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11/4/26

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FIFTH SESSION (2026)
PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 80 OF 2023 REGARDING RELEASE
OF FREE DAY SECONDARY EDUCATION CAPITATION DEFICIT FOR THE
ACADEMIC YEAR 2019 AND THE FINANCIAL YEARS 2020/2021 TO 2022/2023 BY
THE NATIONAL TREASURY



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 01 APR 2026	
DAY: MARCH, 2026 Week	
TABLED BY:	Hon. Muchangi Karemba chair, Public Petitions
CLERK-AT-TABLE:	Mbalo Mwiriam

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CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 80 of 2023 regarding the release of free day secondary education capitation deficit for the academic year 2019 and the Financial Years 2020/2021 to 2022/2023 by the National Treasury. The petition was presented to the House pursuant to Standing Order No. 225 (2) (b) by the Speaker on behalf of Mr Indimuli Kahi, OGW, the National chairperson, Kenya Secondary Schools Heads Association (KeSSHA), a professional organization comprising over 10,000 headteachers drawn from public secondary schools in Kenya.

The Committee considered the Petition and observed that the failure to register all students in NEMIS caused disparities in financial allocation and disbursement.

The Committee recommends that the Ministry of Education ensures all learners are enrolled in the NEMIS system.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ACRONYMS

FDSE	Free Day Secondary Education
KESSHA	Kenya Secondary Schools Heads Association
NEMIS	National Education Management Information System
TSC	Teachers Service Commission

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee was established under the provisions of Standing Order 208A with the following terms of reference:
 - a) considering all public petitions tabled in the House;
 - b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - c) recommending whether the findings arising from consideration of a petition should be debated; and
 - d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.
Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.
Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Mr. Calvin Karungo
Media Relations Officer III

PART TWO

1 BACKGROUND OF THE PETITION

1.1 Introduction

4. Public Petition No. 80 of 2023 regarding the release of free day secondary education capitation deficit for the academic year 2019 and the Financial Years 2020/2021 to 2022/2023 by the National Treasury was presented to the House on 6th December, 2023 by the Speaker on behalf of Mr. Indimuli Kahi, OGW, the National chairperson, Kenya Secondary Schools Heads Association (KeSSHA), a professional organization comprising over 10,000 headteachers drawn from public secondary schools in Kenya.
5. The Petitioner states that the Association appreciates the continued support the Government has accorded schools through the Free Day Secondary Education (FDSE) programme since its inception in 2008, by granting capitation per learner. The program has greatly enhanced access, retention and completion rates in secondary schools.
6. He further explains that in 2008, the rate per learner was Kshs. 10,625 annually. This was increased to Kshs. 12,870 in 2015 and then to Kshs. 22,244/= in 2018. In addition, public secondary schools were allowed to charge only the boarding fees set by the Ministry of Education.
7. Despite the increase in per-learner capitation, the Government of Kenya's subsidy for the Free Day Secondary Programme has consistently been lower than the actual enrollment.
8. Among reasons that have caused the worrying trend include increase in enrollment in January while utilizing the budgetary allocations made in November/December of the previous year; the fact that a number of students have experienced challenges in obtaining birth certificates, and are therefore not captured on the NEMIS platform, which the Ministry of Education utilizes to disburse capitation to schools based on the number of students captured; and, partial disbursement of the approved budgeted capitation since 2018.

1.2 Petitioner's Prayer

9. The Petitioners prayed that the National Assembly, through the Public Petitions Committee
-
- a) compels the Treasury to release capitation at the approved rate of Kshs. 22,244/= per learner for the Financial Year 2023/2024 and release the deficit from 2019, amounting to Kshs. 54,220,185,855/= to enable schools to pay the ever-rising pending bills.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioner

On Wednesday, June 19, 2024, the Chairperson of Kenya Secondary Schools Heads Association, KESSHA, Mr Willie Kuria, OGW and other Petitioners appeared before the Committee and submitted that—

10. The petition was submitted by Mr. Indimuli Kahi, OGW, who was the former Chairperson of KESSHA, on behalf of KESSHA.
11. The Ministry of Education is obligated to ensure that all students in secondary schools are funded to complete their basic education. To this end, the Government of Kenya began the Free Day Secondary Education (FDSE) programme in 2008 by granting capitation per learner.
12. In 2008, the capitation rate was Kshs. 10,625, which increased to Kshs. 12,870/= in 2015 and then to Kshs. 22,244 in 2018. Public secondary schools were also prohibited from charging tuition fees and were only allowed to charge boarding fees set by the Ministry of Education.
13. Even with the increase in the per-learner capitation amount, the Free Day Secondary Programme is grossly underfunded, and the budgeting process has remained blind to the increase in enrolment in public secondary schools. Over the years, enrolment for capitation in secondary schools has increased by an average of 6.91%.
14. The increase in enrollment in January each year, while budgetary allocations are made in November/December of the previous year, makes it difficult for budgets to incorporate this increase.
15. The net effect is that the capitation allocated for Free Day Secondary Education is always lower than actual enrollment. This is further compounded by the fact that even the budgeted capitation is not released in totality, leading to significant deficits. While capitation is set at Kshs. The amount disbursed to the Ministry of Education is significantly less than 22,244
16. Once budgetary approval is granted, the National Treasury disburses capitation funds to the Ministry of Education, which then distributes them to schools based on the number of

students recorded in NEMIS. However, not all students in public secondary schools are captured on NEMIS owing to birth certificate issues.

17. The Ministry of Education was owed Kshs. 54,220,185,855 by the exchequer. It is also evident that while capitation should be Kshs.22,244/= per child, which is disbursed to the Ministry of Education, is the average. 17,458/=. The Ministry of Education then retains an average of Kshs. 1,978.98/= meaning schools receive an average of Kshs. 15,479.36/=. Once schools receive disbursement from the Ministry, they are then required to set aside Kshs. 5,000/= for the infrastructure fund. This leaves secondary schools with an average of Kshs. The cost to run operations in schools is 10,479.37 per child.
18. In 2018, it was decided that of the Kshs. 22,244/= is allocated per student. An amount is to be retained by the Ministry of Education for the following vote heads: Teaching and learning materials, Medical (NHIF Edu Afya), Strengthening of Mathematics and Science in secondary education (SMASSE), and co-curricular activities.
19. Schools are required to retain Kshs. 5,000/= per child in an infrastructure account that can only be used for infrastructure improvement upon approval by the County Education Boards (CEBs) or PS Early Learning and Basic Education. The effect is that schools run on Kshs. 10,479.37/=.
20. The retention of part of the capitation funds began in 2018. Before that, schools would receive capitation amounts in full. Over the last 5 years, the Ministry of Education has received an average of Kshs. 17,458 of the Kshs. 22,244. Likewise, schools have received an average of Kshs. 15,479.36 after the Ministry retains some of the vote heads.
21. The breakdown of capitation funds was effected from June 2021, as per the Ministry of Education Circular Ref No. MOE. HOS/3/13/3 dated 16th June 2021. The circular provided guidelines for the utilization of the Government Subsidy to Secondary schools in the implementation of the FDSE programme for the year 2021-2022.
22. Due to the lack of disbursement of full capitation fees, accrual deficits, and retention of infrastructure funds, schools have faced significant financial difficulties, greatly affecting their ability to provide quality education for the increasing enrollment.
23. The funds retained by the Ministry of Education are not released to schools but are disbursed to relevant stakeholders, such as County Directors for Education. The cash is not

- used to cover the specified vote heads as outlined in the policy; therefore, schools are forced to allocate funds for activities.
24. Some schools have resorted to holding KCSE certificates as an incentive to clear arrears, but they eventually release the certificates to students, noting that keeping them is considered very dangerous, as it curtails students' prospects for university admission.
 25. The Ministry of Education has prohibited Boards of Management of schools from asking parents and the community to contribute funds, as it considers such initiatives to be extra levies.
 26. The 54 billion shillings cited as a deficit was based on the enrolment captured on NEMIS.
 27. Underfunding occurred because out of the expected Kshs. 22,244/= per student, only an average of Kshs. 10,400/= reaches the schools as capitation per student for a year in a day school—the Kshs. 10,400/= was inadequate, as it was expected to cover all other matters related to the running of the school, except for school lunches, which are paid for by the parents.
 28. The Ministry of Education does not maintain a consistent figure each year, so for a better understanding, one must examine it annually. The Petitioner gave an average figure of Kshs. 10,400/= is disbursed to schools, with 5,000/= set aside for infrastructure.
 29. Challenges that students faced in enrolling on NEMIS included a lack of birth certificates or the presence of invalid birth certificates. Further, once a student turns 18 years old, the NEMIS system strikes them out even though they are still in school.
 30. Capitation funds were not initially intended to cover infrastructure development, and adding them to the partially disbursed capitation monies stretches the funds thin, forcing schools to contribute money for activities.
 31. Schools often face financial difficulty due to a significant budget shortfall that restricts their ability to provide quality education. The persistent funding gap in education has led to various challenges for schools, such as outdated resources, inadequate staff and mounting pending bills.
 32. Limited funding has made it difficult for schools to maintain essential facilities and provide necessary teaching and learning materials for students.
 33. Financial difficulties have forced schools to lay off BoM-employed teachers, which, in turn, has increased class sizes and reduced the quality of education.

34. Secondary schools, especially day secondary schools, have struggled to keep up with the latest technology, hindering students' access to modern learning tools.
35. Funding shortages have led to schools contributing to co-curricular activities at various levels, such as sub-county, county, and regional, resulting in cuts to co-curricular programmes, which in turn limit students' personal growth.
36. Inadequate funding has resulted in overcrowded classrooms, making it challenging for teachers to provide individualized attention, which is a national goal for education.
37. Schools have found it challenging to invest in teachers' professional development through workshops, thereby impacting the quality of instruction.
38. Financial difficulties have led to deferred maintenance of school buildings and assets, creating a subpar learning environment.
39. Underfunding has limited the availability of special education services, leaving students with disabilities underserved.
40. Financial disparities have contributed to wider achievement gaps that perpetuate inequality in education. This is especially evident in day secondary schools which rely wholly on capitation funds.
41. Inadequate compensation and resources have made it difficult for schools to retain experienced and talented BoM-employed teachers.
42. Financial challenges have made it harder for schools to engage parents and the community in the educational process, as parents believe they will be asked to contribute financial resources.
43. Underfunded schools in low-income areas face greater financial challenges, exacerbating educational disparities.
44. Budget constraints have led to reduced support services and counselling, affecting students' emotional well-being.
45. Schools have struggled to offer a wider curriculum due to financial constraints, thereby limiting learners' career choices.
46. Prolonged financial challenges have led to a decline in overall school performance and reputation across public secondary schools, as evidenced by KCSE results.
47. Insufficient resources have made it harder for schools to meet national educational standards for teaching, learning and assessments.

3.2 The Ministry of Education

The Cabinet Secretary, Ministry of Education, Mr. Julius Migos Ogamba, EBS vide a letter Ref: MOE: HQS/3/10/16 dated 15th October, 2024, made written submissions as follows—

48. The Free Day Secondary Education (FDSE) programme was introduced by the Government of Kenya in 2008 with the primary goal of improving access, equity, and quality in secondary education. By covering tuition fees for students attending public day secondary schools, the programme aims to reduce the financial burden on parents and ensure that all students, regardless of their socio-economic background, have an opportunity to complete secondary education.
49. The programme is anchored on Article 53(1)(b) of the Constitution, which entitles every child to free and compulsory basic education. It is also in line with Kenya's broader national objectives, including achieving universal access to education as part of Vision 2030. The FDSE programme also supports Kenya's 100% transition policy, which mandates that all students who complete primary school advance to secondary education.
50. The FDSE program is a key strategy designed to expand access to secondary education while improving academic performance in public schools. Initially, the Government allocated Ksh. 10,265/= per student annually to cover learning materials and support services. However, this allocation was increased to Ksh. 12,870/= in 2015, reflecting rising education costs.
51. In 2018, the Government expanded the scope of the programme to fully cover the full cost of day schooling in public secondary schools, raising the allocation per student to Ksh. 22,244/=. This move was particularly significant in promoting equitable access to education, as it reduced the financial barriers for families from economically disadvantaged backgrounds.
52. However, parents are still responsible for non-tuition expenses such as uniforms, lunch and transport.
53. Overall, the FDSE programme has been a crucial policy for expanding educational opportunities, improving equity, and supporting Kenya's long-term development goals. By making secondary education accessible to all, the initiative has created a pathway for social and economic mobility, benefiting students and the nation as a whole.

54. For a public secondary school to qualify for FDSE funds, it must meet the following criteria:
- a) The school must be officially registered with the Ministry of Education as a public institution.
 - b) Schools must input their student data into the National Education Management Information System (NEMIS). This is the tool that helps the government allocate funds.
 - c) Schools must comply with financial management and reporting guidelines set by the Ministry of Education. The school's headteacher (principal) should be appointed by the Teachers Service Commission (TSC), and the institution must have a functioning Board of Management (BOM).
55. Schools are required to apply for FDSE funds by completing an application form and submitting certified documents, such as BOM minutes, the principal's posting letter from the TSC, and the school's registration certificate.
56. As at the Financial Year 2024/2024, the FDSE programme is supporting 9,476 public secondary schools across Kenya. These schools collectively cater for 4,172,432 students. The programme's coverage is significant, playing a key role in facilitating the 100% transition policy from primary to secondary education and expanding opportunities for students from low-income backgrounds to pursue further education.
57. The approved rate per student under the FDSE programme is Kshs. 22,244/=annually. This amount is used for tuition, teaching and learning materials, infrastructure maintenance, and administrative costs.
58. FDSE funds are disbursed in three phases during the school year to align with the academic calendar:
- a) **First Term Disbursement:** The largest tranche, representing 50% of the total allocation, is disbursed at the beginning of the school year.
 - b) **Second Term Disbursement:** This tranche accounts for 30% of the annual allocation and is released at the start of the second term.
 - c) **Third Term Disbursement:** The final 20% is released at the beginning of the third term.

59. This phased disbursement model helps schools manage their operational costs throughout the year. However, meeting these timelines requires the timely release of the Exchequer by the National Treasury. Sometimes, delays in the release of Exchequer have resulted in delays in disbursements to schools.
60. While the number of students in secondary schools has grown over the years due to the 100% transition policy, the budgetary provision has not increased proportionately. The following is a breakdown of the FDSE budget over the last few financial years:
- a) FY 2019/2020: Ksh 59.41 billion allocated for 2,948,062 students.
 - b) FY 2020/2021: Ksh 59.4 billion allocated for 3,396,322 students.
 - c) FY 2021/2022: Ksh 62.4 billion allocated for 3,587,081 students.
 - d) FY 2022/2023: Ksh 64.4 billion allocated for 3,690,376 students.
 - e) FY 2023/2024: KSh 63.9 billion allocated for an estimated 4,253,155 students in 2023 and 3,244,325 students in 2024.
61. The import of the foregoing is that there have been significant budgetary shortfalls in recent years, resulting in underfunding of the programme. The funding deficit has grown as the number of students has increased, causing strains on school operations. Below are the financial shortfalls over the last few financial years:

Financial Year	Requirement	Budgetary Provision (Ksh)	Deficit (Ksh)	Learners Not Provided For
2019/2020	65.57 billion	59.41 billion	6.16 billion	276,783
2020/2021	78.47 billion	59.42 billion	19.05 billion	856,276
2021/2022	81.63 billion	62.42 billion	19.21 billion	863,484
2022/2023	86.96 billion	64.42 billion	22.54 billion	1,013,292
2023/2024	93.32 billion	63.96 billion	29.36 billion	1,320,063
2024/2025	76.65 billion	59.89 billion	16.77 billion	753,905

62. In view of the budgetary shortfall, the Ministry allocates the budget among all the enrolled learners. The consequence is that the per-learner capitation becomes less than the approved rate of Ksh. 22,244 per student.

