon. Peter Ochieng Orero, M.P.
6. Hon. Eve Obara, MBS, M.P.
7. Hon. Clive Ombane Gisairo, M.P.
8. Hon. Dick Maungu Oyugi, M.P.
9. Hon. Julius Taitumu M'Anaiba, M.P.
10. Hon. Jerusha Momanyi, M.P.
11. Hon. Abdul Ebrahim Haro, M.P.

**ABSENT WITH APOLOGIES**

1. Hon. Timothy Kipchumba Toroitich, M.P.
2. Hon. Nabii Nabwera Daraja, M.P.
3. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
4. Hon. Anne Wanjiku Muratha, M.P.

**SECRETARIAT**

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Clive Onyancha - Clerk Assistant III
3. Mr. Maina Mburu - Research Officer
4. Ms. Fiona Wanjiru - Legal Counsel
5. Mr. Jared Onyancha - Protocol Officer
6. Ms. Pauline Njuguna - Hansard Officer
7. Mr. Nimrod Ochieng - Audio Officer

**MIN. NO. 248/NA/EDUC/2024: PRELIMINARIES**

The Chairperson called the meeting to order at thirty minutes past ten o'clock with a prayer by Hon. Moses Malulu Injendi, M.P followed by self-introductions.

**MIN. NO. 249/NA/EDUC/2024: ADOPTION OF AGENDA**

The agenda for the meeting was adopted having been proposed by Hon. Moses Malulu Injendi, M.P and seconded by Hon. Peter Orero, M.P.

**MIN. NO. 250/NA/EDUC/2024: BRIEFING ON THE LEARNERS WITH DISABILITIES BILL, 2023**

The Committee was briefed by the Legal Counsel on the Learners with Disabilities Bill, 2023, as follows:

1. Clause 1 provides for the short title of the Bill.
2. Clause 2 provides for definition of terms used in the Bill.
3. Clause 3 sets out the objectives of the Act which includes the provision of a framework for the realization of the right to education for learners with disabilities, establishment of a comprehensive education system for the provision of education to learners with disabilities and ensure equal access to education for learners with disabilities among others.
4. Clause 4 provides for the principles in performing duties under the Act.
5. Clause 5 provides that learners with disability will be entitled to access to quality education and information through use of Kenya sign language, braille and other medium of instruction. As well as provision of access to facilities, free basic education, equal access to play, recreation and equal treatment with other learners.
6. Clause 6 provides responsibility of parents or guardians of learners with disability are mandated to ensure that these learners are admitted in school and they attend school regularly. Failure to fulfil the obligation, the parent or guardian shall be liable on conviction, to a warning in the first instance and a fine not exceeding five thousand shillings for any subsequent offence.
7. Clause 7 provides for the National and County Government shall be responsible for promoting the development and implementation of education for learners with disability. The Cabinet Secretary for Education is obligated to put in place measures and develop a national strategy for the fulfilment of this obligation. In doing so, the Cabinet Secretary shall cooperate with the County Governments.
8. Clause 8 mandates the County Governments to ensure the implementation and effective and efficient delivery of special needs education in learning institutions falling within their mandate under the Constitution.
9. Clause 9 mandates the county executive member responsible for education to keep a register of special needs educational institutions and the members of public may inspect the register and obtain a copy of, or an extract from the register upon payment of prescribed fee.
10. Clause 10 requires the registration of any person offering special needs education services or establishment or maintenance of a special needs educational institution unless such person is registered in accordance with the Basic Education Act, the Technical and Vocational Education and Training Act and the Universities Act.
11. Clause 11 provides for the procedure of deregistration and closure of special needs educational institutions.
12. Clause 12 provides for the procedure of admission of a learner with disability in an early childhood education or technical and vocational training centres, which includes an assessment by a licensed medical practitioner or an educational

- assessment centre to determine the nature and the severity of the disabilities to enable appropriate educational placement
13. Clause 13 provides for the constitution of the board of management of an educational institution for learners with disabilities.
  14. Clause 14 provides for the functions of the board of management.
  15. Clause 15 mandates the educational institution to establish a parents and guardians association to assist the board of management by, among others, advising the board on matters relating to the welfare of learners and staff at the institution.
  16. Clause 16 requires the County Education Board to ensure provision of resources or facilities required for the delivery of education to learners with disabilities where the resources are not available.
  17. Clause 17 provides for the facilities in institutions providing for special needs education. It further provides for delegated authority, that the Cabinet Secretary shall prescribe the architectural and building standards in the construction of education facilities for learners with disabilities.
  18. Clause 18 mandates the Cabinet Secretary or a County Education Board to arrange the provision of special education outside of an educational institution where they are satisfied that such education institution is not appropriate for them.
  19. Clause 19 provides the qualifications for a person to be registered as a special service provider and mandates the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.
  20. Clause 20 obligates the County Education Board to keep a register of all learners receiving domestic, medical, institutional or other special education services outside of regular school programmes as well as, special needs learners who are not receiving special education services.
  21. Clause 21 gives the County Education Board the mandate to examine children attending an educational institution within its area of jurisdiction for the identification of children with disabilities.
  22. Clause 22 provides that where a County Education Board may identify a child with special needs within its jurisdiction, they shall inform the child or guardian of the child of their intent to assess the learner and determine a suitable educational provision.
  23. Clause 23 establishes the Special Needs Education Advisory Board, its composition and functions.
  24. Clause 24 provides for the establishment of the special needs education resource centre in every county by the Cabinet Secretary, provides for its purpose and functions.



