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THE SENATE

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Date 17/06/26

STANDING COMMITTEE ON EDUCATION

REPORT ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

PAPERS LAID	
DATE	18/06/2026
TABLED BY	Chairperson
COMMITTEE	—
CLERK AT THE TABLE	Abdirahman

17/06/26

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Clerk's Chambers,
The Senate,
Parliament Buildings,
NAIROBI.

JUNE, 2026

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LIST OF ABBREVIATIONS AND ACRONYMS

APBET	- Alternative Provision for Basic Education and Training
CBC	- Competency Based Curriculum
CECM	- County Executive Committee Member
COG	- Council of Governors
CRPD	- Convention on the Rights of Persons with Disabilities
CS	- Cabinet Secretary
ECDE	- Early Childhood Development and Education
EFK	- Evangelical Fellowship of Kenya
JSS	- Junior Secondary School
KISE	- Kenya Institute for Special Education
NCCK	- National Council of Churches of Kenya
PTA	- Parents Teachers Association
SRC	- Salaries and Remuneration Commission
TSC	- Teachers Service Commission

GLOSSARY OF TERMS

Basic Education: Educational programmes offered and imparted to a person in an institution of basic education. This includes adult basic education, education offered in early childhood education centres, and Alternative Provision for Basic Education and Training (APBET) schools, as defined under the Basic Education Act, 2013.

Board of Management: A board established under the Basic Education Act, 2013 to manage and oversee the day-to-day affairs of a basic education institution.

Cabinet Secretary (CS): The Cabinet Secretary for the time being responsible for matters relating to basic education and training.

County Education Board: A board established as an agency of the National Government to serve the relevant county, as provided under section 17 of the Basic Education Act, 2013. The board is responsible for coordinating, monitoring, and overseeing education at the county level.

County Executive Committee Member (CECM): A member of the County Executive Committee appointed by the Governor under Article 179 of the Constitution of Kenya, 2010 to oversee a county portfolio, including education.

Early Childhood Development and Education (ECDE): Education provided to children from birth to the time of entry into primary school, as provided for under the Early Childhood Education Act.

Inter-Governmental Relations: The constitutional framework for cooperation, consultation, and dispute resolution between the National Government and County Governments, as established under Article 189 of the Constitution of Kenya, 2010 and the Intergovernmental Relations Act, 2012.

Junior Secondary School (JSS): A level of basic education covering Grades 7, 8, and 9, introduced under Kenya's Competency Based Curriculum (CBC) framework.

National Education Board: The National Board for Education and Training established under section 5 of the Basic Education Act, 2013, responsible for

advising the Cabinet Secretary and other relevant departments on policy matters relating to basic education.

Reasonable Accommodation: Necessary and appropriate modifications and adjustments, not imposing a disproportionate burden, to ensure that persons with disabilities enjoy or exercise their right to education on an equal basis with others, as envisaged under the Convention on the Rights of Persons with Disabilities (CRPD).

Salaries and Remuneration Commission (SRC): An independent commission established under Article 230 of the Constitution of Kenya, 2010, responsible for setting and reviewing the remuneration and benefits of all state officers and public servants.

Sub-County Education Board: A formal governance body established in every sub-county in Kenya under the Basic Education (Amendment) Bill, 2023 (as amended), responsible for coordinating and overseeing basic education at the sub-county level.

Sub-County Director of Education: An officer of the National Government responsible for the administration and oversight of basic education within a sub-county.

Teachers Service Commission (TSC): An independent commission established under Article 237 of the Constitution of Kenya, 2010, responsible for the registration, recruitment, deployment, promotion, transfer, and discipline of teachers in Kenya.

Two-Thirds Gender Rule: The constitutional requirement under Article 27(8) of the Constitution of Kenya, 2010, that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.