63. In conclusion, the Cabinet Secretary stated that the programme has supported access, quality and relevance in secondary education. However, the main challenge is the declining budgetary allocation against a growing student enrolment. The Ministry urges that Parliament enhance the budgetary provision to support the Ministry in meeting the approved rate of capitation of Kshs. 22,244/= per learner per year.

3.3 The National Treasury and Economic Planning

The National Treasury and Economic Planning made written submissions through a letter dated 11th September, 2024, as follows—

64. The petition raised concerns that the subsidy for Free Day Secondary Education (FDSE) Programme has been consistently lower than the actual enrolment and has requested the National Assembly to compel the National Treasury to release the deficit on capitation at the approved rate from 2019 academic year, amounting to KShs.54.2 billion. The rate of capitation per student in the Free Day Secondary Education was set at KShs.10,625/= in 2008. This has increased over the years to KShs. 12,870/= in 2015 and then to KShs. 22,244/= in 2018.
65. The National Treasury has prioritized allocations and Exchequer disbursements to the Education sector in the country to promote literacy levels. Over the last 5 years, KSh.303.7 billion has been allocated for FDSE and KShs.303.5 billion released, representing an absorption of nearly 100 per cent as provided in the Table below:

Financial year	Enrollment	Approved Estimates	Actual Expenditure	Absorption
FY 2019/20	3,045,227	62,853,167,496	62,853,104,675	100%
FY 2020/21	3,289,885	61,049,988,125	61,050,222,969	100%
FY 2021/22	3,587,081	62,421,865,698	62,421,865,698	100%
FY 2022/23	3,646,398	59,421,865,698	59,421,796,398	100%
FY 2023/24	3,881,717	57,974,501,636	57,785,525,535	100%
TOTAL		303,721,388,653	303,532,515,275	100%

This showed the National Treasury's commitment to ensuring continued service delivery in schools.

66. The Petition indicates that the National Treasury has not been allocating resources to FDSE at the approved rate of KSh.22,244/= per learner and is requesting the disbursement of KSh.54.2 billion for the period up to June 2023.
67. The National Treasury is currently operating under a very constrained fiscal framework that has been occasioned by less-than-ideal revenue performance, an escalation in public debt and debt service, expenditure carryovers and the accumulation of pending bills, as well as increased requirements for funding priority interventions. These continue to exert pressure on limited resources.
68. Total revenue collection by the end of June 2024, amounted to KShs. 2,702.7 billion against a target of KSh.2,907.5 billion. The revenue was below target by KSh. 204.9 billion on account of shortfalls in both ordinary revenue and the Ministerial Appropriation in Aid. Additionally, the cumulative revenue collection, including Appropriation in Aid by the end of June 2023 amounted to KSh.2,360.5 billion against a target of KSh.2,478.6 billion, resulting in a shortfall of KSh. 118.1 billion.
69. In view of these challenges, the Government did not have fiscal space for additional expenditures. The National Treasury recommends that the Ministry of Education ensure the efficient utilization of FDSE resources by initiating a thorough audit of school enrolment to inform disbursement to schools.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, Ministry of Education and the National Treasury and Economic Planning, the Committee observed that—

70. There has been significant growth in the number of students due to the 100% transition policy, leading to a budget deficit.
71. The Ministry disburses funds to the schools based on the number of students captured on NEMIS, but the amount allocated is not sufficient for all the students because—
 - i. Not all students in public secondary schools are captured on NEMIS owing to birth certificate issues; and
 - ii. Enrolment increases in January, while budgetary allocations are made in November/December of the previous year, making it difficult for budgets to incorporate the increase.
72. This disparity caused a mismatch between the budget and the number of students enrolled.
73. There is a gap in the utilization and management of the FDSE funds which is occasioned by poor implementation of the enrollment policy requiring each student to be enrolled in the NEMIS.
74. Out of the Kshs.22,244/= allocated, the National Treasury disbursed Kshs. 17,458/= out of which the Ministry of Education retained Kshs. 1,978.98/= to cater for learning materials, medical insurance and co-curricular activities and the school, Kshs. 5,000/= for infrastructure. This leaves secondary schools with inadequate amount of Kshs. 10,479.37/= per learner to run the day-to-day operations.
75. The deficit in the disbursement of funds has been caused by a shortfall in the actual budgetary provision relative to the allocated budget.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

76. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

- i. On the prayer that the Committee compels the Treasury to release capitation at the approved rate of Kshs.22,244/= per learner for the Financial Year 2023/2024 and release the deficit from 2019, amounting to Kshs. 54,220,185,855/= to enable schools to pay the ever-rising pending bills, **the Committee notes that there is no provision in the budget to pay allocated funds that remain undisbursed once a financial year lapses. The Ministry in liaison with National Treasury should however assess any related pending bills and settles them as first charge.**
- ii. **The Committee further recommends that the Cabinet Secretary of Ministry of Education should ensure that all students are registered on NEMIS to reduce the mismatch between the number of students in the system and the actual number of students enrolled, and ensures all disbursements tally for accountability and monitoring purposes.**

Signed:  Date: 01/04/2026

HON. MUCHANGI KAREMBA, CBS, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No. 80 of 2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and the Financial Years 2020/2021 to 2022/2023 by the National Treasury.

Annex 3: Minutes of proceedings

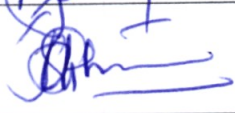
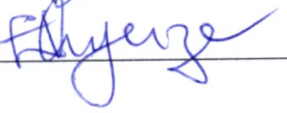
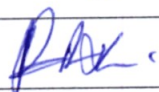
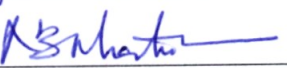
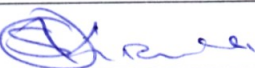
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No. 80 of 2023 by Mr. Indimuli Kahi, OGW, Chairperson KeSSHA, regarding the release of the free day secondary education capitation deficit for the academic year 2019 and the financial years 2020/2021 to 2022/2023 by the National Treasury.**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 18/03/2025

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	



ANNEX 10

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 80 of 2023)

REGARDING RELEASE OF THE FREE DAY SECONDARY EDUCATION
CAPITATION DEFICIT FOR THE ACADEMIC YEAR 2019 AND THE
FINANCIAL YEARS 2020/2021 TO 2022/2023 BY THE NATIONAL
TREASURY

1. **Honourable Members**, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
2. **Honourable Members**, in this regard, I wish to report to the House that my Office has received a Petition from one, *Mr. Indimuli Kahi, OGW, P.O. Box 20658-00200 Nairobi*, the National Chairperson, Kenya Secondary Schools Heads Association (KeSSHA), a professional organization comprising over 10,000 headteachers drawn from public secondary schools in Kenya.
3. **The Petitioner** states that Association appreciates the continued support the Government has accorded schools through the Free Day Secondary Education (FDSE) programme since its inception in 2008, by granting capitation per learner. The program has greatly enhanced access, retention and completion rates in secondary schools.
4. **The Petitioner** explains that in 2008, the rate per learner was Kshs.10,625/=. This was increased to Kshs. 12,870/= in 2015 and then to Kes. Kshs. 22,244/= in 2018. In addition, public secondary schools were only allowed to charge boarding fees as set by the Ministry of Education.

5. **Honourable Members**, the Petitioner is concerned that, despite the increase in capitation per learner, the Government of Kenya subsidy for the Free Day Secondary Programme has consistently been lower than the actual enrollment. Among reasons that have caused this worrying trend include increase in enrollment in January while utilising the budgetary allocations made in November/December of the previous year; the fact that a number of students have experienced challenges in obtaining birth certificates, and are therefore not captured on the NEMIS platform, which the Ministry of Education utilizes to disburse capitation to schools based on the number of students captured; and, partial disbursement of the approved budgeted capitation since 2018.
6. **The Petitioner**, therefore, prays that the National Assembly compels the Treasury to release capitation at the approved rate of Kshs. 22,244/= per learner for the Financial Year 2023/2024 and release the deficit from 2019, amounting to Kshs. 54,220,185,855/= to enable schools to pay the ever-rising pending bills.
7. **Honorable Members**, having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in this petition are not pending before any Court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
8. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.


THE RT. HON. (DR.) MOSES F. M. WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date 29/11/23



KENYA SECONDARY SCHOOLS HEADS ASSOCIATION

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① DLPS
Please deal
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03/11/23

AHHEK (2)

31st October 2023

Dear Sir/Madam

RE: PETITION TO COMPEL THE NATIONAL TREASURY TO RELEASE FDSE CAPITATION DEFICIT FOR THE ACADEMIC YEAR 2019 AND FINANCIAL YEARS 2020/2021 TO 2022/2023

The above subject matter refers.

I write this petition on behalf of the Kenya Secondary School Heads Association (KeSSHA). KeSSHA is a professional organization comprising of 10,000 headteachers drawn from public Secondary Schools in Kenya.

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ex produce properly
3.11.23

KeSSHA appreciates the continued support the government has accorded schools through the Free Day Secondary Education (FDSE) programme since its inception. We note that the program has greatly enhanced access, retention, and completion rates in secondary schools.

This petition outlines the challenges in implementing this noble initiative and recommends actions to safeguard it.

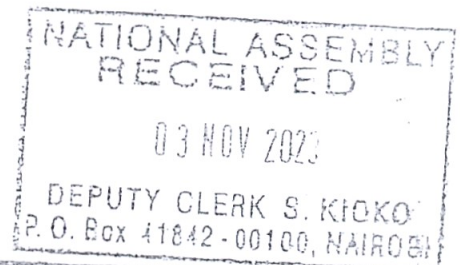
Your Sincerely,

FOR: THE KENYA SECONDARY SCHOOL HEADS ASSOCIATION
(KeSSHA)

INDIMULI KAHU, OGW
NATIONAL CHAIRMAN.

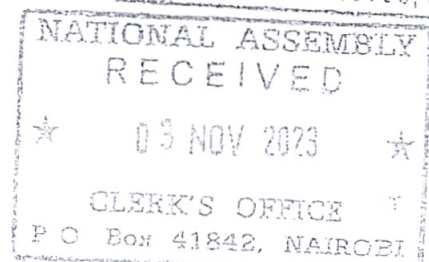


INDIMULI KAHU, OGW
NATIONAL CHAIRMAN
KENYA SECONDARY SCHOOLS
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P.O. Box 20658-00200 NAIROBI



Cc:

1. Rt. Hon. (Dr.) Moses M. Wetang'ula, EGH
Speaker of the National Assembly



2. Rt. Hon. Amason Jeffah Kingi, EGH
Speaker of the Senate

03/11/2023

"Professionalism, our commitment"

SERIAL NO.
RECEIVED

PETITION TO COMPEL THE NATIONAL TREASURY TO RELEASE FDSE CAPITATION DEFICIT FOR THE ACADEMIC YEAR 2019 AND FINANCIAL YEARS 2020/2021 TO 2022/2023

Statement of the problem

As outlined in the legal framework (Article 53 of the Constitution 2010, Basic Education Act 2013 and its Regulations of 2015), every Kenyan child has a right to access free and compulsory basic education. The Ministry of Education is obligated to ensure that all students in secondary school are funded to complete their basic education. To actualize this, GoK began the Free Day Secondary Education (FDSE) programme in 2008, with the granting of capitation per learner. In 2008, the rate per learner was Kshs. 10,625. This was increased to Kshs. 12,870 in 2015 and then to Kshs. 22,244 in 2018. Public secondary schools were also prohibited from charging tuition fees. They were only allowed to charge boarding fees which are set by the Ministry of Education.

Even with the increase in amount of capitation per learner, the Free Day Secondary Programme is grossly underfunded. The budgeting process has remained blind to the increase in enrollment in public secondary schools. Over the years, enrollment used for capitation in secondary schools has increased by an average of 6.91% as indicated in Table 1.

Table 1: Enrolment Trend

Year Period	FDSE Enrolment		
	Previous Year	Current Year	% Increase
2014-2015	2,171,504	2,354,786	8.44%
2015-2016	2,354,786	2,478,280	5.24%
2016-2017	2,478,280	2,582,195	4.19%
2017-2018	2,582,195	2,810,655	8.85%
2018-2019	2,810,655	2,948,062	4.89%
2019-2020	2,948,062	3,396,322	15.20%
2020-2021	3,396,322	3,587,081	5.62%
2021-2022	3,587,081	3,690,376	2.88%
Average			6.91%

(Source: Ministry of Education)

Enrolment increases in January, while budgetary allocations are done in November/December of the previous year. This makes it difficult for the budgets to incorporate increased enrolment. The net effect is that the GOK subsidy for Free Day Secondary Education (FDSE) is always lower than the actual enrolment. This problem is further compounded by the fact that even the approved/budgeted capitation is not released in totality, leading to significant deficits as captured in Table 2 below. While capitation is set at Kes 22,244, what is disbursed to the Ministry of Education, is significantly less.

Table 2 below highlights the buildup of the deficit mentioned above for the last five (5) financial years. The FDSE requirements in Table 2 are based on the enrolment in third term of each year, which does not factor in increases in the following first term. The deficit therefore becomes the first charge in the new financial year.

Consequently, the deficit has increased over time resulting in a situation where there is no budgetary provision cater for learners in second and third term of the academic year.

Table 2: Deficit in FDSE Funding from 2018/2019 to 2022/2023

Financial Year	Third Term Enrolment	FDSE Requirement	Approved Budget	Capitation Rate	Actual Payments	Deficit	Students Not Funded
2019	2,810,655	62,520,209,820	59,418,512,759	22,244	59,349,640,886	9,709,679,066	436,508
2020	2,948,062	65,576,691,128	59,419,942,418	22,244	59,419,942,418	18,854,342,943	847,615
2021	3,396,322	75,547,786,568	59,421,865,698	22,244	59,421,800,595	16,125,985,973	724,959
2022	3,587,081	79,791,029,764	62,421,865,698	22,244	62,421,573,209.50	17,369,456,555	780,861
2023	3,690,376	82,088,723,744	64,421,865,698	22,244	64,421,850,160.01	17,666,873,584	794,231

Source: Ministry of Education Documents)

Once budgetary approval is given, treasury disburses the capitation funds to the Ministry of Education, which in turn disburses the same to schools. This is done based on the number of students captured on NEMIS. However, not all students in our public secondary schools are captured on NEMIS, owing to birth certificate issues (issues arising from birth certificate numbers etc).

As mentioned above, capitation per child went from Kes 12,870 to Kes 22,244 in 2018. In the same year. It was decided that of the Kshs. 22,244 allocated per student, there is an amount retained by the Ministry of Education for the following vote heads:

1. Teaching and learning materials (textbooks)
2. Medical (NHIF Eduafya)
3. Strengthening of Mathematics and Science in Secondary Education. (SMASSE)
4. Co-curricular activities

Further, schools are required to retain Kes 5,000 per child in an infrastructure account, that can only be used for infrastructure improvement upon approval by the County Education Boards (CEBs) or PS Early Learning and Basic Education. The net effect is that schools operate with an average of Kes 10,479.37 as illustrated in Table 10.

The breakdown outlined above was effected from June 2021 vide Ministry of Education Circular Ref No. MOE.HOS/3/13/3 dated 16th June 2021. The circular was issued in accordance with Article 48 of the Public Finance Management (PFM) Act, 2012 and Article 39 of the Basic Education Act, 2013. The circular provided guidelines for the utilization of the Government Subsidy to Secondary schools, in the implementation of Free Day Secondary Education (FDSE) programme for the year 2021-2022, as outlined in Table 3 overleaf.