25. Clause 25 mandates the Cabinet Secretary to ensure the provision of adequate infrastructure, facilities, amenities and transport to school for learners with disabilities in special needs schools.
26. Clause 26 gives the Cabinet Secretary power to establish a unit for development, production, procurement and distribution of special equipment, material, supplies and devices for use in the education of learners with special educational needs.
27. Clause 27 requires the Cabinet Secretary to create mechanisms for the co-ordination of the activities of County Education Boards to enable the fulfilment of their functions.
28. Clause 28 mandates the special needs education institution to ensure that the non-teaching staffs are qualified in their area of specialty.
29. Clause 29 requires the Cabinet Secretary to ensure equitable funding of registered educational institutions so as to ensure the proper exercise of the rights of learners with disabilities to education and the redress of fast inequalities in the promotion of education.
30. Clause 30 mandates the Cabinet Secretary to determine the funding procedures, provisions and minimum standards of the funding or provision of subsidies to special educational institutions and the proportion of the budget to be allocated between public and private special educational institutions. The Cabinet Secretary may terminate or reduce the funding or subsidy for failure to comply with conditions attached to the funding.
31. Clause 31 mandates the governing body of educational institution to take measures to supplement the funding in order to improve the quality of education provided by the institution.
32. Clause 32 obligates the governing body of an educational institution to keep financial records and statements.
33. Clause 33 provides for disqualification of private educational institution from receiving funding for failing to comply with guidelines set out by the Cabinet Secretary.
34. Clause 34 delegates legislative authority to the Cabinet Secretary to issue guidelines for the levying of fees for learners with disabilities attending or intending to attend by universities and other tertiary education institutions.
35. Clause 35 obligates the Cabinet Secretary to appoint officers to ensure quality assurance in special needs education.
36. Clause 36 mandates the county executive committee member to ensure that special needs education is delivered as per the standards prescribed by the Cabinet Secretary or county legislation. In doing so, the member shall collaborate with the County Education Board, the Education Standards and Quality Assurance Council established under section 64 of the Basic Education Act and the Technical and Vocational Educational and Training Authority.

37. Clause 37 provides that the principal manager or head of an educational institution may require a person attending or applying for admission to undergo an assessment by a licensed medical practitioner or an educational assessment centre to determine the nature and the severity of the disabilities and assign appropriate education statement.
38. Clause 38 gives special educational institution established on Government land including land held in trust by Counties the right to occupy and use the land for educational purpose without interference
39. Clause 39 prohibits the alienation of land occupied by a public special education institution without prior approval of the Cabinet Secretary.
40. Clause 40 gives individuals power to establish private education institution.
41. The Cabinet Secretary is empowered by Clause 42 to enter into an agreement with the governing body of a private education institution or research or training centre for it to be eligible to receive funding or be declared as a public special education institution.
42. Clause 43 provides for the application for registration of a learner with disability to receive home based education and which application shall be made to the Cabinet Secretary.
43. Clause 43 provides for application of Government Funding for purposes of education of learners with disabilities or the furnishing of transportation
44. Clause 44 gives the Cabinet Secretary powers to make delegated legislation.
45. Clause 45 makes it an offense to, among others, manage and maintain unregistered special education institution and hinder or obstruct an officer in the performance of his duty
46. Clause 4 deletes section 52 of the Technical and Vocational Education and Training Act, 2013 and substitutes it with a new section 52 which provides for admission of students into technical and vocational education institutions to be conducted by the Service established under the law relating to universities.

#### **Committee Observation**

##### **The Committee made the following observation**

The Report of the Presidential Working Party on Education Reform, 2023 recommends that the Ministry of Education should provide for a framework for collaboration between Kenya Institute of Special Education (KISE), County Education Board and county governments in operations of Education Assessment Resource Centres (EARC's).

##### **Committee Resolution**

The Committee resolved to schedule a meeting with the National Disabilities Forum to receive submissions on the Learners with Disabilities Bill, 2023

The Committee was briefed on the submissions received from stakeholders on the Universities (Amendment) Bill, 2023 sponsored by Hon. Benjamin Gathiru as follows:

1. The principal object of this Bill is to amend the Universities Act, Cap. 210 to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses, that is, the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education for the universities, leading to inconsistencies in the content and duration of the courses.
2. The Committee had received submissions from the National Association of Private Universities in Kenya (NAPUK) and the Kenya Nutritionists & Dieticians Institute.
3. The National Association of Private Universities in Kenya was against most of the provisions of the Bill. The submissions by the Kenya Nutritionists and Dieticians Council fell outside the scope of the Bill.

#### Committee Observations

The Committee made the following observations:

1. The provision of quality education as a basic constitutional and human right for all citizens is a major priority of the Kenyan Government. In a bid to safeguard the right, essential laws were enacted to establish an expansive legal framework for various levels of education. These include the Universities Act, Cap. 210, the Technical Vocational Training (TVET) Act, Cap. 210A, and the Kenya National Qualifications Authority Act, Cap. 214.
2. Section 20(1)(e) of the University Act, authorizes chartered universities to award degrees, including honorary degrees. Subsequently, the Statute Law (Miscellaneous Amendment) Act of 2012 broadened this mandate of universities, to include offering of diploma courses, and certificates. Pursuant to the aforementioned amendment, universities in Kenya have the mandate to provide diplomas, and certificates which is also a mandate of the Technical Vocational Training Colleges.
3. There however, have been several challenges arising from permitting both universities and Technical Vocational and Educational Training colleges to offer certificates and diploma courses. Some of these challenges include: duplication of roles, congestion in universities, under-utilization of resources among others.
4. This amendment is in line with the recommendations in the Report of the Presidential Working Party on Education Reform, 2023.

MIN. NO. 252/NA/EDUC/2024:

CONSIDERATION OF STAKEHOLDERS'  
SUBMISSIONS ON THE UNIVERSITIES (AMENDMENT)  
BILL, 2024 BY HON. OWEN BAYA, M.P

The Committee was briefed by the Legal Counsel on the Universities (Amendment) Bill, 2024 by Hon. Owen Baya, M.P, as follows:

1. The principal object of this Bill is to amend the Universities Act to provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.
2. The Bill provides a ninety-day timeline for the filling of a vacancy in the office of the Chancellor.
3. The Bill further proposes for the removal of Public Service Commission in the appointment process of Chancellors and provide for forwarding of names by the senate to the president.
4. The Committee had received submissions from the Ministry of Education. The Ministry was in support of the proposal to remove the Public Service Commission from the appointment process but opposed the proposed timeline of ninety days noting that it is short and may not be adequate for an inclusive and participatory process.

**Committee Observations:**

The Committee made the following observations:

1. The Committee was in agreement with the provisions of the Bill, noting the need to have definitive timelines and a structured process that allows for smooth transition in leadership of Universities.
2. The proposed six-month timeline by the Ministry of Education provides adequate time for the appointment of the Chancellors of Universities.
3. The Committee agreed with the proposal to change the procedure of appointment and removing the role of the Public Service Commission in the appointment of Chancellors.

MIN. NO. 253/NA/EDUC/2024:

ANY OTHER BUSINESS

No other business arose.