PRELIMINARIES

Establishment and Mandate of the Committee

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

In carrying out its duties, the Committee acts as an oversight body for the following Ministries, Departments and Agencies-

a) Ministry of Education

The Ministry of Education is structures into the following State Departments-State Department for Basic Education; State Department for Technical and Vocational Education and Training; State Department for Higher Education; and State Department for Research and Innovation.

b) County Governments

Pre-Primary Education/Early Childhood Development Education; Village Polytechnics/Vocational Education Centres; Home craft centres; and Childcare facilities

Membership of the Committee

1. Sen. Betty Batuli Montet, MP	- Chairperson
2. Sen. (Prof.) Margaret Jepkoech Kamar, EGH, MP	- Vice Chairperson
3. Sen. Seki Lenku Ole Kanar, MP	- Member
4. Sen. James Kamau Murango, MP	- Member
5. Sen. John Kinyua Nderitu, MP	- Member
6. Sen. John Muhia Methu, MP	- Member
7. Sen. Catherine Muyeka Mumma, MP	- Member
8. Sen. Johnes Mwaruma, CBS, MP	- Member
9. Sen. Agnes Kavindu Muthama, MP	- Member

CHAIRPERSON'S FOREWORD

Mr. Speaker,

The Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) sponsored by the Senate Majority Leader, originated in the National Assembly where it was sponsored by Hon. Mary Wamaua, MP. The Bill was passed by the National Assembly on 19th November, 2025 and read a First Time in the Senate on Thursday, 12th February 2026.

The principal purpose of the Bill is to amend the Basic Education Act, 2013 to establish Sub-County Education Boards in every sub-county in Kenya. The Bill proposes to delete the existing discretionary provision that permits the County Education Board to appoint a sub-county education office and to replace it with a formally constituted Sub-County Education Board with defined membership and functions.

Pursuant to the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Education proceeded to undertake public participation on the Bill. The Committee invited members of the public to submit representations on the Bill and received views from eighteen stakeholders.

The Committee extensively considered the provisions of the Bill and the submissions received from different stakeholders. Based on the deliberations undertaken, the Committee made various observations and recommendations that are contained in the proposed Committee stage amendments (*Annex 2*).

Mr. Speaker Sir,

The Committee wishes to sincerely thank the offices of the Speaker and Clerk of the Senate for the necessary support provided in facilitating the process that led to the production of this report. I also take this opportunity to express my gratitude to all the stakeholders who submitted their memoranda on the Bill to the Committee.

My sincere appreciation to the Members of Committee for their thoughtful insights and contributions that culminated into the amendments on the Bill.

Mr. Speaker Sir,

On behalf of the Standing Committee on Education, and pursuant to provisions of Senate Standing Order 148(1), it is my pleasant honour to present to this House the Report on The Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023).

Signed.....**Date**.....16/06/2026.....

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

CHAPTER ONE: INTRODUCTION

1.1 Background of the Bill

1. The Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) is sponsored by the Senate Majority Leader, having originated in the National Assembly where it was sponsored by Hon. Mary Wamaua, MP. Pursuant to Standing Order 130(3)(a) of the Senate Standing Orders, the Standing Committee on Education conducted pre-publication scrutiny of the legislative proposal and submitted its comments to the Speaker of the Senate.

2. The Bill was passed by the National Assembly on 19th November, 2025 and read a First Time in the Senate on Thursday, 12th February 2026. Following the First Reading in the Senate, the Bill was committed to the Standing Committee on Education for consideration pursuant to Standing Order 145(1) of the Senate Standing Orders. A copy of the Bill is attached to this Report as Annex 2.

1.2 Justification of the Bill

3. The Basic Education Act, 2013 currently establishes County Education Boards and assigns them specific functions, including consultation with the National Education Board. However, education governance structures have not been extended to the sub-county level, thereby creating a gap in the administration and oversight of basic education at the grassroots level.

4. Under the current framework, the County Education Board has the discretion, in consultation with the National Education Board and relevant stakeholders, to appoint a sub-county education office and assign it defined functions and powers. This arrangement is inadequate, as it neither guarantees a structured and permanent education governance body at the sub-county level nor ensures consistent oversight across all sub-counties.

5. The Bill proposes to delete this discretionary provision and, in its place, formally establish a Sub-County Education Board in every sub-county in Kenya, with clearly defined membership, prescribed qualifications, fixed tenure, and established operational procedures.