Table 3 : FDSE Structure

Item	Vote head	KES
(i)	Tuition (Teaching, learning, materials, and exams)	4,144.00
(ii)	Medical/Insurance	2,000.00
(iii)	Activity	1,500.00
(iv)	SMASSE	200.00
(v)	*Other Vote heads – (LT&T, Adm., EWC, P.E.)	9,400.00
(vi)	Maintenance and Improvement	5,000.00
Grand Total		22,244.00

*LT & T – Local Transport & Travel

*Adm -Administration Costs

*EWC -Electricity, Water and Conservancy

*P.E. – Personal Emoluments (to cater for non-teaching staff salaries)

It was also decided that provision of the GoK subsidy (capitation grants) to schools would be done in equal installments of 25% of the approved budget per each quarter of the Financial Year. This model replaced the original model which had been in place before 2018 (*Illustrated in Table 4*). The model was as follows:

- 50% of Kes 22,244 disbursed in term 1 (Kes 11,122)
- 30% of Kes 22,244 disbursed in term 2 (Kes 6,673.20)
- 20% of Kes 22,244 disbursed in term 3 (Kes 4,448.80)

Analysis of the Problem (FSDE Disbursement Breakdown from Academic Year 2019 and Financial Years 2020/2021 to 2023/2024)

Table 4: Disbursement to Schools: Academic Year 2019

FINANCIAL YEAR	DATE OF DISBURSEMENT	TOTAL DISBURSED TO SECONDARY SCHOOLS		TOTAL DISBURSED (Kes)	TOTAL DISBURSEMENT (%)
		Operations Account (Kes)	Tuition Account		
Academic Year 2019	31/01/2019 MOE/HQS/3/13/3	8,800.00	2322.00	11,122.00	50%
	02/05/2019 MOE.HQS/3/13/3	2,623.62	692.00	3,315.62	14.91%
	02/08/2019 MOE/HQS/3/13/3	5,286.07	1,393.24	6,679.31	30.02%
	TOTAL DISBURSED TO SCHOOLS PER CHILD			21,116.93	94.94%
	PENDING BALANCE PER CHILD			1,127.07	5.06%
	TOTAL OWED TO SCHOOLS FOR THE 2019 ACADEMIC YEAR (Pending Balance X Enrolment in term 3 2018/2019)			3,167,804,931	

*Disbursement was done in 3 tranches as follows:

- 50.00% of Kes 22,244 disbursed in term 1
- 30.02% of Kes 22,244 disbursed in term 2
- 14.91% of Kes 22,244 disbursed in term 3

*The Ministry of Education did not retain any of the capitation funds

*There was an overlap for the second tranche (30%). It straddled two (2) financial years.

It should be noted that retention of a part of the capitation funds begun in 2018. Before that, schools would receive capitation amounts in full. In addition, over the last 5 years, the Ministry of Education has received an average of Kes 17,458 of the Kes 22,244. Schools have in turn received an average of Kes 15,479.36 after the Ministry retains the vote heads as per shown in tables 5 to table 8 below. Table 5 to Table 9 highlight the amounts disbursed to schools and the accrued deficits.

Table 5: Disbursement to Schools: Financial Year 2020/2021

FINANCIAL YEAR	DATE OF DISBURSEMENT	TOTAL DISBURSED TO SECONDARY SCHOOLS		RETAINED AMOUNT				TOTAL DISBURSED (Kes)
		Operations Account (Kes)	Tuition Account	Teaching & learning materials (Textbooks)	Medical (NHIF Eduafya)	Co-curricular Activities	SMASSE	
2020/2021	26/10/2020 MOE/3/13/3	3,726.00	750.00 (BOM Teachers)	-	675.00	-	-	5,151.00
	08/01/2021 MOE.HQS/3/13/3	3,397.55	345.00	526.25	337.20	-	50.00	4,465.00
	21/04/2021 MOE.HQS/3/13/3	3,370.00	601.25	320.00	337.50	-	-	4,628.75
	16/06/2021 MOE.HQS/3/13/3	2,796.00	711.50	301.00	203.10	-	-	2,999.10
	TOTAL DISBURSED TO SCHOOLS PER CHILD							17,243.85 (77.52%)
	PENDING BALANCE PER CHILD							5,000.15
TOTAL OWED TO SCHOOLS FOR THE FINANCIAL YEAR 2022/2023 (Pending Balance X Enrolment in 2020/2021)								16,982,119,448

Table 6: Disbursement to Schools: Financial Year 2021/2022

FINANCIAL YEAR	DATE OF DISBURSEMENT	TOTAL DISBURSED TO SECONDARY SCHOOLS		RETAINED AMOUNT				TOTAL DISBURSED (Kes)
		Operations Account (Kes)	Tuition Account	Teaching & learning materials (Textbooks)	Medical (NHIF Eduafya)	Co-curricular Activities	SMASSE	
2021/2022	09/08/2021 MOE.HQS/3/10/16/TY/1	4,500.00	730.00	170.00	200.00	-	100.00	5,700.00
	08/10/2021 MOE.HQS/3/10/16 TY/ (11)	3,553.70	700.00	181.40	171.90	-	50.00	4,657.00
	10/01/2022 MOE.HQS/3/10/18/(42)	2,073.00	478.00	-	100.30	-	50.00	2,702.00
	26/04/2022 MOE.HQS/3/10/18 (50)	2,954.00	1,050.60	-	677.80	-	50.00	4,733.20
	TOTAL DISBURSED TO SCHOOLS PER CHILD							17,792.20 (79.99%)
	PENDING BALANCE PER CHILD							4,451.80
	TOTAL OWED TO SCHOOLS FOR THE FINANCIAL YEAR 2022/2023 (Pending Balance X Enrolment in 2021/2022)							15,968,967,196

Table 7: Disbursement to Schools: Financial Year 2022/2023

FINANCIAL YEAR	DATE OF DISBURSEMENT	TOTAL DISBURSED TO SECONDARY SCHOOLS		RETAINED AMOUNT				TOTAL DISBURSED (Kes)
		Operations Account (Kes)	Tuition Account	Teaching & learning materials (Textbooks)	Medical (NHIF Eduafya)	Co-curricular Activities	SMASSE	
2022/2023	27/07/2022 MOE.HQS/3/10/18 (530)	2,806.49	796.25	-	336.50	300.00	50.00	4,289.24
	05/10/2022 MOE.HQS/3/10/18 (62)	3,114.24	896.25	-	337.50	87.50	50.00	4,485.49
	26/01/2023 MOE.HQS/3/01/18 (114)	3,104.42	602.00	220.00	337.50	100.00	50.00	4,413.92
	14/06/2023 MOE.HQS/3/10/18/(59)	2,950.35	431.50	280.00	338.50	100.00	50.00	4,150.35
	TOTAL DISBURSED TO SCHOOLS PER CHILD							17,339.00 (77.95%)
	PENDING BALANCE PER CHILD							4,905.00
	TOTAL OWED TO SCHOOLS FOR THE FINANCIAL YEAR 2022/2023 (Pending Balance X Enrolment in 2022/2023)							18,101,294,280

Table 8: Disbursement to Schools: Financial Year 2023/2024

FINANCIAL YEAR	DATE OF DISBURSEMENT	TOTAL DISBURSED TO SECONDARY SCHOOLS		RETAINED AMOUNT				TOTAL DISBURSED (Kes)
		Operations Account (Kes)	Tuition Account	Teaching & learning materials (Textbooks)	Medical (NHIF Eduafya)	Co-curricular Activities	SMASSE	
2023/2024	25/09/2023 MOE.HQS/3/13/3	2005.67	507.20	100.00	675.00	-	40.00	3,327.87
	TOTAL DISBURSED TO SCHOOLS PER CHILD							3,327.87 (14.96%)
	PENDING BALANCE PER CHILD							18,916.13 (85.03%)
	TOTAL OWED TO SCHOOLS FOR THE FINANCIAL YEAR 2022/2023 (Pending Balance X Enrolment in 2022/2023)							69,807,632,165

NB: The 2023/2024 financial year has not been discharged; therefore, we cannot calculate what the deficit will be.

Table 9: Total amount owed to the Ministry of Education for the FDSE programme (Amalgamation of the deficit over the years)

ACADEMIC/FINANCIAL YEAR	PENDING BALANCE PER CHILD	TOTAL OWED TO SCHOOLS
2019 Academic Year	1,127.07	3,167,804,931
2020/2021	5,000.15	16,982,119,448
2021/2022	4,451.80	15,968,967,196
2022/2023	4,905.00	18,101,294,280
TOTAL AMOUNT OWED	15,484.02	54,220,185,855

From the above tables, it is evident that the Ministry of Education is owed Kes 54,220,185,855 by the exchequer. It is also evident that while capitation should be Kes 22,244 per child, what is disbursed to the Ministry of Education is an average of 17,458. The Ministry of Education then retains an average of Kes 1,978.98, meaning schools receive an average of Kes 15,479.36. Once schools receive the disbursement from the ministry, they are then required to set aside Kes 5,000 for the infrastructure fund. This leaves secondary schools with an average of Kes. 10,479.37 per child to run operations in schools. The breakdown per year from the 2020/2021 FY is illustrated in Table 10 overleaf.



Table 10: Amount available for school operations 2020/2021 to 2022/2023

Financial Year	Total Capitation to Pupils	Amount Retained by the Ministry	Amount Received by Schools	Infrastructure Fund	Amount Available for School Operations
2020/2021	17,243.85	1,546.55	15,697.30	5,000.00	10,697.30
2021/2022	17,792.20	1,752.90	16,039.30	5,000.00	11,039.30
2022/2023	17,339.00	2,637.50	14,701.50	5,000.00	9,701.50
AVERAGE AMOUNT AVAILABLE FOR SCHOOL OPERATIONS					10,479.37

As a result of underfunding, accrued deficits, and requirement to retain an infrastructure fund that cannot be utilized for school operations, schools have experienced significant financial difficulty due to budget shortfalls. These shortfalls have greatly affected their ability to provide quality education.

Effects of Underfunding & Accrued Deficits

- Budget Shortfall:** Schools often face financial difficulty due to a significant budget shortfall that restricts their ability to provide quality education. The persistent funding gap in education has led to various challenges for schools, from outdated resources, inadequate staff and mounting pending bills
- Resource Constraints:** Limited funding has resulted in resource constraints, making it difficult for schools to maintain essential facilities and provide necessary teaching and learning materials for students.
- Teacher Layoffs:** Financial difficulties have forced schools to lay off BoM employed teachers, which has in turn increased class sizes and reduced the quality of education.
- Outdated Technology:** Secondary schools, especially day secondary schools have struggled to keep up with the latest technology, hindering students' access to modern learning tools.
- Reduced Co-curricular Activities:** Funding shortages have led to a circumstance schools have to contribute towards co-curricular activities at various levels, i.e. sub-county, county and regional level. This has led to cuts in co-curricular programs, limiting students' opportunities for personal growth.
- Classroom Overcrowding:** Inadequate funding has resulted in overcrowded classrooms, making it challenging for teachers to provide individualized attention as espoused in the national goals for education
- Inadequate Professional Development:** Schools have found it challenging to invest in teachers' professional development through workshops and seminars, impacting on the quality of instruction.
- Deferred Maintenance:** Financial difficulties have led to deferred maintenance of school buildings and assets, creating a subpar learning environment.
- Limited Special Education Services:** Underfunding has limited the availability of special education services, leaving students with disabilities underserved.

10. **Student Achievement Gaps:** Financial disparities have contributed to wider achievement gaps, perpetuating inequality in education. This is especially evident in day secondary schools which rely wholly on capitation funds.
11. **Teacher Retention Issues:** Inadequate compensation and resources have made it difficult for schools to retain experienced and talented BoM employed teachers.
12. **Decreased Parental Involvement:** Financial challenges have made it harder for schools to engage parents and the community in the education process. Parents avoid involvement as they believe they will be asked to contribute financial resources.
13. **Impact on Low-Income Communities:** Underfunded schools in low-income areas face more significant financial difficulties, exacerbating educational disparities.
14. **Increased Student Stress:** Budget constraints have led to reduced support services and counseling, affecting students' emotional well-being. Schools are also unable to provide learning support programmes for students who require the service.
15. **Limited Subject Choice:** Schools have struggled to offer a wider curriculum due to financial constraints, therefore limiting the learners' career choices.
16. **Reduced Opportunities for Co-curricula Activities:** Funding shortfalls have limited access to sports, arts, modern agriculture and clubs that enrich students' educational experiences and provided avenues for careers in those areas.
17. **Decline in School Performance:** Prolonged financial challenges have led to a decline in overall school performance and reputation across the public secondary school landscape as evidenced by KCSE results. E.g., due to financial constraints, several schools are unable to adequately provide resources necessary for undertaking practical lessons especially in the sciences.
18. **Challenges in Meeting Academic Standards:** Insufficient resources have made it harder for schools to meet national academic standards for teaching, learning and assessments.

Recommendations

Immediate

1. Immediate release of the deficit from 2019, amounting to Kes 54,220,185,855. G.O.K to source for this funds to enable schools pay the ever raising pending bills,
2. Release of capitation at the approved rate of Kes 22,244 per child for the financial year 2023/2024
3. Factor in total enrolment in secondary schools and disburse capitation at the approved rate for ALL students in public secondary schools.
4. NEMIS should be enabled to capture the data of ALL students in Kenya in line with the provision of the Data Protection Laws, to allow for adequate planning and resource mobilization. We propose that schools with biometric systems be connected directly to NEMIS as those systems have all the student data in those schools. The schools without these systems should be supported to establish them.

5. The Ministry of Education should advise schools on measure to take where Form 4 students exit with fees arrears. At the moment, schools are stopped from withholding Form 4 certificates as a method of ensuring collection of fees arrears.

Short-Term (6-24 Months)

1. Revert to the disbursement system that existed prior to 2018, where capitation was released in tranches as follows:
 - 50% of Kes 22,244 disbursed in term 1
 - 30% of Kes 22,244 disbursed in term 2
 - 20% of Kes 22,244 disbursed in term 3
2. Align the academic and financial calendars as recommended by "*Task Force on The Re-Alignment of The Education Sector to The Constitution of Kenya 2010*" also known as the Odhiambo Report
3. Factor in the Minimum Essential Package as recommended by the *Presidential Working Party on Education Reform: Transforming Education, Training and Research for Sustainable Development in Kenya*
4. Vacation of the directive to retain infrastructure funds from capitation. Alternative funds should be sought for infrastructure development in schools.
5. A review of the vote head referred to as "others" in Table 3, amounting to 9,400. This amount is inadequate for the listed vote heads within it, details as follows:
 - LT & T – Local Transport & Travel
 - Adm -Administration Costs
 - EWC -Electricity, Water and Conservancy
 - P.E. – Personal Emoluments (to cater for non-teaching staff salaries)

It is impossible to pay BoM employed teachers and salaries for essential non-teaching staff necessary to run schools.

6. Develop guidelines for participation of parents and the community in the development of school infrastructure.
7. Source for adequate funding for activity so that schools are not asked to contribute for the activities from the capitation received in schools.
8. G.O.K to create a special tariff for school for payment of electricity and water services.