MIN. NO. 254/NA/EDUC/2024:

ADJOURNMENT

There being no other business the meeting was adjourned at thirty five minutes past twelve O'clock. The next meeting will be held on Notice.

SIGNED: .....  ..... DATE: 12/11/24

HON. JULIUS MELLY, CBS, MP,  
CHAIRPERSON

**MINUTES OF THE 14<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 5<sup>TH</sup> MARCH, 2024, IN COMMITTEE ROOM, 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE, AT 10:00 AM.**

---

**PRESENT**

1. Hon. Julius Melly, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Dr. Christine Oduor Ombaka, M.P.
4. Hon. Eve Obara, MBS, M.P.
5. Hon. Jerusha Momanyi, M.P.
6. Hon. Dick Maungu Oyugi, M.P.
7. Hon. Julius Taitumu M'Anaiba, M.P.
8. Hon. Nabii Nabwera Daraja, M.P.
9. Hon. Peter Ochieng Orero, M.P.
10. Hon. Prof. Phyllis Jepkemoi Bartoo, M.P.
11. Hon. Rebecca Noonaiishi Tonkei, M.P.
12. Hon. Timothy Kipchumba Toroitich, M.P.

**APOLOGIES**

1. Hon. Abdul Ebrahim Haro, M.P.
2. Hon. Anne Wanjiku Muratha, M.P.
3. Hon. Clive Ombane Gisairo, M.P.

**SECRETARIAT**

1. Mr. Clive Onyancha - Clerk Assistant III
2. Mr. Kimathi Timothy - Clerk Assistant III
3. Ms. Collettah Sigilai - Senior Legal Counsel
4. Ms. Fiona Wanjiru - Legal Counsel
5. Dr. Mburu Maina - Research Officer

**AGENDA**

1. Prayers;
2. Preliminaries and adoption of Agenda;
3. Confirmation of Minutes of the 12<sup>th</sup> and 13<sup>th</sup> Sitting;
4. Matters Arising;
5. Consideration of draft Reports on the following Bills:
  - i. The Higher Education Loans Board (Amendment) Bill No.58 of 2022 by Hon. Joyce Kamene, MP

- ii. The Higher Education Loans Board (Amendment) Bill No.10 of 2023 by Hon Joyce Kamene, MP
  - iii. The Vocational Training Bill (Senate Bill No.3 of 2022)
6. Way forward for the following Bills
- i. The Universities (Amendment) Bill, NA No.38 of 2013 by Hon. Wanami Wamboka, MP
  - ii. The Universities (Amendment) Bill, No. 3 of 2023 by Hon. Christopher Wangaya, MP
  - iii. The Learners with Disabilities (Senate Bill No. 4 of 2024)
7. Any Other Business; and
8. Adjournment and date of next sitting.

**MIN. NO. 62 NA/EDUC/2024: PRELIMINARIES**

The Chairperson called the meeting to order at twenty-six minutes past ten o'clock followed by the Prayer. Thereafter self-introductions were made.

**MIN. NO. 63 /NA/EDUC/2024: CONFIRMATION OF PREVIOUS MINUTES**

**Confirmation of Minutes of the 12<sup>th</sup> sitting held on 28<sup>th</sup> February 2024.**

Minutes of the 12<sup>th</sup> Sitting held on 28<sup>th</sup> February 2024 were adopted as a true reflection of the Committee deliberations having been proposed by Hon. Jerusha Momanyi, M.P. and seconded by Hon. Dick Maungu Oyugi, M.P.

**Confirmation of Minutes of the 13<sup>th</sup> sitting held on 29<sup>th</sup> February 2024.**

Minutes of the 13<sup>th</sup> Sitting held on 29<sup>th</sup> February 2024 were adopted as a true reflection of the Committee deliberations having been proposed by Hon. Prof. Phyllis Jepkemoi Bartoo, M.P. and seconded by Hon. Timothy Kipchumba Toroitich, M.P.

**MIN. NO. 64 /NA/EDUC/2024: CONSIDERATION OF DRAFT REPORT ON BILLS**

1. **The Higher Education Loans Board (Amendment) Bill No.58 of 2022 by Hon. Joyce Kamene, MP.**

The Committee having considered the report on the Higher Education Loans Board (Amendment) Bill No. 58 of 2022 by Hon. Joyce Kamene, MP. made the following observation:

Amendment to Section 2 of the Higher Education Board Act No. 3 seeks to expand the definition of a loanee to include a parent and guardian to make it possible to award a HELB loan to a student who has not attained the age of eighteen years with a parent or guardian as co-signatories to the loan. The Committee noted this proposed amendment may be in contravention of other existing laws.

The Committee instead recommended the adoption of Dr. Charles Ringera, Chief Executive Officer, HELB submission to introduce another subsection 2B as follows: "The provisions of any

other written law notwithstanding, the contract between HELB and the applicant shall be deemed to be a contract of necessity and not voidable on account of incapacity to contract.'

The Committee further advised the Secretariat to do more research on the proposed amendments and resubmit the report for consideration.

**2. The Higher Education Loans Board (Amendment) Bill No.10 of 2023 by Hon Joyce Kamene, MP**

The Committee having considered the Higher Education Loans Board (Amendment) Bill No.10 of 2023 by Hon Joyce Kamene, MP adopted the report as a true reflection of the Committee deliberations having been proposed by Hon. Dick Maungu Oyugi, M.P. and seconded by Hon. Jerusha Momanyi, M.P.

**3. The Vocational Training Bill (Senate Bill No.3 of 2022)**

The Committee advised the Secretariat to incorporate all recommendations and resubmit the report for consideration.

**MIN. NO. 65 /NA/EDUC/2024: WAY FORWARD FOR THE FOLLOWING BILLS**

**1. The Universities (Amendment) Bill, NA No.38 of 2013 by Hon. Wanami Wamboka, MP**

The Committee proposed the report be submitted to the Committee for consideration and adoption.

**2. The Universities (Amendment) Bill, No. 3 of 2023 by Hon. Christopher Wangaya, MP**

The Committee proposed the report be submitted to the Committee for consideration and adoption.

**3. The Learners with Disabilities (Senate Bill No. 4 of 2024)**

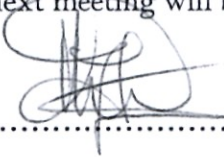
The Committee proposed the report be submitted to the Committee for consideration and adoption.