Mid-Term (Up-to five (5) Years)

1. Review Capitation in line with increased enrollment and to enable seamless transition to CBC, especially at senior school level.
2. We commend the Government for the upward adjustment of capitation for FSDE from Kes.10,265 in FY 2013/2014 to Kes.12,870 in FY 2014/2015 and further to Kes.22.244 in FY 2017/2018. However there lacks a clear criterion to inform adjustments of capitation. We recommend a Review of capitation every 3 years to factor in inflation and the need to continuously improve the learning environment to enhance quality of education.
3. Review of the boarding and lunch fees in public secondary schools to factor in inflation.

Conclusion

It is our belief that if the situation as captured in this petition is not remedied, the basic education sector will suffer the fate in which our public universities found themselves as the list of pending bills continues to increase yearly.

We, kindly request that you, consider our prayers and take necessary action to address this very important issues. We believe that your influence and position can play a vital role in making the changes we seek. We look forward to your response.

REFERENCES

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State Department for Basic Education,
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3. Basic Education Statistical Booklet 2020.
4. Presidential Working Party on Education,
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Sustainable Development in Kenya."
5. Task Force on The Re – Alignment of Education Sector to the
Constitution of Kenya 2010.
6. Basic Education Act 2013.
7. Basic Education Regulations 2015.



INDIMULI KAHU, OGV
NATIONAL CHAIRMAN
KENYA SECONDARY SCHOOLS
HEADS ASSOCIATION
P.O. BOX 60000 NAIROBI



ANNEX (3)

MINISTRY OF EDUCATION

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

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When replying please quote

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Ref. No. MOE.HQS/3/13/3

16th June 2021

To All County Directors of Education

GUIDELINES FOR IMPLEMENTATION OF FREE DAY SECONDARY EDUCATION FOR THE YEAR 2021-2022

INTRODUCTION

1.1 Purpose

This circular is issued in accordance with Article 48 of the Public Finance Management (PFM) Act, 2012 and Article 39 of the Basic Education Act, 2013, to provide guidelines for the utilization of the Government Subsidy to Secondary schools in the implementation of Free Day Secondary Education (FDSE) programme for the Year 2021-2022.

SPECIFIC GUIDELINES

1.2 FDSE Capitation to Schools

The Government will continue to disburse the GOK subsidy (Capitation) to schools to actualize Free Day Secondary Education (FDSE) following the normal financial calendar at the rate of KES.22,244.00 annually per learner as stipulated in Table 1.

Table 1: FDSE Structure

Item	KES.
(i) Tuition (Teaching learning materials and exams)	4,144.00
(ii) Medical/Insurance	2,000.00
(iii) Activity	1,500.00
(iv) SMASSE	200.00
(v) *Other Vote heads - (IT&T, Admin., EWC, P.F.)	9,400.00
(vi) Maintenance and Improvement	5,000.00
Grand Total	22,244.00

* Other vote heads: Local travel and transport, Administration, Electricity, Personnel emolument.



Provision of the GOK Subsidy (capitation grants) to schools will be done in equal instalments of 25% of the Approved Budget per each quarter of the Financial Year.

The following shall apply during disbursements: -

The GOK subsidy will be provided to public schools under the following criteria:

- i) The school must be duly registered and headed by a Principal appointed by TSC.
- ii) The school must be registered on the NEMIS platform
- iii) The school must register and update learners records on NEMIS
- iv) Bank accounts for Tuition and Operational Grant as operated by the school must be registered in NEMIS and with MOE at all its levels.

In addition, the following will apply:

- i. Enrolment data to be used for provision of the GOK Subsidy will be obtained from NEMIS on various dates of disbursement.
- ii. Under the Operation Account, schools may seek authority from the CEBs to vice savings or surplus funds from one item to another when it is absolutely necessary but the same does not apply for Tuition Account.
- iii. Personnel emolument will not be restricted to payment of Non-teaching staff.

School Data on the National Education Management Information System

It is the responsibility of the Principal to ensure accuracy of the data available on National Education Management Information System (NEMIS) where every eligible learner is fully registered on the platform. The following shall apply:-

NEMIS must be used at all time during admission and transfers.

- (i) Transfers of students should be avoided in the course of the academic year and may only be sanctioned by the Director General under special circumstances.
- (ii) Funds will be disbursed using the data available on NEMIS.
- (iii) Schools which receive GOK subsidy for students above the enrolment will be penalized and the Principal surcharged for loss of public resources as provided for in the PFM Act, 2012 Sections 197, 198 and 202.
- (iv) Principals are required to update their records in NEMIS.
- (v) Changes in information on a school's bank accounts **WILL ONLY** be effected at MOE Headquarters. Requests for change have to be forwarded by the Sub County Director of Education and sent to the Director Secondary Education.

2.0 Fees Structures

3.1 Day Schools

GOK will continue to offer free day schooling and the fees structure for day schools is shown in Table 2.

Table 2: Fees Structure for Day Schools

Vote Heads	Parent	GOK
Teaching learning materials and exams	0	4,144.00
Maintenance and Improvement	0	5,000.00
*Other vote heads - (I.T&T, Adm., EWC, P.E)	0	9,400.00
Activity fee	0	1,500.00
Medical and Insurance	0	2,000.00
SMASSE	0	200.00
Total school fees	0	22,244.00

* Other vote heads: Local travel and transport, Administration, Electricity, Personnel emolument.

3.2 Boarding Schools

Following the shortened academic calendar from 39 weeks to 30 weeks for the academic year commencing on 26th July 2021 to 4th March, 2022 the Ministry of Education has revised fees guidelines on fees payable by parents as shown in the tables below. GOK will provide a subsidy for each learner in a boarding school that is equal to the subsidy for each learner in a day school. In order to meet the cost of boarding, parents will pay the boarding fees applicable to different categories of schools and location. Tables 3, 4 and 5 below provide the details of the fees.

Table 3: Boarding school's fees structure- Category A*

Vote Head	Parent	GOK	Total
Teaching, Learning materials & Exams	4,144.00	0	4,144.00
Boarding Equipment and Stores	0	24,935.00	24,935.00
Maintenance and Improvement	5,000.00	2,000.00	7,000.00
*Other vote heads- (I.T&T, Adm., EWC, P.E)	9,400.00	17,267.00	26,667.00
Activity fees	1,500.00	798.00	2,298.00
Medical and Insurance	2,000.00	-	2,000.00
SMASSE	200.00	-	200.00
Total school fees	22,244.00	45,000.00	67,244.00

* Other vote heads Local travel and transport, Administration, Electricity, Personnel emolument.

Schools classified as Category A* are all National schools and Extra county schools that are located in the following towns: Nairobi, Mombasa, Nakuru, Kisumu, Nyeri, Thika and Eldoret ONLY.

Table 4: Boarding schools fees structure- category B*

Vote Head	GOK	Parent	Total
Teaching, Learning Materials and Exams	4,144.00	0	4,144.00
Boarding Equipment and Stores	0	20,830.00	20,830.00
Maintenance and Improvement	5,000.00	2,000.00	7,000.00
*Other Vote heads (I.T&T, Adm., EWC, P.E)	9,400.00	11,670.00	21,070.00
Activity fees	1,500.00	500.00	2,000.00
Medical and Insurance	2,000.00	0	2,000.00
SMASSE	200.00	-	200.00
Total school fees	22,244.00	35,000.00	57,244.00

*Other vote heads Local travel and transport, Administration, Electricity, Personnel emolument.

Schools classified as Category B* include *all schools that are boarding schools and extra county schools that are located in other areas other than the town of Nairobi, Mombasa, Nakuru, Kisumu, Nyeri, Thika and Eldoret*

Table 5: Fees Structure for Special Needs Schools

Vote Heads	GOK	Parent	Total
Teaching, Learning Materials and Exams	4,144.00	0	4,644.00
Boarding Equipment and Stores	19,053.00	8,860.00	27,913.00
Maintenance and Improvement	5,000.00	2,000.00	7,000.00
*Other Vote heads:(LT&T, Adm., EWC,P.E)	9,400.00	0	9,400.00
Activity fees	1,500.00	0	1,500.00
Medical and Insurance	2,000.00	0	2,000.00
**Top Up	12,510.00	0	12,510.00
SMASSE	200.00	0	200.00
Total school fees	53,807.00	10,860	65,167.00

*Other vote heads Local travel and transport, Administration, Electricity, Personnel emolument.

Schools classified as Special needs are those schools that cater for learners with impairment e.g. visual, physical, hearing and mental. GOK has enhanced capitation to KES.53,807.00 distributed in the fees structure shown in Table 5. The structure includes GOK subsidy of KES.19,053.00 per learner for **Boarding Equipment and Stores** and a top up grant of 12,510.00 per learner to cater for assistive devices and any additional personnel needed.

3.3 Maintenance and Improvement Funds

MOE has provided for the use of KES 5,000.00 per student from the GOK subsidy as Maintenance and Improvement Fund per year to ensure a proper learning environment with adequate school infrastructure and other improvements. Similarly, for boarding schools, an additional KES 2,000.00 per student is provided for as a parent's contribution. This vote should only be used for immovable assets and other form of infrastructure in the school that may require upgrading. Approval must be sought from the relevant office on utilization of this vote. Detailed guidelines will be issued on the approval of projects under this fund.

3.0 Bank Accounts

To ensure accountability and smooth implementation of the FDSI programme, all schools are required to operate the following bank accounts.

1. **Tuition Account:** for banking of tuition funds and all payments should strictly be made by cheques. Funds in the tuition account must be utilized for the procurement of teaching and learning material (TLMs) only.
2. **Operational Account:** - This account is used for banking of all Government subsidies except the tuition. Infrastructure Grants as well as Maintenance and improvement funds should be transferred to the school infrastructure Account fifteen days upon receipt of the funds

- i. **Boarding Account:** - This account is for banking of funds paid by parents for boarding related expenses.
- ii. **A Saving Account:** This account is for banking funds from the Boarding Account Cash Book that cannot be put to immediate use.
- iii. **School Infrastructure Account:** - for banking infrastructure grants from GoK and Maintenance and Improvement (M&I) funds.

Schools with income generating activities shall open separate bank accounts for the same.

4.0 Operational Procedures for School Bank Accounts

In addition to the above, the following procedures will continue to apply:

- a) Each account must have a separate cash book.
- b) All schools must acknowledge the receipt of funds by a letter to the CDF/ uploading an official receipt on the NEMIS plat form.
- c) A receipt is issued to every learner for the amount received as GOK subsidy for every disbursement made by GOK.
- d) Schools must post on their notice boards the amounts received.
- e) No virement is authorized from the Tuition Account.
- f) All CDF and donations or funds from Harambee must be receipted officially and entered into the school Cash books. These include incomes from hire of school facilities e.g., grounds, classrooms, halls or billboards on school compounds.
- g) School may open additional bank accounts as may be necessary. For example, school may need a bank account for CDF funds only

5.0 Financial Obligations

All schools' management are expected to ensure prudence in the use of school funds and to adhere to the laid down financial regulations as stipulated in the reviewed **Handbook on Financial Management for Public Secondary Schools, Teacher Training Colleges and Technical and Vocational Colleges in Kenya** issued by the MOE, the Public Finance Management Act, 2012 and the Public Procurement and Disposal Act, 2015.

All stipulated accounting procedures and other necessary measures, including cost-saving, must be adhered to by all schools at all times. In addition, the following will apply: -

- Schools **MAY NOT** enter into financial contracts e.g., Hire purchase, bank loans without the express written approval of the Cabinet Secretary in line with Section 18 of 4th Schedule of the Basic Education Act, 2013.
- Every Principal shall be responsible for application and utilization of funds as the Accounting Officer of the school. Guidelines of the same shall be given before the actual disbursement.

6.0 Ineligible Expenditures

As stipulated in the **Public Finance Management (PFM) Act, 2012**,

- (i) Every public officer employed in a public entity shall comply with the Constitution and all laws relating to the conduct of public officers when carrying out a responsibility or exercising a power under this Act.
- (ii) Without prejudice to PFM Act provisions, a public officer shall ensure that the resources in his purview are used in a way, which is (a) lawful and authorized; and (b) Effective, efficient, economical and transparent.
- (iii) All procurement of goods and services is to be carried out in accordance with Article 227 of the Constitution and the relevant legislation on procurement and disposal of assets.
- (iv) An Accounting Officer may not authorize payment to be made out of funds earmarked for specific activities for other purposes other than those activities.

Ineligible expenditure will arise when such expenditures do not adhere to the law and are not aligned towards the goal of students learning, which are the school's main activities.

7.0 Parental Obligations

Parents will continue to meet the following cost:

- School uniforms.
- Boarding related costs as reflected in the boarding school fees structure.
- Lunch for the day scholars; and
- Clear their fees balances for continuing students prior to Jan 2021.

8.0 Board of Management (BOM) Employees

MOE will continue to disburse funds to support the BOM employees. To minimize costs, it is necessary to rationalize the recruitment of such cadre of staff. It shall be the responsibility of the boards to hire Non-Teaching Staff at terms commensurate with qualification and capacity to pay. It is also important for schools to hire persons who are qualified for the job.

9.0 Transfers and Re-Entry

Cases of re-admission of dropouts and transfers should be dealt with on individual basis as stipulated in the student transfer guidelines. All transfers must be handled through NEMIS. The receiving school will initiate the process on NEMIS and the releasing school will complete the process as approved by the Various MOE personnel

10.0 SET Books

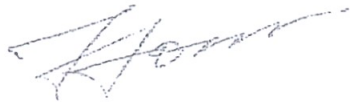
The Ministry of Education will supply English Literature and Fasihi set books to Form three and four students in all the public secondary schools in 2021 as guided by the

syllabus requirements. School principals are therefore advised not to procure the set books for the two classes. The enrolment data obtained on NEMIS will be used for this purpose. Principals are advised to ensure that data provided on NEMIS is accurate. Funds to actualize the procurement and delivery of the SET books shall be retained from the GOK Subsidy to schools.

11.0 Annual procurement plan

As provided for in article 26 the Public Procurement and Disposal act 2015, all procurement shall be within the approved budget of the procuring entity (school) and shall be planned by the procuring entity concerned through an annual procurement plan. Consequently, all schools MUST prepare an annual procurement plan and execute it after approval by the Board of management.

All County Directors of Education are required to ensure strict adherence to the guidelines on implementation of the PDSE programme and bring this information to the attention of all field officers and secondary schools principals under their purview.



Julius O. Jwan, PhD., MBS
PRINCIPAL SECRETARY

CC Cabinet Secretary
Chief Administrative Secretary
Chief Executive Officer, Teachers Service Commission
Director Schools Audit Services
Director, Quality Assurance and Standards
All Regional Directors of Education

(19)

MOE/HQS/3/15/8

31 January 2019

All Regional Education Coordinators
All County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION FUNDS FOR FIRST TERM 2019 - 50% OF THE TOTAL CAPITATION

The Ministry of Education has released 50% of Free Day Secondary Education funds at a capitation of KShs. 11,122.00 per student. The data used for this capitation was extracted from National Education Management Information System as at 23rd January 2019 at 11:00am. To cater for form one students, the term two enrolment were adjusted upwards by a factor of 1.04. The Vote Head break down for the utilization of funds is as follows:

- Tuition KShs 2,522.00
- Operation KShs 2,000.00

Tuition Account

S/No	Item	Amount (KSh)
1	Tuition	412.00
2	Textbooks	68.00
3	SWASSE	20.00
Total		7,997.00

Operation Account

S/No	Items	Amount (KSh)
1	Salaries	700.00
2	Medical	15.00
3	Mail	610.00
4	Water, fuel and food	610.00
5	Other allowances	130.00
	Total	1,025.00

* 1266 x 6000 = 7,596,000 - CCIV/Fire ex/Electricity

The Ministry of Education, Youth and Sports (MEYS) is pleased to announce the allocation of funds to schools and institutions of higher learning for the year 2019/2020. The funds are allocated for the following purposes:

- (i) All schools and institutions of higher learning to receive funds for the year 2019/2020.
- (ii) Funds for the year 2019/2020 are allocated to the Principal Secretary, State Department of Education, Youth and Sports, for both Initial and Operating Accounts with a view to the Sub-County Directors (SCDs) and County Directors of Education (CDEs).
- (iii) Acknowledging receipt of funds through NIMS by uploading a copy of the acknowledgment for both accounts where applicable.
- (iv) Forwarding to the County Director of Education through the Sub-County Director of Education an allocation of funds duly signed by individual students.
- (v) Forwarding individual student's exam form lists that show their examination numbers and full names as in the admission register and the amount awarded. These lists should be attached to the payment voucher kept in the school as per procedure and every student issued with a school official stamp for the allocation.