**MIN. NO. 66 /NA/EDUC/2024: ANY OTHER BUSINESS**

There was no other business.

**MIN. NO. 67 /NA/EDUC/2024: ADJOURNMENT**

There being no other business the meeting was adjourned at thirty-two minutes past eleven O'clock. The next meeting will be held on Notice.

SIGNED:  ..... DATE: 17/09/2024 .....

**HON. JULIUS MELLY, CBS, MP,  
CHAIRPERSON**



**ANNEX 3:**

**NEWSPAPER  
ADVERTISEMENT  
ON PUBLIC  
PARTICIPATION**

# Dialogue team agrees on five issues, retreats to compile its report



National Dialogue Committee members led by co-chairs Kimani Ichung'wah and Kalonzo Musyoka at Bomas of Kenya yesterday. [Samson Wire, Standard]

Cost of living among issues given priority as committee set to write a report.

Economic experts gave their views to the team in a bid to ease cost of living.

JUDAH BEN-HUR, NAIROBI

The National Dialogue Committee concluded its deliberations yesterday and announced it had reached consensus on all five issues including the cost of living.

This marks the end of 73 days of extensive engagements. Committee co-chairman Kimani Ichung'wah announced that they had made significant progress on all agenda items. "We have made tremendous progress and agreed on all the five agenda items," he said.

The development comes nearly a month after the committee agreed on four other issues including the cost of living. This prompted invitation to economic experts to arrive at a workable solution to the high cost of living that continues to choke Kenyans.

Last week, economic experts blamed unnecessary government expenditure, exaggerated budgeting and integrity issues on the economic crisis that has seen a rise in inflation, increased taxes and skyrocketing cost of living.

The Controller of Budget Margaret Nyakang'o, the Institute of Economic Affairs CEO Kwame Ninsin and others said that some solutions to the economic perils can be dealt with by addressing government spending and Parliament rigorously scrutinising the budgeting process before approval.

"If Parliament did its work diligently and went line by line on the budget and asking, why are we buying this quantity of things, you would find a lot of space for savings," said Kwame. Dr Nyakang'o expressed unease with the national Treasury's inability to provide a clear count of the projects to which loans were allo-

cated. "I have been approving payments for public debt, and I have seen many of those things cannot be identified. You cannot tell what the money was meant for, and therefore there was no economic gain from that borrowing. That is what we have been doing for a long time," she said.

The experts also called on a review of the tax regime which has seen taxes rise in the past year. Appearing before the committee on Monday, Dr Abraham Rugo said the government should continue cutting down on spending and taxation arguing that a lot can be saved by reviewing state-owned enterprises which gobble up resources and offer no returns. "We can't continue to save companies that are not performing yet doing businesses," he said.

But Treasury Cabinet Secretary Njuguna Ndung'u denied allegations of exaggerating the budget. He argued that the only way to resuscitate the economy and deal with the rising cost of living would be to nurture the markets and support manufacturing and housing sectors.

"The Hustler Fund, government to government debt, affordable housing is an intervention. The issue is you start it off and once it is working, you release it to the market. For it to work, the market has to be nurtured," he said.

"If markets don't function, production will fail downstream. You cannot produce if the market is not going to give you the returns. There's no way you will find people producing food when they cannot sell the food," he added.

The committee is tasked with facilitating dialogue on national issues around cost of living, audit of the 2022 elections and fidelity of political parties.

The team that was also looking at proposals of entrenching the office of the Prime Cabinet Secretary and creating the office of the official leader of opposition has not only addressed the predetermined agenda items but has also taken into consideration additional matters raised by Kenyans during the deliberations.

newsdesk@standardmedia.co.ke



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-SECOND SESSION (2023)

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION

AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE ANTI-CORRUPTION AND ECONOMIC CRIMES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS No. 40 OF 2023);
2. THE NATIONAL LOTTERY BILL (NATIONAL ASSEMBLY BILLS No. 69 OF 2023);
3. THE GAMBLING CONTROL BILL (NATIONAL ASSEMBLY BILLS No. 70 OF 2023);
4. THE LEARNERS WITH DISABILITIES BILL (SENATE BILLS No. 4 OF 2023); AND
5. THE EQUALISATION FUND (ADMINISTRATION) BILL (SENATE BILLS No. 14 OF 2023)

## INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution and National Assembly Standing Order 127(3) require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bills No. 40 of 2023); the National Lottery Bill (National Assembly Bills No. 69 of 2023); the Gambling Control Bill (National Assembly Bills No. 70 of 2023); the Learners with Disabilities Bill (Senate Bills No. 4 of 2023); and the Equalisation Fund (Administration) Bill (Senate Bills No. 14 of 2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

### IT IS NOTIFIED that:

1. **The Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bills No. 40 of 2023)** sponsored by **Hon. Geoffrey Kariuki Ruku, MP** seeks to amend section 45 of the Anti-Corruption and Economic Crimes Act, 2003 to remove the inordinate and undue criminalization of flaws in public procurement law.
2. **The National Lottery Bill (National Assembly Bills No. 69 of 2023)** sponsored by **Hon. Kimani Ichung'wah, MP, the Leader of Majority Party** seeks to provide a legislative framework for the establishment and operation of a socially responsible National Lottery for pooling of resources to be directed to good causes and funding of critical areas. The Bill further proposes a framework for the conduct and regulation of the National Lottery.
3. **The Gambling Control Bill (National Assembly Bills No. 70 of 2023)** sponsored by **Hon. Kimani Ichung'wah, MP, the Leader of Majority Party** seeks to repeal and replace the Betting, Lotteries and Gaming Act (Cap 131) and provide a legislative framework for the regulation of gambling in Kenya and incorporate safe gambling principles in the gambling sector. Further, the Bill seeks to regulate betting, casinos and other forms of gambling including the authorization of prize competitions, public lotteries and media promotions.
4. **The Learners with Disabilities Bill (Senate Bills No. 4 of 2023)** seeks to provide a proper legal framework to ensure the actualization of the right to basic education for learners with disabilities in Kenya at all three levels of education. The Bill obligates the National Government, through the Ministry of Education and the County Governments, to carry out their duties and bring the special needs education of learners with disabilities to parity with normal learners and to end the exclusion of learners with disabilities from the education cycle.
5. **The Equalisation Fund (Administration) Bill (Senate Bills No. 14 of 2023)** seeks to provide the administrative structure for the management of the Equalisation Fund and to establish the criteria through which projects contemplated under Article 204(2) of the Constitution are The Bill also seeks to extend the pendency of the Fund in accordance with Article 204(8) of the Constitution to ensure the purpose of the Fund is met.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees listed below-

S/ No.	BILL	COMMITTEE
1.	The Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bills No. 40 of 2023)	Justice and Legal Affairs
2.	The National Lottery Bill (National Assembly Bills No. 69 of 2023)	Sports and Culture
3.	The Gambling Control Bill (National Assembly Bills No. 70 of 2023)	
4.	The Learners with Disabilities Bill (Senate Bills No. 4 of 2023)	Education
5.	The Equalisation Fund (Administration) Bill (Senate Bills No. 14 of 2023)	Finance and National Planning

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills)

The memoranda 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 [cna@parliament.go.ke](mailto:cna@parliament.go.ke) to be received on or before Friday 17<sup>th</sup> November, 2023 at 5.00 p.m.

S. NJOROGE  
CLERK OF THE NATIONAL ASSEMBLY

10<sup>th</sup> November 2023

"For the Welfare of Society and the Just Government of the People"

  
**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**  
**THIRTEENTH PARLIAMENT-SECOND SESSION (2023)**

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**S. NJOROGE**  
**CLERK OF THE NATIONAL ASSEMBLY**

10<sup>th</sup> November 2023

*"For the Welfare of Society and the Just Government of the People"*



**NATIONAL YOUTH SERVICE**



Telegrams: VIJANA  
Tel: +254-020-26322925  
Fax: +254-020-2378129  
Website: [www.nys.go.ke](http://www.nys.go.ke)  
Email: [Director.general@nys.go.ke](mailto:Director.general@nys.go.ke)

National Youth Service  
Headquarters  
P O Box 30397 - 00100  
NAIROBI - KENYA

**ADDENDUM ON JOB ADVERTISEMENT FOR THE  
DIRECTOR GENERAL / CHIEF EXECUTIVE OFFICER  
POSITION AT THE NATIONAL YOUTH SERVICE (NYS)**

Please note that the closing date for submission of applications in respect of the advertised post of Director General, NYS which appeared on MyGov on **Tuesday, 30th October, 2023** has been extended from **Sunday, 12th November, 2023** to **Tuesday, 21st November, 2023**.

**Lt Gen (Rtd) Njuki Mwaniki, MGH, CBS, OGW, ndc (K)**  
**CHAIRMAN, NATIONAL YOUTH SERVICE COUNCIL**



**THE CO-OPERATIVE UNIVERSITY OF KENYA**

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**OFFICE OF THE REGISTRAR**

**(ACADEMIC, CO-OPERATIVE DEVELOPMENT, RESEARCH AND INNOVATION)**

**THE 8<sup>TH</sup> GRADUATION CEREMONY ANNOUNCEMENT**

The 8<sup>th</sup> Graduation Ceremony of The Co-operative University of Kenya (CUC) will be held at the **Graduation Square, Main Campus, Karen - Nairobi on Friday, 1<sup>st</sup> December 2023** starting at 8:00 a.m. All students who have fulfilled the requirements for conferment of Degrees and award of Diplomas and Certificates during the **2022/2023 Academic Year** are invited to participate.

**ACADEMIC ATTIRE**  
Graduation gowns will be available for hire upon presentation of the original National identity card and of duly filled gown hiring form printed from the Students Portal upon successful application for graduation. Gowns shall be collected from respective Schools/Directorates at Main Campus (Karen, Nairobi) starting from **Thursday, 23<sup>rd</sup> November 2023** to **Wednesday, 29<sup>th</sup> November 2023** and should be returned at the same venue by **Thursday, 14<sup>th</sup> December 2023**. Failure to return the gown by the stated date will attract a penalty of **KES. 500 per day**.

**GRADUATION STATUS**  
Students who successfully completed their studies in the **2022/2023 Academic Year** and those from previous Academic Years who had not graduated are advised to confirm their appearance on the graduation list by **Wednesday, 22<sup>nd</sup> November 2023**.

**REHEARSAL**  
All Graduates are expected to attend the rehearsals on **Thursday, 30<sup>th</sup> November 2023** at **10.00 a.m.** at the Graduation Square, Main Campus, Karen, Nairobi.

**APPLICATION FOR GRADUATION**  
Graduates who have not yet applied are reminded to apply for the **2023 Graduation** online through the Students Portal [133.201.33.100/portal.cuk.ac.ke](http://133.201.33.100/portal.cuk.ac.ke) as per the instructions and guidelines that have been available on the University website [www.cuk.ac.ke/graduation](http://www.cuk.ac.ke/graduation) before **Wednesday, 15<sup>th</sup> November 2023**.

**INVITATION CARDS**  
At the time of collecting the graduation gown, each graduate will be issued with **two (2) invitation cards** for their guests. Persons without graduation invitation cards shall **NOT** be allowed into the Graduation Square.

**CLEARING OF FEES BALANCES**  
Graduates are required to clear all applicable fees including graduation fee **before applying for graduation**. Anyone with fees arrears will therefore be excluded from the graduation list.

**COLLECTION OF CERTIFICATES**  
Graduates are required to collect their Certificates within a period of **SIX (6) Months** after the graduation. Any uncollected Certificate will attract annual penalty as specified in the University Policy.

**GRADUATION FEES**  
The graduation fees are as indicated in the table below:

S/N	AWARD	GRADUATION FEES (KES)	S/N	AWARD	GRADUATION FEES (KES)
1	Certificates	4,000.00	2	Diplomas	5,000.00
3	Bachelors	6,000.00	4	Masters	7,000.00

**PUNCTUALITY**  
Graduates and their guests are required to be seated by **8.00 a.m.** Those who arrive late shall **NOT** be allowed into the Graduation Square.

All graduation fee payments must be made before **Friday, 17<sup>th</sup> November 2023** through Co-operative Bank. **Account Number: 0129062663600** Karen Branch or Equity Bank. **Account Number: 125027707862** Karen Branch. Failure to pay the graduation fees on time will lead to exclusion from the graduation list.