This must be accomplished within two weeks of receipt of funds, failure to which further release of funds to such schools will be suspended.

It is the responsibility of every County Director and Sub-County Director of Education to monitor and monitor the accuracy of enrollment data of their schools as reflected in NIMS.

The guidelines on Management of Maintenance and Development Funds of ShS 6,000 are provided separately.

All County Directors of Education are urged to circulate the contents of this letter to all principals of public secondary schools within their jurisdiction.

DR. MAJOR KIPSANG CBS
PRINCIPAL SECRETARY

CC

1. Principal Secretary, Ministry of Education, Youth and Sports
2. Principal Secretary, State Department of Basic Education
3. Secretary, CDE, Teachers Service Commission
4. Director, School Management Services
5. Director, Curriculum and School Health, Education (CSHED)

Nov 2019

Journal of Management Education 35(1):1-25, 2011. © 2011 Sage Publications. 10.1177/1052562910392165

As a result, the authors conclude that the use of the *in vitro* model is not sufficient to predict the *in vivo* behavior of the system. The authors also conclude that the use of the *in vitro* model is not sufficient to predict the *in vivo* behavior of the system.

Item	Amount (€)
17.06.14	67.00
17.07.17	67.00
69.00	

[illegible][illegible]

M6

$$326 \times 1000 = 326000$$

MOL/HQS/3/13/3

2nd August 2019

All Regional Directors of Education

All County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION FUNDS FOR SECOND TERM 2019 (TRANCHE ONE AND TRANCHE TWO)

The Ministry of Education has released Free Day Secondary Education funds at a capitation of Kshs. 3,315.62 per student for the first tranche and Kshs. 3,364.14 per student for the second tranche. Tranche one constituting 14.9% was released in May 2019 while tranche two (15.1%) in July, 2019. The data used for the two tranches was extracted from National Education Management Information System (NEMIS) as at Friday 26th April, 2019 and Friday, 19th July, 2019 respectively. The Vote Head break down for the utilization of funds is as follows:

Tuition Account

S/No	Item	Tranche 1 Amount (Kshs.)	Tranche 2 Amount (Kshs.)	Total (Kshs.)
1.	Reference materials	524.13	492.86	1,016.99
2.	Textbooks	167.87	208.38	376.25
	Total	692.00	701.24	1,393.24

Operations Account

S/No	Items	Tranche 1 Amount (Kshs.)	Tranche 2 Amount (Kshs.)	Total (Kshs.)
		458.00	00	458.00
1.	Activity	165.17	359.15	524.32
2.	Medical and Insurance	1,000.00	1,000.00	2,000.00
3.	Maintenance & improvement	1,000.00	1,303.75	2,303.75
4.	Other vote heads (LTT/EWC Admin & PE)	1,000.00	2662.90	3,662.90
	Total	2,623.62	2662.90	5,286.52

27/01/2020, 9:05 AM

1084 X

$$24.86 \times 2000 = 49720.00$$

MINISTRY OF EDUCATION
OFFICE OF THE PRINCIPAL SECRETARY, STATE DEPARTMENT OF BASIC
EDUCATION AND BASIC EDUCATION

REGIONAL COORDINATOR
COUNTY DIRECTOR
MDE/3/13/3

PRINCIPAL SECRETARY
PO BOX 10000
Nairobi

26th August 2020
October

Regional Coordinators of Education
County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION (FDSE) FUNDS - UPDATE

Ministry of Education has released Free Day Secondary Education funds at a capitation rate of KShs.5151.00 per student. The data used for this capitation was extracted from National Education Management Information System (NEMIS) on Wednesday 5th August 2020 at 2.50 P.M.

1.0 VOTE HEAD BREAKDOWN

The Vote Head breakdown for the utilization of funds is as follows:

Operation Account

Maintenance and Improvement	500.00	00.00	500.00
Other Vote heads (Personal Emoluments, EWC, Adm. costs)	3,226.00	00.00	3,226.00
NHIF-EduAva	00.00	675.00	675.00
Total	3,726.00	675.00	4,401.00

ion Account

BOM Teachers	0.00	750.00	750.00

2.0 PAYMENT OF SALARIES TO SCHOOL EMPLOYEES

In January 2020, the Ministry of Education released 50% of FDSE funds to schools. These funds included P. E funds up to June 2020. In this regard, Ksh.3,226 per learner should be utilized in the payment of salaries to non-teaching staff, water and electricity bills as well as administrative costs up to December 2020.

3.0 UTILIZATION OF MAINTAINANCE AND IMPROVEMENT FUNDS

Total annual allocation for Maintenance and Improvement (M&I) was Ksh 9,000 of which Ksh 4,000 was disbursed in January 2020. An additional Ksh 500.00 per learner has been released to enable schools prepare for re-opening in January 2021 in conformance to COVID-19 guidelines. Consequently, the contents of a circular dated 25th November 2019 on the amount for M&I will change to Ksh 4,500.00.

$$62 \times 500 = 783,500$$

4.0 PAYMENT OF BOM TEACHERS

The Ministry of Education will support teachers employed by the Boards of Management (BOMs) as at 15th March 2023 for six months only from July to December 2020 by paying them Ksh.10,000.00 per month. Each teacher must sign for the money personally and records kept for later auditing. Payment should be made monthly and not in advance. Schools with BOM teachers will receive a separate commensurate disbursement based on the data obtained from the Teachers Service Commission (TSC) in to their operation account. Only teachers with TSC numbers will benefit from this package. This circular supersedes the one dated 20th August, 2020.

5.0 EDU AFYA MEDICAL COVER

Edu Afya medical cover for students in public secondary schools is operational. Principals are required to advise students accordingly and offer support to learners/parents whenever they encounter any challenge with their UPI.

All principals must acknowledge receipt of funds by:

- (i) Issuing official school receipts to the Principal Secretary, State Department of Early Learning and Basic Education for both Tuition and Operation Accounts with copies to the Sub-County Directors (SCDEs) and County Directors of Education (CDEs);
- (ii) Acknowledging receipt of funds through NEMIS by uploading a copy of the official receipt for both accounts where applicable;
- (iii) Providing to the County Director of Education through the Sub-County Director of Education an allocation of funds duly signed by individual students;
- (iv) Having individual students sign form lists that show their admission numbers and full names as in the admission register and the amount awarded. These lists should be attached to the payment voucher kept in the school as per procedure and every student issued with a school official receipt for the allocation.

This must be accomplished within two weeks of receipt of funds, failure to which further release of grants to such schools will be suspended. It is the responsibility of every County Director and Sub-County Director of Education to authenticate and monitor the accuracy of enrolment data of their schools as reflected in NEMIS. All County Directors of Education are asked to circulate the contents of this letter to all principals of public secondary schools within their jurisdiction.



DR. BELIO R. KIPSANG, CBS
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary, Ministry of Education
Secretary/CEO, Teachers Service Commission
Director, School Audit Services



3070,280.60
 2207139.40
 5,277,420

MINISTRY OF EDUCATION
 OFFICE OF THE PRINCIPAL SECRETARY, STATE DEPARTMENT OF EARLY
 LEARNING AND BASIC EDUCATION

Telegrams: "EDUCATION", Nairobi
 Telephone: Nairobi 3318581
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 When replying please quote

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

MOE.HQS/3/13/3
 Ref. No.
 and date

..21st April, 2021....., 20....



All County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION (FDSE) FUNDS -
 MARCH 2021

The Ministry of Education prepared Free Day Secondary Education funds disbursement at a capitation rate of Kshs.4,628.75 per student in February 2021. These funds are being disbursed in two equal instalments. Part of the funds were released to schools in March 2021 and the remainder will be released in due course. The Vote Head break down for the utilization of these funds (Kshs.4,628.75) once fully disbursed has been computed is as follows:

	(Kshs.)	(Kshs.)	(Kshs.)
Operations Account			
• Maintenance and improvement	1,500.00	0.00	1500.00
• Other Vote heads (Personal Emoluments, EWC, LTT, Adm. costs)	1,870.00	0.00	1,870.00
• Insurance (NHIF -EduAya)	00.00	337.50	337.50
Sub-Total	3,370.00	337.50	3,707.50
Tuition Account			
• Teaching & learning materials	601.25	320.00	921.25
Sub-Total	601.25	320.00	921.25
GRAND TOTAL	3971.25	657.50	4628.75

The data used for this capitation was extracted from National Education Management Information System (NEMIS) on Thursday 11th February 2021 at 2.30 pm.

1566 x 1500 = 2349,000

1566
 1566



Opening schools
after Covid

MINISTRY OF EDUCATION
OFFICE OF THE PRINCIPAL SECRETARY, STATE DEPARTMENT OF EARLY
LEARNING AND BASIC EDUCATION

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PRINCIPAL SECRETARY
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P.O. BOX 30040
NAIROBI

8th January, 2021

Ref. No. MOE.HQS/3/13/3
and date

All County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION (FDSE) FUNDS - JANUARY 2021

The Ministry of Education has released Free Day Secondary Education funds at a capitation rate of KShs.4656.00 per student. From this amount, the Ministry has retained Ksh. 337.20 for students' medical cover (Edu Afya), Ksh. 50.00 for the SMASSE programmes and Ksh.526.25 for the provision of set books. Consequently, schools will receive Ksh.345.00 per student for expenses related to tuition and Ksh. 3,397.55 per student for Operational expenses. The vote head break down for the utilization of funds is as follows: -

Table 1: Vote heads for the Operation Account

Vote head	Spent	Retained	Total Amount
Maintenance and improvement	2,000.00	0.00	2000.00
Other Vote heads (Personal Emoluments, EWC, LTA, Adhoc costs)	1,397.55	00.00	1,397.55
Insurance (NHIF - Edu Afya)	00.00	337.20	337.20
TOTALS	3,397.55	337.20	3,734.75

Table 2: Vote heads for the Tuition Account

Vote head	Spent	Retained	Total Amount
Tuition	345	526.25	871.25
SMASSE	0	50.00	50
TOTALS	345	576.25	921.25

The enrollment data that has been used for this disbursement was extracted from NEMIS on Monday 7th December 2020 at 9.35 AM.

The total annual allocation for Maintenance and Improvement (M&I) for 2021 is Ksh.5,000 of which Ksh.2,000 has been disbursed in this disbursement of January 2021. The rest of the funds will be disbursed in subsequent disbursements. Principals are required to adhere to the set guidelines in the utilization of the funds.

All Principals must acknowledge receipt of funds by:



ANNEX (4)

MINISTRY OF EDUCATION

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

Telegrams: "EDUCATION", Nairobi
Telephone: Nairobi 3318581
Fax No.: 254-2-214287
E-mail: ps@education.go.ke
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PRINCIPAL SECRETARY
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P.O. BOX 30040
NAIROBI

MOE.HQS/3/13/3

16th June, 2021

Ref. No.

All Regional Directors of Education

All County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION (FDSE) FUNDS FOR THIRD TERM - 2021

Ministry of Education prepared disbursement schedules for Free Day Secondary Education funds for third term of 2021 in April 2021 at a rate of Kshs.1,012.50 for tuition and Kshs.2,999.10 for operations. Disbursement of 50 percent of these funds has been released to schools in the first week of June, 2021. The rest of the money will be released in due course.

The data used for this capitation was extracted from National Education Management Information System (NEMIS) on 15th April, 2021 at 1:45 PM. The Vote head break down for the utilization of funds once disbursement has been completed is as follows:

Operations Account

Item	Vote Head	School	Retained	Total (Kshs.)
1.	M&I	500.00	00	500.00
2.	Other vote heads -- (Personnel emoluments, EWC, Adm. Costs)	2,296.00	00	2,296.00
3.	Medical Insurance	00.00	203.10	203.10
Total		2,796.00	203.10	2,999.10

Tuition Account

Item	Vote Head	School	Retained	Total (Kshs.)
1.	Teaching and learning materials	712.50	301.00	1,012.50

All principals must acknowledge receipt of funds by:



Enrollment - 784 x 500 = 392,000 = transferred to inf. system



REPUBLIC OF KENYA
MINISTRY OF EDUCATION

State Department of Early Learning and Basic Education

Telegrams: "EDUCATION", Nairobi
Telephone: Nairobi 3318581
Fax No.: 254-20-214287
e-mail: ps@education.go.ke
When replying please quote Ref. No. & date

PRINCIPAL SECRETARY
JOGOO HOUSE "B"
HARAMBEE AVENUE
P.O. BOX 30040 CO100
NAIROBI

Ref. No. MOE.HQS/3/10/16/1/Y/1

9th August, 2021

All County Directors of Education

DISBURSEMENT OF FREE DAY SECONDARY EDUCATION (FDSE)
FUNDS - TERM 1-2021

The Ministry of Education has disbursed Free Day Secondary Education funds to public secondary schools at a capitation rate of Kshs.5,700.00 per student.

The data used for this disbursement was extracted from NEMIS on 16th July, 2021 and consists enrolment of Form 2, 3 and 4 students. Funding for Form 1 students will be processed once their reporting and registration on NEMIS is completed by the Principals.

The Vote Head break down for the utilization of these funds (Kshs.5,700.00) has been computed as shown in the table below:

Vote Heads Breakdown

	School (Kshs)	Registration (Kshs)	Total (Kshs)
Operations Account			
• Maintenance and improvement	2,000.00	0.00	2,000.00
• Other Vote heads (Personal Emoluments, EWC, LTT, Adm. costs)	2,500.00	0.00	2,500.00
• Insurance (NHIF -EduAfya)	00.00	200.00	200.00
Sub-Total	4,500.00	200.00	4,700.00
Tuition Account			
• Teaching & learning materials	730.00	00.00	730.00
• SMASSE	00.00	100.00	100.00
• TEXT BOOKS	00.00	170.00	170.00
Sub-Total	730.00	270.00	1,000.00
GRAND TOTAL	5,230.00	470.00	5,700.00

1252 x 2000 = 2,504,000 - operation

1252

All principals must acknowledge receipt of funds by:

- (i) Issuing official school receipts to the Principal Secretary, State Department of Early Learning and Basic Education for both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and County Directors of Education (CDEs).
- (ii) Acknowledging receipt of funds through NEMIS by uploading a copy of the official receipt for both accounts where applicable.
- (iii) Providing to the County Director of Education through the Sub- County Director of Education an allocation of funds duly signed by individual students.
- (iv) Having Individual students sign form-lists that show their admission numbers and full names as in the admission register and the amount awarded. These lists should be attached to the payment voucher kept in the school as per procedure and every student issued with a school official receipt for the allocation.

This must be accomplished within two weeks of receipt of funds, failure to which further release of grants to such schools will be suspended.

All County Directors of Education are asked to circulate the contents of this letter to all principals of public secondary schools within their jurisdiction.