For further information, contact the Office of the Registrar Academic, Co-operative Development, Research and Innovation (ACDRI) via Telephone: 0724 311 606; e-mail: [registrars@cuk.ac.ke](mailto:registrars@cuk.ac.ke); Website: [www.cuk.ac.ke](http://www.cuk.ac.ke)

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CUC is ISO 9001:2015 Certified

## **ANNEX 4:**

# **LETTER INVITING STAKEHOLDERS FOR MEETINGS WITH THE COMMITTEE**



THE NATIONAL ASSEMBLY  
OFFICE OF THE CLERK

P. O. Box 41842-00100  
Nairobi, Kenya  
Main Parliament Buildings

Telephone: +254202848000 ext. 3300  
Email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)  
[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

When replying, please quote

Ref: NA/DDC/EDUC/2024/ (27)

8<sup>th</sup> April, 2024

**Dr. Beatrice Inyangala,**  
Principal Secretary  
State of Department for Higher Education  
Ministry of Education  
Jogoo House  
**NAIROBI**

Dear

**RE: REQUEST FOR SUBMISSIONS FROM STAKEHOLDERS ON VARIOUS  
BILLS BEFORE THE DEPARTMENTAL COMMITTEE ON EDUCATION**

The Departmental Committee on Education is established under Standing Order 216 of the National Assembly Standing Orders and is mandated to *inter alia, study and review all legislation referred to it.*

We make reference to our letters Ref. No. NA/DDC/EDUC/2023/(173) and Ref. No. NA/DDC/EDUC/2023/(175) both dated 4<sup>th</sup> December 2023

As you are aware, the Committee is in receipt of the following Bills: -

1. The Universities (Amendment) Bill (National Assembly Bill No 38 of 2023) sponsored by Hon. Wanami Wamboka, MP. The Bill was Read a First Time on 18<sup>th</sup> October, 2023. It seeks to provide a framework on the exclusive placement of Government sponsored students in public universities and further to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS).
2. The Universities (Amendment) Bill, 2023 sponsored by Hon. Christopher Aseka, MP was Read a First Time on 15<sup>th</sup> November, 2023. The Bill seeks to amend the Universities Act No. 42 of 2021 to abolish funding of private universities using public funds and to bar the Kenya Universities and College Central Placement Service (KUCCPS) from placement of students to private universities.

Additionally, the Committee is in receipt of other Bills which were committed to it for consideration and reporting back to the House for which it is seeking stakeholders' submissions. These include:-

3. The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) is sponsored by Hon. Benjamin Gathiru, MP. The Bill was read a First Time on 21<sup>st</sup> February 2024. It seeks to amend the Universities Act, 2012 to end the practice of universities offering certificate and diploma courses.

4. The Learners with Disabilities Bill (Senate Bill No. 4 of 2023) is co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP. The Bill was Read a First Time on 27<sup>th</sup> February 2024. It seeks to provide a proper legal framework in order to ensure the actualization of the right to basic education for learners with disabilities in Kenya at all the three levels of education. It seeks to obligate the National and County Governments through the Ministry of Education to bring the special needs education of learners with disabilities to parity with normal learners and to end the exclusion of learners with disabilities from the education cycle.

The purpose of this letter is therefore to request you to submit your views to be received on or before **Friday 12<sup>th</sup> April, 2024**.

Kindly provide twenty (20) copies of your submission and send a soft copy to the Office of the Clerk via email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on [www.parliament.go.ke/the-national-assembly/house-business/bills](http://www.parliament.go.ke/the-national-assembly/house-business/bills).

Our liaison officers for this activity are **Ms. Rose Wanjohi**, who may be contacted on **Tel No. 0722864516** or email: [rose.wanjohi@parliament.go.ke](mailto:rose.wanjohi@parliament.go.ke) and **Mr. Timothy Kimathi**, who may be contacted on **Tel. No. 0725650878** or email: [timothy.kimathi@parliament.go.ke](mailto:timothy.kimathi@parliament.go.ke)

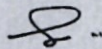
Yours

**JEREMIAH NDOMBI, MBS**  
**For: CLERK OF THE NATIONAL ASSEMBLY**

**Copies to:**

**Hon. Ezekiel Machogu Ombaki, CBS**  
Cabinet Secretary  
Ministry of Education  
Jogoo House B, Harambee Avenue  
**NAIROBI**

**Dr. Agnes Mercy Wahome**  
Chief Executive Officer  
Kenya Universities and Colleges Central Placement Services  
ACK Gardens, 1<sup>st</sup> Avenue, UpperHill  
**NAIROBI**





THE NATIONAL ASSEMBLY  
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[www.parliament.go.ke/the-national-assembly](http://www.parliament.go.ke/the-national-assembly)

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When replying, please quote

Ref: NA/DDC/EDUC/2024/ (25)

8<sup>th</sup> April, 2024

**Dr. Richard Belio Kipsang**  
Principal Secretary  
State of Department of Basic Education  
Ministry of Education  
**NAIROBI**

Dear *Dr. Kipsang*

**RE: REQUEST FOR SUBMISSIONS FROM STAKEHOLDERS ON THE  
VARIOUS BILLS BEFORE THE DEPARTMENTAL COMMITTEE ON  
EDUCATION**

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The Departmental Committee on Education is established under Standing Order 216 of the National Assembly Standing Orders and is mandated to *inter alia, study and review all legislation referred to it.*

We make reference to our letter Ref. No. NA/DDC/EDUC/2023/(184) dated 19<sup>th</sup> December 2023. As you are aware, the Basic Education (Amendment) Bill (National Assembly No. 59 of 2023) sponsored by Hon. Mary Wamau, MP was Read a First Time on 6<sup>th</sup> December, 2023. The Bill seeks to amend the Basic Education Act No. 14 of 2023 to provide for the establishment of sub-county Education Boards in every sub-county.

Additionally, the Committee is in receipt of the Learners with Disabilities Bill (Senate Bill No. 4 of 2023), co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP. The Bill was Read a First Time on 27<sup>th</sup> February 2024. It seeks to provide a proper legal framework in order to ensure the actualization of the right to basic education for learners with disabilities in Kenya at all the three levels of education in Kenya. It seeks to obligate the National and County Governments through the Ministry of Education to bring the special needs education of learners with disabilities to parity with normal learners and to end the exclusion of learners with disabilities from the education cycle.

The Committee will consider the Bills committed to it and submissions received from various stakeholders and make recommendations for consideration by the House.

The purpose of this letter is therefore to request you to submit your views, to be received on or before **Friday 12<sup>th</sup> April, 2024.**

Kindly provide twenty (20) copies of your submission and send a soft copy to the Office of the Clerk via email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke).

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Yours



**JEREMIAH NDOMBI, MBS**  
**For: CLERK OF THE NATIONAL ASSEMBLY**

**Copies to:**

**Hon. Ezekiel Machogu Ombaki, CBS**  
Cabinet Secretary  
Ministry of Education  
Jogoo House B, Harambee Avenue  
**NAIROBI**

**Mr. Norman Kiogora**  
Director General  
Kenya Institute of Special Education  
Off Kasarani - Mwiki Road  
**KASARANI**

**Prof. Charles Ochieng**  
Chief Executive Officer  
Kenya Institute of Curriculum Development  
Muranga Road  
**NAIROBI**

**Dr. David Njengere, MBS**  
Chief Executive Officer  
Kenya National Examination Council  
NHC Building  
**NAIROBI**

**Ms. Harun Yussuf, HSC**  
Chief Executive Officer  
National Council for Nomadic Education in Kenya (NACONEK)  
Uchumi House, Aga Khan Walk, 10<sup>th</sup> Floor  
**NAIROBI**

**Dr. Alice Kandie**  
Ag. Chief Executive Officer  
Kenya National Qualifications Authority  
4<sup>th</sup> Floor, NACOSTI House, Waiyaki Way  
**NAIROBI**





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When replying, please quote

Ref: NA/DDC/EDUC/2024/ (24)

8<sup>th</sup> April, 2024

**Ms. Christine Nkonge**  
Chief Executive Officer  
Katiba Institute  
House No. 5, The Crescent, off Parklands Road  
**NAIROBI**

Dear *Ms Nkonge*

**RE: REQUEST FOR SUBMISSIONS FROM STAKEHOLDERS ON VARIOUS BILLS BEFORE THE DEPARTMENTAL COMMITTEE ON EDUCATION**

The Departmental Committee on Education is established under Standing Order 216 of the National Assembly Standing Orders and is mandated to *inter alia, study and review all legislation referred to it.*

We make reference to our letters Ref. No. NA/DDC/EDUC/2023/(136), Ref. No. NA/DDC/EDUC/2023/(187) and Ref. No. NA/DDC/EDUC/2023/(188) all dated 19<sup>th</sup> December 2023.

As you are aware, the Committee is in receipt of the following Bills-

1. The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023) sponsored by Hon. Wanami Wamboka, MP was Read a First Time on 18<sup>th</sup> October, 2023. The Bill seeks to provide a framework on the exclusive placement of Government sponsored students in public universities and further to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS).
2. The Universities (Amendment) (No. 3) Bill (National Assembly Bill No. 64 of 2023) sponsored by Hon. Christopher Aseka, MP was Read a First Time on 15<sup>th</sup> November, 2023. The Bill seeks to amend the Universities Act No. 42 of 2021 to abolish funding of private universities using public funds and to bar the Kenya Universities and College Central Placement Service (KUCCPS) from placement of students to private universities. An earlier letter requesting for the information had been sent.
3. The Basic Education (Amendment) Bill 2023 (National Assembly No. 59 of 2023) sponsored by Hon. Mary Wamaua, MP was Read a First Time on 6<sup>th</sup> December, 2023. The Bill seeks to amend the Basic Educations Act No. 14 of 2023 to provide for the establishment of sub-county Education Boards in every sub-county.

Additionally, the Committee is in receipt of other Bills which were committed to it for consideration and reporting back to the House for which it is seeking stakeholders' submissions. These include:-

4. The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) sponsored by Hon. Benjamin Gathiru, MP. The Bill was Read a First Time on 21<sup>st</sup> February 2024. The Bill seeks to amend the Universities Act, 2012 to end the practice of universities offering certificate and diploma courses.
5. The Learners with Disabilities Bill (Senate Bill No. 4 of 2023) is co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP. The Bill was Read a First Time on 27<sup>th</sup> February 2024. It seeks to provide a proper legal framework in order to ensure the actualization of the right to basic education for learners with disabilities in Kenya at all the three levels of education in Kenya. It seeks to obligate the National and County Governments through the Ministry of Education to bring the special needs education of learners with disabilities to parity with normal learners and to end the exclusion of learners with disabilities from the education cycle.

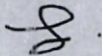
The purpose of this letter is therefore to request you to submit your views to be received on or before **Friday 12<sup>th</sup> April, 2024 at 5:00 p.m.**

Kindly provide twenty (20) copies of your submission and send a soft copy to the Office of the Clerk via email: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)

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Yours



**JEREMIAH NDOMBI, MBS**  
**For: CLERK OF THE NATIONAL ASSEMBLY**



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When replying, please quote

NA/DDC/ EDUC/2024/ (053)

13<sup>th</sup> September, 2024

**Mr. John Wambua**  
Caucus Convener  
National Disability Forum  
APDK Orthopedic Workshop, Opposite ABC Place  
Waiyaki Way  
**NAIROBI**

Dear *Sir*

**RE: MEETING WITH THE DEPARTMENTAL COMMITTEE ON EDUCATION  
REGARDING THE LEARNERS WITH DISABILITIES BILL (SENATE BILL NO. 4)  
2023**

Reference is made to your letter Ref. NDF-C/PWD/BILLS/MEMO.3/2024 dated 15<sup>th</sup> August, 2024 on the proposed meeting with the Departmental Committee on Education to submit your views on the above referenced Bill. You will recall that the meeting did not take place on the scheduled date.

The Committee has since rescheduled the meeting. The purpose of this letter is therefore to invite you to the meeting scheduled for **Thursday, 19<sup>th</sup> September, 2024 at 10:00 am**, in the **Committee Room on 5<sup>th</sup> Floor, Continental House, Parliament Buildings**.