PAUL KIBET, OGW
For: PRINCIPAL SECRETARY

Copy to: Cabinet Secretary, Ministry of Education
Secretary/CEO, Teachers Service Commission
Director, School Audit Services
All Regional Coordinators of Education



MINISTRY OF EDUCATION
State Department of Early Learning and Basic Education
Office of the Principal Secretary

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

When replying please quote

Ref. No. MOE.HQS/3/19/16 TY/(11)

Date: 8th October, 2021

All County Directors of Education

**RE: DISBURSEMENT OF FREE DAY SECONDARY EDUCATION (FDSE)
CAPITATION FUNDS FOR SECOND TERM - 2021**

The Ministry of Education has disbursed Free Day Secondary Education (FDSE) capitation funds at a rate of Kshs.4,657.00 per student. The data used for this capitation was extracted from National Education Management Information System (NEMIS) on Monday 27th September, 2021 at 4.05 p.m. The Vote Heads break down for the utilization of funds is as follows:

Vote Heads Breakdown

Item	School (Kshs.)	Retained (Kshs.)	Total (Kshs.)
Operations Account			
• Maintenance and improvement	1,500.00	0.00	1,500.00
• Other Vote heads (Personal Emoluments, EWC, LTT, Adm. costs)	2,053.70	0.00	2,053.70
• Medical/Insurance	00.00	171.90	171.90
Sub-Total	3,553.70	171.90	3,725.60
Tuition Account			
• Teaching & learning materials	700.00	181.40	881.40
• SMASSE	00.00	50.00	50.00
Sub-Total	700.00	231.40	931.40
GRAND TOTAL	4,253.70	403.30	4,657.00

1354 x 1500 = 20310



All Principals must acknowledge receipt of funds by:

- (i) Issuing official school receipts to the Principal Secretary, State Department of Early Learning and Basic Education for both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and County Directors of Education (CDEs).
- (ii) Acknowledging receipt of funds through NEMIS by uploading a copy of the official receipt for both accounts where applicable.
- (iii) Providing to the County Director of Education through the Sub- County Director of Education an allocation of funds duly signed by individual students.
- (iv) Having Individual students sign form-lists that show their admission numbers and full names as in the admission register and the amount awarded. These lists should be attached to the payment voucher kept in the school as per procedure and every student issued with a school official receipt for the allocation.

This must be accomplished within two weeks of receipt of funds, failure to which further release of grants to such schools will be suspended.

All County Directors of Education are asked to circulate the contents of this letter to all Principals of public secondary schools within their jurisdiction.



JULIUS JWAN, PhD, MBS
PRINCIPAL SECRETARY

Copy to: Cabinet Secretary, Ministry of Education
Secretary/CEO, Teachers Service Commission
Director, School Audit Services
Chairman, Kenya Secondary School Heads Association
All Regional Coordinators of Education



MINISTRY OF EDUCATION

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HARAMBEE AVENUE
P. O. BOX 30040
NAIROBI

When replying please quote

MOE.HQS/3/10/18/(42)

10th January, 2022

All County Directors of Education

RE: THIRD QUARTER DISBURSEMENT OF FREE DAY SECONDARY
EDUCATION (FDSE) FUNDS

The Ministry of Education has released Free Day Secondary Education (FDSE) funds for term three at a capitation rate of Kshs. 2,702.00 per student. The data used for this disbursement was extracted from NEMIS on 9th December 2021 at 11.52 am. The Vote Head break down for the utilization of the funds is shown in Tables 1 and 2 for operations and tuition accounts respectively.

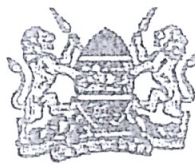
Table 1: Operations Account in Kenya Shillings

Vote head	Provided to school	Retained at headquarters	Total
Maintenance and Improvement	500.00	00.00	500.00
Other vote heads – (Personnel Emoluments, EWC, Adm. Costs)	1,573.70	00.00	1,573.70
Medical/Insurance	00.00	100.30	100.30
Total	2,073.70	100.30	2,174.00

Table 2: Tuition Account in Kenya Shillings

Vote head	Provided to school	Retained at headquarters	Total
Teaching & learning materials	478.00	00.00	478.00
CEMASTEAs	00	50.00	50.00
Total	478.00	50.00	528.00





MINISTRY OF EDUCATION
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JOGOO HOUSE "B"
HARAMBEE AVENUE
P. O. BOX 30040
NAIROBI

Ref. No. MOE.HQS/3/10/18 (50)

Date: 26th April 2022

All County Directors of Education

FDSE FUNDS FOR FIRST TERM - 2022

The Ministry of Education has released FDSE funds for First term of 2022 and the last quarter of the 2021/2022 financial year FDSE allocation at a capitation rate of Kshs. 4,733.20 per student. The data used for this disbursement was extracted from NEMIS on 23rd March, 2022 at 8.18 am. Since the enrolment used was for the whole school, there will therefore be no separate capitation for form ones once they report in the month of May. The Vote Head break down for the utilization of the funds is as follows:

Operations Account

Item	School	Retained	Total Amount
Maintenance and improvement	1000.00	00.00	1000.00
Other Vote Heads (Personal Emoluments, EWC, Adm. Costs)	1754.80	00.00	1754.80
NHIF - EduAfya	200.00	677.80	3,632.60
Totals	2,954.80	677.80	3,632.60

Tuition Account

Item	School	Retained	Total Amount
Teaching and Learning Materials	1050.60	00.00	1050.60
SMASSE	0	50.00	50.00
Totals	1050.60	50.00	1100.60

You should ensure that all Schools acknowledge receipt of funds by:

- Issuing official school receipts to the Principal Secretary, State Department of Early Learning and Basic Education for both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and yourselves i.e. CDE.





MINISTRY OF EDUCATION

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HARAMBEE AVENUE
P. O. BOX 30040
NAIROBI

When replying please quote

Ref: No: MOE.HQS/3/10/18 (53)

27th July 2022

All County Directors of Education

RE: RELEASE OF FDSE FUNDS FOR SECOND TERM -2022

The Ministry of Education has released Free Day Secondary Schools (FDSE) Funds for second term of 2022 and the first quarter of the 2022/2023 Financial Year FDSE allocation at a capitation rate of Kshs.4,289.24 per student. The data used for this disbursement was extracted from NEMIS on 30th June, 2022 at 12.52 p.m. The Vote Head break down for the utilization of the funds is as follows:

Operations Account

Maintenance and Improvement	1000.00	00.00	1000.00
Other Vote heads (Personal Emoluments, EWC, Adm. costs)	1806.49	00.00	1806.49
NHIF -EduAfya	00.00	336.50	336.50
Co-curricula activities	00.00	300.00	300.00
TOTALS	2806.49	636.50	3442.99

Tuition Account

Teaching & learning materials	796.25	00.00	796.25
SMASSE	00	50.00	50.00
TOTALS	796.25	50.00	846.25

You should ensure that all Principals acknowledge receipt of funds by:

- (i) Issuing official school receipts to the Principal Secretary, State Department of Early Learning and Basic Education for both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and yourselves i.e. CDE.



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PRINCIPAL SECRETARY

JOGOO HOUSE "B"

HARAMBEE AVENUE

P. O. BOX 30040

NAIROBI

Ref. No: MOE.HQS/3/10/18(62)

5th October, 2022

County Directors of Education

RELEASE OF FDSE FUNDS FOR THIRD TERM – 2022

The Ministry of Education has released FDSE funds for third term of 2022 and the second quarter of the 2022/2023 financial year at a capitation rate of Kshs. 4,485.49 per student. The data used for this disbursement was extracted from NEMIS on 20th September 2022 at 3:05 pm. The Vote Head break down for the utilization of the funds is as follows:

Operations Account

Item	School	Retained	Total Amount
Maintenance and Improvement	1000.00	00.00	1000.00
Other Vote heads (<i>Personal Emoluments, EWC, Adm. costs</i>)	1814.24	00.00	1814.24
Medical and insurance	100.00	337.50	437.50
Co-curricular activities	200.00	87.50	287.50
TOTALS	3114.24	425.00	3,539.24

Tuition Account

Item	School	Retained	Total Amount
Teaching & learning materials	896.25	00.00	896.25
SMASSE	00	50.00	50.00
TOTALS	896.25	50.00	946.25

Please ensure that all principals acknowledge receipt of funds by:

- Issuing official school receipts to the Principal Secretary, State Department of Early Learning and Basic Education for both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and yourselves i.e. CDE.





MINISTRY OF EDUCATION

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NAIROBI

Ref. No: MOE.HQS/3/10/18 (114)

26th January, 2023

All County Directors of Education

FDSE CAPITATION FUNDS FOR THIRD QUARTER - FY 2022/2023

The Ministry of Education has released FDSE funds for first term of 2023 and the third quarter of the Financial Year 2022/2023. The allocation per student is Kshs. 4,413.92. Enrolment used was extracted from NEMIS on 29th December 2022 at 3.05 pm. Table 1 shows The Vote Head break down.

Table 1: Vote head Break down

	Disbursed to Schools	Retained at MOE	TOTALS
Tuition Account			
1 Teaching & learning materials	602.00		602.00
2 SMASSE		50.00	50.00
3 Text books		220.00	220.00
Sub Totals	602.00	270.00	872.00
Operations Account			
4 Maintenance and Improvement	1,000.00		1,000.00
5 Other Vote heads (Personal Emoluments, EWC, Adm. costs)	1,804.42		1,804.42
6 Medical/Insurance	100.00	337.50	437.50
7 Co-curricular activities	200.00	100.00	300.00
Sub Totals	3,104.42	437.50	3,541.92
Grand Totals	3,706.42	707.50	4,413.92

You should ensure that all principals acknowledge receipt of funds by

- Issuing official school receipts to the Principal Secretary, State Department for Basic Education covering both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and yourselves i.e. CDE.





MINISTRY OF EDUCATION

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HARAMBEE AVENUE
P.O. Box 30040
NAIROBI

Ref: No: MOE HQS/3/10/18/(59)

14th June, 2023

All County Directors of Education

RE: RELEASE OF FSE FUNDS FOR FOURTH QUARTER - FY 2022/2023

The Ministry of Education has released FDSE funds for first term of 2023 and the third quarter of the Financial Year 2022/2023. The allocation per student is Kshs.4,150.35. Enrolment used was extracted from NEMIS on 12th April 2023 at 12:48 pm.

1.0 Vote head Breakdown

The break down for the utilization of funds is shown in Tables 1

Table 1: Vote Head Breakdown

Account Type	Item	AMOUNT	AMOUNT	TOTALS
Tuition	1. Teaching & learning materials	431.50		431.50
	2. Remitted to CEMASTEIA for SMASSE		50.00	50.00
	3. Remitted to KICD for Text books		280.00	280.00
	Sub Totals	431.50	330.00	761.50
Operation	4. Maintenance and Improvement	1,000.00		1,000.00
	5. Other Vote heads (Personnel Enrolments, EV/C, Adm. costs)	1,787.85		1,787.85
	6. Medical/Insurance	0.00	338.50	338.50
	7. Co-curricular activities	162.50	100.00	262.50
	Sub Totals	2,950.35	438.50	3,388.85
Grand Totals		3,381.85	768.50	4,150.35

This Ministry has remitted Kshs.280.00 and Kshs.50 per learner to KICD and CEMASTEIA to cater for textbooks and Capacity Building (SMASSE) respectively under the tuition account. Another Kshs.338.50 and Kshs.100.00 per learner has been remitted to NHIF and field officers from the operations account to cater for medical insurance (EduAfyra) for learners and centralised co-curricular activities

500X1578 = 1578.000



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P.O. Box 30040
NAIROBI

Ref: No: MOE/HQS/3/13/3

25th September, 2023

All County Directors of Education

RELEASE OF FSE FUNDS FOR TERM THREE 2023

The Ministry of Education has released FDSE funds for third term of 2023. The allocation per student is Kshs. 3,327.87. Enrolment used was extracted from NEMIS on Tuesday 15th August 2023 at 8.18 am.

1.0 Vote head Breakdown

The break down for the utilization of funds is shown in Tables 1

Table 1: Vote head Break down

Account Type	Item	AMOUNT	AMOUNT	TOTALS
Tuition	1 Teaching & learning materials	507.20		507.20
	2 Remitted to CEMASTEFA for SMASSE		40.00	40.00
	3 Remitted to KICD for Text books		100.00	100.00
	Sub Totals	507.20	140.00	647.20
Operation	4 Maintenance and Improvement	800.00		800.00
	5 Other Vote heads (Personnel Emoluments, EWC, Adm. costs)	1,005.67		1,005.67
	6 Medical/Insurance		675.00	675.00
	7 Co-curricular activities	200.00		200.00
	Sub Totals	2,005.67	675.00	2,680.67
Grand Total		2,512.87	815.00	3,327.87

This Ministry has also remitted to KICD and CEMESTEFA Kshs. 100.00 and Kshs. 40 per learner to cater for textbooks and Capacity Building (SMASSE) respectively from the tuition account. Another Kshs.675.00 per learner has been remitted to NHIF from the operations account to cater for medical insurance (EduArya) for learners.

2.0 Acknowledgement for Funds Received

You should ensure that all principals acknowledge receipt of funds by:

- Issuing official school receipts to the Principal Secretary, State Department for Basic Education covering both Tuition and Operation Accounts with copies to the Sub County Directors (SCDEs) and yourselves i.e. CDE.

**MINUTES OF THE 16TH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON TUESDAY, 17TH MARCH, 2026 IN FRANGAPINI CONFERENCE
ROOM, SERENA HOTEL, MOMBASA COUNTY AT 2.30 P.M.**

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. Eric Muchangi Karemba, CBS M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. | - | Vice-Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. (Eng.) Bernard Nebart Muriuki, M.P. | | |
| 7. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 9. Hon. Paul Biego Kibichiy, M.P. | | |
| 10. Hon. Peter Irungu Kihungi, M.P. | | |
| 11. Hon. Sloya Clement Logova, M.P. | | |

APOLOGIES

1. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.

IN-ATTENDANCE

SECRETARIAT

- | | | |
|--------------------------|---|-------------------------------|
| 1. Mr. Victor Weke | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Mr. Bernard Toroitich | - | Clerk Assistant III |
| 4. Ms. Kafuyai Wamae | - | Clerk Assistant III |
| 5. Mr. Clinton Sindiga | - | Legal Counsel II |
| 6. Ms. Nancy Akinyi | - | Research Officer III |
| 7. Mr. Arkan Mumin | - | Research Officer III |
| 8. Mr. Collins Mahamba | - | Audio Officer |
| 9. Mr. Calvin Karungo | - | Media Relations Officer III |
| 10. Ms. Felistas Muiya | - | Public Communications Officer |
| 11. Mr. Paul Shana | - | Serjeant at Arm |

MIN./PPC/2026/084:

PRELIMINARIES

The Chairperson called the meeting to order at 2:30 pm and said a word of prayer.

MIN./PPC/2026/085:

ADOPTION OF AGENDA

The proposed agenda was adopted having been proposed by Hon. Hon. Suzanne Ndunge Kiamba, M.P and seconded by, Hon. Maisori Marwa Kitayama, M.P

AGENDA

1. Prayer and Preliminaries
2. Adoption of the Agenda

3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and adoption of the following Public Petition Reports:**
 - i. **P/No.32/2023 regarding tarmacking of Kiganjo-Mugutha-Gwakairu link road by Mr. Lewis Gichini;**
 - ii. **P/No.80/2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and Financial Years 2020/2021 to 2022/2023 by the National Treasury; and**
 - iii. **P/No.35/2023 regarding the compensation for compulsorily acquired land properties along Kibwezi-Kitui Road by Mr. Ibrahim Nthitu Makwattah.**
6. Any Other Business
7. Adjournment.

MIN./PPC/2026/086: CONFIRMATION OF MINUTES

This agenda item was deferred to the next sitting.

MIN./PPC/2026/087: CONSIDERATION AND ADOPTION OF PUBLIC PETITIONS

1. P/No.32/2023 regarding tarmacking of Kiganjo-Mugutha-Gwakairu link road by Mr. Lewis Gichini

The Committee considered the draft report and it recommended that the petitioner refers the matter to the Senate and the Kiambu County Government.

2. P/No.80/2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and Financial Years 2020/2021 to 2022/2023 by the National Treasury

The committee recommended that the Ministry of Education ensures all students are registered on NEMIS to reduce the mismatch between the number of students in the system and the actual number of students enrolled.

3. P/No.35/2023 regarding the compensation for compulsorily acquired land properties along Kibwezi-Kitui Road by Mr. Ibrahim Nthitu Makwattah

The Committee considered the draft report and recommended that the Ministry of Lands, Public Works, Housing and Urban Development in collaboration with the National Land Commission and the County Government of Lamu initiates within three months of adoption of the reports the process of survey, demarcation and registration of the land on which the four Aweer Villages are situated as a community land under Article 63 of the Constitution.

Adoption

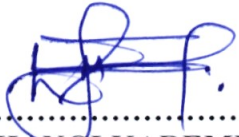
The Committee unanimously adopted the following reports having been proposed by Hon. Paul Biego, M.P and seconded by Hon. Peter Irungu Kihungi, M.P:

- i. P/No.32/2023 regarding tarmacking of Kiganjo-Mugutha-Gwakairu link road by Mr. Lewis Gichini;

- ii. P/No.80/2023 regarding release of the free day secondary education capitation deficit for the academic year 2019 and Financial Years 2020/2021 to 2022/2023 by the National Treasury; and
- iii. P/No.35/2023 regarding the compensation for compulsorily acquired land properties along Kibwezi-Kitui Road by Mr. Ibrahim Nthitu Makwattah.

MIN./PPC/2026/088: ADJOURNMENT

There being no other business, the meeting was adjourned at 4:00 p.m.

Sign:  Date 
HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Thirteenth Parliament

Third Session



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 44TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, JUNE 19, 2024, IN COMMITTEE ROOM 12, NEW WING, MAIN PARLIAMENT BUILDINGS AT 3.00. P.M

PRESENT

- | | | |
|--|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. John Walter Owino, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, MP | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. Caleb Mutiso Mule, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Joshua Chepyegon Kandie, M.P
3. Hon. Bidu Mohamed Tubi, M.P.
4. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. Peter Mbogho Shake, M.P.
7. Hon. Sloya Clement Logova, M.P.
8. Hon. John Bwire Okano, M.P.

IN ATTENDANCE

SECRETARIAT

- | | |
|-------------------------|-----------------------------|
| 1. Ms. Anne Shibuko | Clerk Assistant I |
| 2. Mr. Willis Obiero | Clerk Assistant III |
| 3. Ms. Patricia Gichane | Legal Counsel II |
| 4. Mr. Martin Sigei | Research Officer III |
| 5. Ms. Nancy Akinyi | Research Officer III |
| 6. Mr. Peter Mutethia | Audio Officer |
| 7. Mr. Calvin Karungo | Media Relations Officer III |

KENYA SECONDARY SCHOOLS HEADS ASSOCIATION

- | | |
|--------------------------|-------------|
| 1. Mr. Willie Kuria, OGW | Chairperson |
| 2. Mr. Abdi-Noor Haji | Secretary |
| 3. Ms. Joyce Omondi | Treasurer |
| 4. Mr. Nicodemus Bure | CEO |
| 5. Mr. Irene Ng'etich | Admin |

MIN./PPETC/2024/278: PRELIMINARIES

The Chairperson called the meeting to order at 3:00 pm and proceedings began with prayers by Hon. Janet Jepkemboi Sitienei, M.P.

MIN./PPETC/2024/279: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of P/No. 4 of 2024 Proliferation of LGBTQ Persons in Kenya
 - *Meeting with Petitioner (Hon. Mohamed Ali)*
6. Consideration of P/No. 80 of 2023 regarding Release of the Free Day Secondary Education Capitation Deficit for the academic Year 2019 and the Financial Years 2020/2021 to 2022/2023 by the National Treasury
7. *Meeting with Petitioners (KESSHA)*
8. Any Other Business
9. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Ernest Ogesi Kivai, M.P. and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/280: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/281: CONSIDERATION OF P/NO. 4 OF 2024 PROLIFERATION OF LGBTQ PERSONS IN KENYA

The Agenda was deferred.

MIN./PPETC/2024/282: CONSIDERATION OF P/NO. 80 OF 2023 REGARDING RELEASE OF THE FREE DAY SECONDARY EDUCATION CAPITATION DEFICIT FOR THE ACADEMIC YEAR 2019 AND THE FINANCIAL YEARS 2020/2021 TO 2022/2023 BY THE NATIONAL TREASURY

Meeting with the Petitioners (KESSHA)

Upon invitation by the Chairperson of Kenya Secondary Schools Heads Association KESSHA, the Petitioners led by Mr. Willie Kuria, OGW made submissions as follows—

Background

- i. The petition was submitted by the Mr. Indimuli Kahi, OGW, who was the former Chairperson of KESSHA on behalf of KESSHA;

- ii. The Ministry of Education is obligated to ensure that all students in secondary schools are funded to complete their basic education. To actualize this, Government of Kenya began the Free Day Secondary Education (FDSE) programme in 2008 with the granting of capitation per learner.
- iii. In 2008, the capitation rate was Kshs. 10,625 which increased to Kshs. 12,870 in 2015 and then to Kshs. 22,244 in 2018. Public secondary schools were also prohibited from charging tuition fees and only allowed to charge boarding fees set by the Ministry of Education.
- iv. Even with the increase in capitation amount per learner, Free Day Secondary Programme is grossly underfunded and the budgeting process has remained blind to the increase in enrolment in public secondary schools. Over the years, enrolment for capitation in secondary schools has increased by an average of 6.91%.
- v. Enrolment increases in January while budgetary allocations are done in November/December of the previous year making it difficult for budgets to incorporate increased enrolment.
- vi. The net effect is that the subsidy for Free Day Secondary Education is always lower than actual enrolment and this is further compounded by the fact that even the budgeted capitation is not released in totality leading to significant deficits. While capitation is set at Kshs. 22,244, what is disbursed to the Ministry of Education is significantly less.
- vii. Once budgetary approval is given, treasury disburses capitation funds to the Ministry of Education which in turn disburses to the schools based on the number of students captured on NEMIS. However, not all students in public secondary schools are captured on NEMIS owing to birth certificate issues.
- viii. In 2018, it was decided that of the Kshs. 22,244/= allocated per student, there is an amount to be retained by the Ministry of Education for the following vote heads; Teaching and learning materials, Medical (NHIF EduAfy), Strengthening of Mathematics and Science in secondary education (SMASSE) and co-curricular activities.
- ix. Schools are required to retain Kshs. 5,000/= per child in an infrastructure account that can only be used for infrastructure improvement upon approval by the County Education Boards (CEBs) or PS Early Learning and Basic Education. The effect is schools run on Kshs. 10,479.37/=
- x. The breakdown of capitation funds was effected from June 2021 vide Ministry of Education Circular Ref No. MOE. HOS/3/13/3 dated 16th June 2021. The

circular provided guidelines for utilization of Government Subsidy to Secondary schools in implementation of FDSE programme for the year 2021-2022.

- xi. It was decided that provision of the government subsidy to schools would be done in equal instalments of 25% of the approved budget per quarter of the Financial Year replacing the 2018 model of 50% of Kshs. 22,244 disbursed in Term 1(Kshs. 11,122); 30% of Kshs. 22,244 disbursed in Term 2(Kshs. 6,673.20); and 20% of Kshs. 22,244 disbursed in Term 3(Kshs. 4,448.80)
- xii. The retention of a part of the capitation funds begun in 2018. Before that, schools would receive capitation amounts in full. In addition, over the last 5 years, the Ministry of Education has received an average of Kshs. 17,458 of the Kshs. 22,244. Schools have in turn received an average of Kshs. 15,479.36 after the Ministry retains some of the vote heads.
- xiii. The Ministry of Education is owed Kshs. 54,220,185,855 by the exchequer. It is also evident that while capitation should be Kshs.22,244/= per child, what is disbursed to the Ministry of Education is an average of Kshs. 17,458. The Ministry of Education then retains an average of Kshs. 1,978.98 meaning schools receive an average of Kshs. 15, 479.36. Once schools receive disbursement from the Ministry, they are then required to set aside Kshs. 5,000 for the infrastructure fund. This leaves secondary schools with an average of Kshs. 10,479.37 per child to run operations in schools.
- xiv. As a result of underfunding, accrued deficits and requirement to retain an infrastructure fund that cannot be utilized for school operations, schools have experienced significant financial difficulty due to budget shortfalls which have greatly affected the ability to provide quality education.

Effects of underfunding and accrued deficits

- i. **Budget shortfall:** schools often face financial difficulty due to a significant budget shortfall that restricts their ability to provide quality education. The persistent funding gap in education has led to various challenges for schools such as outdated resources, inadequate staff and mounting pending bills.
- ii. **Resource constraints:** Limited funding has resulted in resource constraints making it difficult for schools to maintain essential facilities and provide necessary teaching and learning materials for students.
- iii. **Teacher layoffs:** Financial difficulties have forced schools to lay off BoM employed teachers which has in turn increased class sizes and reduced the quality of education.

- iv. **Outdated Technology:** Secondary schools, especially day secondary schools have struggled to keep up with the latest technology, hindering students from accessing modern learning tools.
- v. **Reduced co-curricular activities:** Funding shortages have led to a situation where schools have to contribute towards co-curricular activities at various levels i.e. sub-county, county and regional level leading to cuts in co-curricular programmes which in turn limits student's personal growth.
- vi. **Classroom overcrowding:** Inadequate funding has resulted in overcrowded classrooms making it challenging for teachers to provide individualized attention which is a national goal for education.
- vii. **Inadequate Professional Development:** Schools have found it challenging to invest in teachers' professional development through workshops thereby impacting quality of instruction.
- viii. **Deferred maintenance:** Financial difficulties have led to deferred maintenance of school buildings and assets creating a subpar learning environment.
- ix. **Limited Special Education Services:** Underfunding has limited availability of special education services leaving students with disabilities underserved.
- x. **Student Achievement Gaps:** Financial disparities have contributed to wider achievement gaps that perpetuate inequality in education. This is especially evident in day secondary schools which rely wholly on capitation funds.
- xi. **Teacher Retention Issues:** Inadequate compensation and resources have made it difficult for schools to retain experienced and talented BoM employed teachers.
- xii. **Decreased Parental Involvement:** Financial challenges have made it harder for schools to engage parents and the community in the education process since parents believe they will be asked to contribute financial resources.
- xiii. **Impact of Low-Income Communities:** Underfunded schools in low-income areas face more significant financial difficulties, exacerbating educational disparities.
- xiv. **Increased Student Stress:** Budget constraints have led to reduced support services and counselling affecting students' emotional well-being.

- xv. **Limited subject choice:** Schools have struggled to offer a wider curriculum due to financial constraints thereby limiting learners' career choices.
- xvi. **Reduced opportunities for co- curricular activities:** Funding shortfalls have limited access to sports, arts, modern agriculture and clubs that enrich students' educational experience.
- xvii. **Decline in school performance:** Prolonged financial challenges have led to a decline in overall school performance and reputation across public secondary schools as evidenced by KCSE results.
- xviii. **Challenge in meeting academic standards:** Insufficient resources have made it harder for schools to meet national academic standards for teaching, learning and assessments.

Prayers

The Petitioners prayed that the Committee intervenes and recommends that the Ministry of Education:

- i. Ensures immediate release of the deficit from 2019 amounting to Kshs.54,220,185,855 and capitation at the approved rate of Kshs. 22,244/= per child for the FY 2023/2024.
- ii. Factors in total enrolment in secondary schools and disburse capitation at the approved rate for all students in public secondary schools.
- iii. Ensures that NEMIS is enabled to capture data of all students in Kenya in line with provisions of the Data Protection Laws to allow for adequate planning and resource mobilization.
- iv. Advises schools on measures to take when Form 4 students exit with fee arrears.
- v. Reverts to the disbursement system that existed prior to 2018 where capitation was released in tranches of 50% in Term 1, 30% in Term 2 and 20% in Term 3.
- vi. Aligns the academic ad financial calendars as recommended by "Task Force on the Re-alignment of the Education Sector to the Constitution of Kenya 2010".
- vii. Factors in the minimum essential package as recommended by the Presidential Working Party on Education Reform: Transforming Education, Training and Research for Sustainable Development in Kenya.
- viii. Vacates of the directive to retain infrastructure funds from capitation and alternative funds sought.
- ix. Develops guidelines for participation of parents and the community in the development of school infrastructure.
- x. Sources for adequate funding for activity so that schools are not asked to contribute for the activities from the capitation received in schools.
- xi. Creates a special tariff for school for payment of electricity and water services.

- xii. Reviews capitation in line with increased enrolment and to enable seamless transition to CBC especially at senior school level.
- xiii. Reviews of capitation every 3 years to factor in inflation and the need to continuously improve the learning environment to enhance quality of education.
- xiv. Reviews of the boarding and lunch fees in public secondary schools to factor in inflation.
- xv. Reviews the FDSE structure for the vote heads i.e. Local Transport & Travel, Administration Costs, Electricity, Water and Conservancy and Personal Emoluments amounting to Kes 9,400 which is inadequate.

Committee Concerns

- i. The Committee sought to know whether the cash retained by the Ministry of Education is released to schools in time and if it is used to cater for the said vote heads. The Petitioner stated that the cash retained is not released to the schools but is rather disbursed to relevant stakeholders such as the County Directors for Education. The Petitioner explained that the cash is not used to cater for the said vote heads stating that schools are forced to give money to fund activities.
- ii. As to what happens to Form Four Students who leave with school fees arrears after KCSE, the Petitioner explained that some schools do hold the KCSE certificates as an incentive for arrears to be cleared but eventually do release the certificates to the students noting that holding the certificates is considered very dangerous as it curtails prospects of university admission for the student.
- iii. As to what KeSSHA is doing to sensitize parents and the community to assist in funding schools, the Petitioner stated that the Ministry of Education terms such initiatives as extra levies and it is shunned upon when parents and the community is asked to contribute funds by the Board of Management.
- iv. The Committee inquired whether the 54 billion shillings asked to be released to schools is based on the enrolment captured on NEMIS or if it includes even the students not captured on NEMIS. The Petitioner averred that the 54 billion shillings being cited as deficit was as per the enrolment captured on NEMIS.
- v. The Committee sought to understand what underfunding was being spoken of by the Petitioner. The Petitioner explained that of the expected Kes 22,244 per student only an average of Kes 10,400 reaches the schools as capitation per student for a year in a day school. The Petitioner further stated that this Kes 10,400 is inadequate seeing that this is what takes care of all other matters as pertains running of the school save for school lunches that is paid for by the parents.
- vi. As to how much money is retained by Ministry of Education, the Petitioner described that the Ministry does not retain a consistent figure

every year and for a better understanding one has to look at it year by year. The Petitioner gave an average figure of Kes 10,400 as what is disbursed to schools stating that from this Kes 5,000 is set aside for infrastructure.