Our liaison officers for this activity are **Mr. Mohamed Boru**, who may be contacted on **Tel No. 0726476687** or email: [mohamed.boru@parliament.go.ke](mailto:mohamed.boru@parliament.go.ke) and **Mr. Clive Onyancha**, **Tel. No. 0725993500** or email: [clive.onyancha@parliament.go.ke](mailto:clive.onyancha@parliament.go.ke)

Yours *sincerely,*

**SERAH M. KIOKO, MBS**  
**For: CLERK OF THE NATIONAL ASSEMBLY**

**ANNEX 5:**

**STAKEHOLDER  
SUBMISSIONS**

# NATIONAL DISABILITY FORUM

C/O United Disabled Persons of Kenya, APDK Orthopedic Workshop, Opposite ABC Place, Off Waiyaki Way  
P.O Box13941-00800, NAIROBI, Kenya |Tel: +254717141122|Email: [udpk@udpkenya.or.ke](mailto:udpk@udpkenya.or.ke) and Black Albinism 07 99339372 Email  
[akasujalan@gmail.com](mailto:akasujalan@gmail.com)

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**21<sup>st</sup> March 2024**

**Our Ref: NDF-C./PWD/BILLS/MEMO. 3/2024**

**Mr. Samuel Njoroge, CBS**

**Clerk of the National Assembly**

**Parliament Buildings, Parliament Road**

**NAIROBI.**

**ADVANCE COPY VIA EMAIL: [cna@parliament.go.ke](mailto:cna@parliament.go.ke)**

## **MEMORANDA ON LEARNERS WITH DISABILITIES (SENATE BILLS, NO. 4 OF 2023)**

Forwarded herewith for onward transmission to the relevant committees, please find the subject memoranda on:

Learners with disabilities (Senate Bills, No. 4 of 2023).

In addition to the foregoing, we making a formal request for:

- a) Invitation to make oral submissions before the relevant committees;
- b) Invitation to be present in the Speaker's Gallery on the days of tabling of the reports of the various committees;
- c) Fast tracking of debate and approval of the Bills; and
- d) An opportunity to engage with the Chairs, Vice Chairs and not more than three members of the relevant committees at our invitation.

The National Disability Forum is a network of Organizations of and for Persons with Disabilities (OPDs) with active presence in the counties. Its mandate is to act as a space for generating knowledge on issues affecting OPDs and their constituencies and applying this knowledge to influence disability inclusion in the management of public affairs in Kenya.

In addition to this advisory, we are proposing to partner with the State Department for Social Protection in developing a uniform checklist against which all sectoral legislation will be assessed by the department for compliance with Disability Inclusion principles.

We would be grateful if the State Department indicated its willingness to partner with us in the development of the aforementioned Disability Inclusion Legislation Checklist.

Yours sincerely,

**FOR AND ON BEHALF OF THE NATIONAL DISABILITY FORUM**

John Wambua



Caucus Convenor

United Disabled persons of Kenya

National Disability Caucus Participants in the Memoranda development included

- United Disabled Persons of Kenya
- Sight of Relief;
- Kiambu Disability Network;
- University and college students with Special Needs Association of Kenya;
- Women Challenged to challenge; Action for Children with Disability; Kenyan
- Paraplegic Organization (KPO); Kenya National Deaf Association; Deaf
- Empowerment Kenya;
- Stammering Association of Kenya;

- Andy speaks;
- Down Syndrome Society of Kenya;
- Black Albinism;
- Caucus on Disability Rights Advocacy (CDRA);
- Differently Talented Society of Kenya (DTSK);
- Kenya Union for the Blind (KUB);
- Bunge la Disability;
- Championing for Inclusive Communities (CIC K);
- Mzalendo Trust;
- Kenya Association of the Intellectually Handicapped (KAIH);
- ARIVI;
- Integrated Langata Disability Group,
- KEDIPA





<p>braille and other specialized medium of instruction commensurate with the learner's educational needs at every level of education;</p> <p>(e) admission, on application to any institution of learning and access to an inclusive, quality and free basic education on an equal basis with others;</p> <p>Clause 7: Responsibility of the National government.</p> <p>Clause 8 (2): (h) ensure that every education centre under the mandate of the county has at least one teacher who is able to assist learners with disabilities;</p>	<p><b>and access to an inclusive, quality and free basic education on an equal basis with others. Define <i>inclusive education</i> and limit the use of special education</b></p> <p>7 (w): Reframe to include "Ensure certification of learners with disabilities at exit on various stages of education cognizant to their capabilities" including time committed that shall not be limited to exit exams.</p> <p>8. h – <b>Change to reread:</b> Ensure that every education centre under the mandate of the county has proportional teachers and 'teaching assistants' who are able to assist learners with disabilities;</p> <p>8. m (<b>Addition</b>) – Legislate other laws that are appropriate to promote inclusive education</p> <p>9. 1a. – <b>Change to reread:</b> Public educational institutions that provide inclusive education</p> <p>9.2. <b>Change to reread:</b> Any person may inspect the register and obtain a copy of, or an extract</p>	
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<p>Clause 8: Responsibility of the County Governments</p> <p>9. (1) Each county executive committee member shall keep and maintain a register record of all educational institutions that provide education to learners with disabilities in the county including —</p> <p>(a) public educational institutions that provide education for learners with disabilities in the County;</p> <p>(2) Any person may inspect the register and obtain a copy of, or an extract from the register upon payment of such fee as the county may prescribe.</p> <p>Clause 11: Deregistration or closure of special needs</p>	<p>from the register commensurate to data protection laws, and upon payment of such fee as the county may prescribe.</p> <p>11. e. <b>Include</b> – Provide a redress mechanism whereby such an institution is under deregistration or closure process</p> <p>19. 4c. The use of the term “unsound mind” is derogatory. Appropriate language should be revised to be compliant to the Convention of the Rights of Persons with Disabilities (CRPD) Registration of service providers thereto referred in section 19. 4c is discriminative to service providers with mental health conditions. <b>Comment:</b> Persons with mental health conditions that can be service providers with legal and mental capacity should not be locked out to provide services.</p>	
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educational institutions

19. (1) It shall be the responsibility of the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.

(4) A person shall not be registered as a special service provider if such person-

- (a) does not meet the requirements of registration under subsection (2);
- (b) has been declared bankrupt;
- (c) is of unsound mind;

<p>educational institutions</p> <p>19. (1) It shall be the responsibility of the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.</p> <p>(4) A person shall not be registered as a special service provider if such person-</p> <ul style="list-style-type: none"><li>(a) does not meet the requirements of registration under subsection (2);</li><li>(b) has been declared bankrupt;</li><li>(c) is of unsound mind;</li></ul>		