- vii. The Committee sought to better understand the issue of NEMIS and birth certificates. The Petitioner explained that the scenarios that make it difficult to have students enrolled on NEMIS are invalid birth certificates, complete lack of birth certificates and an issue where once a student turns 18 the NEMIS system strikes them out even though they are in school.
- viii. As to why the Ministry of Education should vacate the decision to have monies for infrastructure being catered for by capitation funds, the Petitioner noted that capitation funds were not initially meant to cater for infrastructural developments and so to now add it to the partially disbursed capitation monies, stretches the funds thin which results in a situation where schools are forced to contribute money for activities.

Committee Resolution

After deliberations, the Committee resolved to invite relevant stakeholders to make submission on the Petition.

MIN./PPETC/2024/283:

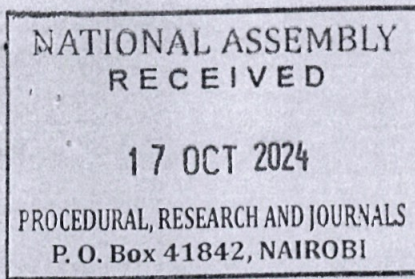
ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 04:30 p.m. The next meeting will be held on Monday, 24th June 2024 at 10:00 a.m.

Sign:

(CHAIRPERSON)

Date: 15th August 2024



REPUBLIC OF KENYA
MINISTRY OF EDUCATION
Office of the Cabinet Secretary

ANNEX (7)

Head-PRJ
Co-ordinated
Anaphine
17/10

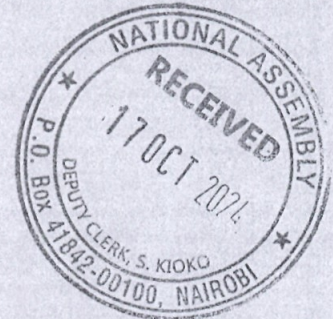
Telephone: Nairobi (020) 3318581
Email: cabinetsecretarymoe@gmail.com
Website: www.education.go.ke

Jogoo House "B"
Harambee Avenue
P. O. BOX 30040 - 00100
NAIROBI - Kenya

Ref: MOE.HQS /3/10/16

15th October, 2024

DLPS
Please deal.
17/10/24



Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings
Parliament Road
NAIROBI

Dear Clerk,

RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON A PUBLIC PETITION REGARDING THE RELEASE OF THE FREE-DAY SECONDARY EDUCATION CAPITATION DEFICIT FOR THE ACADEMIC YEAR 2019 AND THE FINANCIAL YEARS 2020/2021 TO 2022/2023 BY THE NATIONAL TREASURY

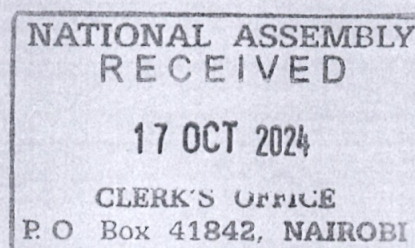
This has reference to the captioned matter and to your letter dated 30th September, 2024, under Ref. No. KNA/DLPS/PPETC/CORR/2024/185, by which you invited the undersigned to a meeting with the Public Petitions Committee on 17th October, 2024.

While I would have wished to attend the meeting with the august Committee, I will be unable to on account of a Presidential function at State House, Nairobi at which my personal presence is required. The Principal Secretary, State Department for Basic Education, is also required at the function.

I therefore write to humbly request for the Committee's indulgence in this regard. In the meantime, copies of our responses to the issues raised are provided herewith for the Committee's attention.

Yours sincerely,

Julius Migos Ogamba, EBS
CABINET SECRETARY



Copy to: **Dr. Belio Kipsang, CBS**
Principal Secretary
State Department for Basic Education
Ministry of Education
NAIROBI

RESPONSES:

By the letter dated 30th September, 2024 under Ref. No. **KNA/DLPS/PPETC/CORR/2024/185**, the Cabinet Secretary, Ministry of Education was invited to provide information concerning a petition on the Free-Day Secondary Education capitation. We note that the petition raises issues around the adequacy of the capitation disbursed to schools under this programme.

We wish to provide the following comprehensive brief on the programme to facilitate the Committee's consideration of the petition.

A. Introduction

1. The Free Day Secondary Education (FDSE) programme was introduced by the Government of Kenya in 2008 with the primary goal of improving access, equity, and quality in secondary education. By covering tuition fees for students attending public day secondary schools, the programme aims to reduce the financial burden on parents, ensuring that all students, regardless of their socio-economic background, have an opportunity to complete secondary education.
2. The programme is anchored on Article 53(1)(b) of the Constitution, which entitles every child to free and compulsory basic education. It is also in line with Kenya's broader national objectives, including achieving universal access to education as part of the Vision 2030. The FDSE programme also supports Kenya's 100% transition policy, which mandates that all students who complete primary school advance to secondary education.
3. The FDSE program is a key strategy designed to expand access to secondary education while improving academic performance in public schools. Initially, the Government allocated Ksh. 10,265 per student annually to cover learning materials and support services. However, this allocation was increased to Ksh. 12,870 in 2015, reflecting the rising costs of education.
4. In 2018, the Government expanded the scope of the programme to fully cover the full cost of day schooling in public secondary schools, raising the allocation per student to Ksh. 22,244. This move was particularly significant in promoting equitable access to education, as it reduced the financial barriers for families from economically disadvantaged backgrounds.

5. It is to be noted, however, that parents are still responsible for non-tuition expenses, such as uniforms, lunch and transport.
6. Overall, the FDSE programme has been a crucial policy for expanding educational opportunities, improving equity, and supporting the long-term development goals of Kenya. By making secondary education accessible to all, the initiative has created a pathway for social and economic mobility, benefiting students and the nation as a whole.

B. Eligibility of Schools to Receive FDSE Funds

7. For a public secondary school to qualify for FDSE funds, it must meet the following criteria:
 - (a) **Registration:** The school must be officially registered with the Ministry of Education as a public institution.
 - (b) **NEMIS Registration:** Schools must input their student data into the National Education Management Information System (NEMIS). This is the tool that helps the government in the allocation of funds.
 - (c) **Compliance with Financial Regulations:** Schools must comply with financial management and reporting guidelines set by the Ministry of Education. The school's headteacher (principal) should be appointed by the Teachers Service Commission (TSC) and the institution must have a functioning Board of Management (BOM).
8. Schools are required to apply for FDSE funds by filling out an application form and submitting certified documents, including BOM minutes, the principal's posting letter from the TSC, and the school's registration certificate.

C. Number of Schools Currently Receiving FDSE Capitation

9. As of the current Financial Year, the FDSE programme is supporting 9,476 public secondary schools across Kenya. These schools collectively cater for 4,172,432. The programme's coverage is significant, playing a key role in facilitating the 100% transition policy from primary to secondary education and expanding opportunities for students from low-income backgrounds to pursue further education.

D. FDSE Budget and Disbursement Overview

10. The **approved rate** per student under the FDSE programme is **Ksh 22,244.00** annually. This amount is used for tuition, teaching and learning materials, infrastructure maintenance, and administrative costs.
11. FDSE funds are disbursed in three phases during the school year to align with the academic calendar:
 - (a) **First Term Disbursement:** The largest tranche, representing 50% of the total allocation, is disbursed at the beginning of the school year.
 - (b) **Second Term Disbursement:** This tranche accounts for 30% of the annual allocation and is released at the start of the second term.
 - (c) **Third Term Disbursement:** The final 20% is released at the beginning of the third term.
12. This phased disbursement model helps schools manage their operational costs throughout the year. However, meeting these timelines requires timely release of Exchequer by the National Treasury. Sometimes, delays in the release of Exchequer has resulted in delays in disbursements to schools.
13. While the number of students in secondary schools has grown over the years due to the 100% transition policy, the budgetary provision has not increased proportionately. The following is a breakdown of the FDSE budget over the last few financial years:
 - (a) **FY 2019/2020:** Ksh 59.41 billion allocated for 2,948,062 students.
 - (b) **FY 2020/2021:** Ksh 59.4 billion allocated for 3,396,322 students.
 - (c) **FY 2021/2022:** Ksh 62.4 billion allocated for 3,587,081 students.
 - (d) **FY 2022/2023:** Ksh 64.4 billion allocated for 3,690,376 students.
 - (e) **FY 2023/2024:** KSh 63.9 billion allocated for an estimated 4,253,155 students in 2023 and 3,244,325 students in 2024.

14. The import of the foregoing is that there have been significant budgetary shortfalls in recent years, resulting in underfunding of the programme. The deficit in funding has grown as the number of students increases, causing strains in school operations. Below are the financial shortfalls over the last few financial years:

Financial Year	Requirement (KSh)	Budgetary Provision (KSh)	Deficit (KSh)	Learners Not Provided For
2019/2020	65,57 billion	59.41 billion	6.16 billion	276,783
2020/2021	78.47 billion	59.42 billion	19.05 billion	856,276
2021/2022	81.63 billion	62.42 billion	19.21 billion	863,484
2022/2023	86.96 billion	64.42 billion	22.54 billion	1,013,292
2023/2024	93.32 billion	63.96 billion	29.36 billion	1,320,063
2024/2025	76.65 billion	59.89 billion	16.77 billion	753,905

15. In view of the budgetary shortfall, the Ministry allocates the budget as provided amongst all the enrolled learners. The consequence is that the capitation per learner then becomes less than the approved rate of Ksh. 22,244 per student.

Conclusion

16. The FDSE programme has supported access, quality and relevance in secondary education. However, the main challenge that we have faced is the declining budgetary allocation, against a growing student enrolment. We therefore reiterate our plea that Parliament enhances the budgetary provision to support the Ministry in meeting the approved rate of capitation of Ksh. 22,244 per learner per year.

We trust that this information will be of assistance in considering the petition. We remain at your disposal to provide such additional information as may be required.

Yours sincerely



Julius Migos Ogamba, EBS
CABINET SECRETARY

Table 2: Revised SRC Rates for Medical Interns

S.NO	Intern	Initial Stipend per month	Revised Stipend per month (Min)	Revised Stipend per month (Max)
1	Medical, Dentists, Pharmacists	206,400	47,000	70,000
2	BSc Nursing	106,350	35,000	50,000
3	BSc Clinical	115,400	35,000	50,000
4	Diploma Clinical	15,000	27,000	35,000

With the revised rates the Ministry of Health has adequate resources to cater for placement of the **3,759** interns for three **(3)** months w.e.f. 1st April 2024.

The Government is committed to ensuring the engagement of medical interns within the prevailing resource constraints. In addition, we recommend that the review of the National Guidelines on Internship Programme be fast tracked to accommodate Voluntary/self-sponsored Internship in Private Health Facilities.

iii) Collective Bargaining Agreements with Health Workers

Hon. Chairperson,

The Government is committed to implementing the Collective Bargaining Agreements with Health Workers. To show this commitment, the National Government has been providing training to eligible postgraduate medical officers from 2018 as provided for in the 2017 CBA with health unions.

This is also in compliance with the Constitutional requirement for the National Government to undertake capacity building and technical assistance to the Counties. The National Government has been providing financial support to cater for post graduate training of the medical officers. Between the FY 2019/2020 and FY 2023/24 the Government allocated a total of **KShs.846,800,000** to cater for training of doctors of which **KShs.770,300,000** was disbursed as provided in Table 3 below.

Table 3: Training of Postgraduate Medical Officers

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24	Total
Allocation	179,623,417	143,421,075	162,745,691	91,397,200	269,590,710	846,778,093
Expenditure	176,996,287	143,406,804	171,556,683	112,810,603	165,540,530	770,310,907
Variance	(2,627,130)	(14,271)	8,810,992	21,413,403	(104,050,180)	(76,467,186)

In the FY 2024/25 Budget, the Government has proposed **KShs.407,000,000** to the Ministry of Health to cater for post graduate training of the medical officers. This is contrary to the Union assertions that no funding has been provided to cater for training from 2018 cohort.

The petition avers that the Government has been frustrating the right of Doctors to a Collective Bargaining Agreement. We wish to note that this should be taken up with the specific institutions under the Ministry of Health and with the respective County Governments.

- iv. **Public Petition No. 80 of 2023 regarding release of the Free Day Secondary Education Capitation Deficit for the Academic Year 2019 and the Financial Years 2020/2021 to 2022/2023 by the National Treasury.**

RESPONSE

Hon. Chairperson,

We note that the petition has raised concerns that the subsidy for Free Day Secondary Education (FDSE) Programme has been consistently lower than the actual enrolment and has requested the National Assembly to compel the National Treasury to release the deficit on capitation at the approved rate from 2019 academic year amounting to **KSh.54.2 billion**.

We note that the rate of capitation per student in the Free Day Secondary Education was set at KSh.10,625 in 2008. We note that this has been increased over the years to KSh.12,870 in 2015 and then to KSh.22,244 in 2018.

- *FDSE Allocations Vs Expenditure*

Hon. Chairperson,

The National Treasury has prioritized allocations and Exchequer disbursements to Education sector in the country to promote literacy levels. Over the last 5 years, we have allocated a total of **KSh.303.7 billion** for FDSE of which we have released a total of **KSh.303.5 billion** representing an absorption of nearly 100 per cent as provided in the Table 4 below:

Table 4: Allocation vs Expenditure on Free Day Secondary Education

Financial Year	Enrollment	Approved Estimates	Actual Expenditure	ASORPTION
FY 2019/20	3,045,227	62,853,167,496	62,853,104,675	100%
FY 2020/21	3,289,885	61,049,988,125	61,050,222,969	100%
FY 2021/22	3,587,081	62,421,865,698	62,421,865,698	100%
FY 2022/23	3,646,398	59,421,865,698	59,421,796,398	100%
FY 2023/24	3,881,717	57,974,501,636	57,785,525,535	100%
TOTAL		303,721,388,653	303,532,515,275	100%

This shows the commitment of the National Treasury in ensuring continued service delivery in our schools.

We however note that the Petition indicates that the National Treasury has not been allocating resources to FDSE at the approved rate of KSh.22,244 per learner and is requesting for disbursement of **KSh.54.2 billion** for the period up to June 2023.

- *Challenges in Revenue Mobilization*

Hon. Chairperson,

We are currently operating under very constrained fiscal framework this has been occasioned by less-than-ideal revenue performance, escalation in public debt and debt service, expenditure carryovers and accumulation of pending bills as well as increased requirement for funding priority interventions. These continue to exert pressure on limited resources.

It is critical to note that total revenue collection by the end of June 2024, amounted to KSh.2,702.7 billion against a target of KSh.2,907.5 billion. The revenue was below target by KSh.204.9 billion on account of shortfalls recorded in both ordinary revenue and ministerial A-I-A. Additionally, the cumulative revenue collection including A-I-A by end of June 2023 amounted to KSh.2,360.5 billion against a target of KSh.2,478.6 billion resulting in a shortfall of KSh.118.1 billion.

- ***Way Forward***

Hon. Chairperson,

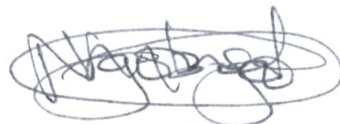
In view of these challenges, the Government has no fiscal space for additional expenditures. I recommend that the Ministry of Education should ensure efficiency in the utilization of FDSE resources by initiating a thorough audit of school enrolment to inform disbursement to schools.

CONCLUSION

Hon. Chairperson and Hon. Members, as I conclude my submission, I wish to sincerely thank you and your members as well as the Secretariat once again, for giving me and my team this important opportunity to present this report.

The National Treasury and Economic Planning sincerely appreciates the continued support of the Committee.

Thankyou.



HON. CPA JOHN MBADI NG'ONGO, EGH, MP
CABINET SECRETARY/TNT & EP

Dated: 11th September, 2024