6. This reform is consistent with the constitutional guarantees under Article 43(1)(f) of the right to education and Article 53(1)(b) of the right of every child to free and compulsory basic education. Strengthening institutional structures at the sub-county level is essential to the effective delivery of basic education at the most local level of governance.

1.3 Objects of the Bill

7. The principal object of the Bill is to amend the Basic Education Act, 2013 (CAP 211) to establish a Sub-County Education Board in every sub-county in Kenya. The Bill further seeks to define the composition of the Board, prescribe qualifications for its members, set out the tenure of office and make provision for the Board's meetings and remuneration.

1.4 Amendments to the Bill

8. **Clause 1** of the Bill sets out the short title of the Act as the Basic Education (Amendment) Act, 2023.

9. **Clause 2** as amended, seeks to amend section 18 of the Basic Education Act, 2013 by deleting subsection (2) and inserting new sections 18A to 18F immediately after section 18. The specific amendments are as follows:

   i. Section 18(1)(f) is deleted.

   ii. Section 18(1)(h) is amended to read: "put measures in place to ensure curriculum is implemented in basic education institutions in the county."

   iii. Section 18A establishes the Sub-County Education Board as a formal governance body at the sub-county level in every county.

   iv. Section 18AA (new) sets out the functions of the Sub-County Education Board. The Board shall; (a) monitor the retention, transition and completion rates of learners from pre-primary to secondary education in the sub-county; (b) monitor curriculum implementation in basic education institutions in the sub-county; (c) assess adherence to safety standards; (d) assess the state of infrastructure; and (e) perform such other functions as may be necessary for

the better carrying out of the functions of the sub-county education board under this Act or any other written law. The Board shall, after every six months, submit a report to the County Education Board covering: retention and completion rate of pupils; curriculum implementation; population of pupils or students; teacher to pupil ratio; status of infrastructure; implementation of safety standards; and any other information the Board considers necessary.

v. Section 18B is amended by deleting subsection (1) in its entirety and by removing the introductory words "Despite the provisions of subsection (1)" from subsection (2). This amendment removes the requirement for prior consultation with the National Education Board as a precondition to the Board's operations, thereby enabling the Sub-County Education Boards to commence functioning without being dependent on the operationalization of the National Education Board.

vi. Section 18C, as amended, provides for the composition of every Sub-County Education Board, which shall consist of a Chairperson and eight other members (amended from six) appointed by the Cabinet Secretary. The membership shall comprise: (a) the sub-county officer in charge of early childhood education and training, or a designate (amended from the Sub-County Director of Education or a designate); (b) the County Executive in charge of Education or a designate of the County Executive in charge of Education; (c) a person designated by the Sub-County Director of the Teachers Service Commission, or a designate of that Director (amended from one person designated by the Teachers Service Commission); (d) two persons nominated by a teachers' trade union; (e) one professional from the county with at least five years' relevant experience, nominated by the Parents Teachers Association in the sub-county (amended from two professionals with at least five years of experience based in the sub-county, nominated by the Parents Teachers Association); and (f) one person each nominated by: (i) the joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya; (ii) the Kenya Episcopal Conference; and

(iii) the Muslim Education Council (amended from two persons nominated by one of the following religious organizations that has the highest number of members registered in the sub-county).

vii. In making appointments, the Cabinet Secretary shall ensure compliance with the two-thirds gender rule, guarantee equal opportunities for persons with disabilities and other marginalized groups, and ensure that the composition of the Board reflects the interests of all sections of society. The Chairperson shall hold a minimum qualification of a diploma and possess at least five years' experience in a management role (amended from a degree requirement). Members shall hold a minimum qualification of a secondary education certificate.

viii. Section 18C(5) provides that the Board member appointed under subsection (2)(a) — as amended, the sub-county officer in charge of early childhood education and training or a designate — shall be the Secretary to the Sub-County Education Board.

ix. Section 18C(6) is amended so that staff of the Sub-County Education Board serve under the sub-county education office of the respective sub-county, rather than under the County Public Service Board.

x. Section 18C(7) provides that the Second Schedule to the Basic Education Act shall apply to the conduct of the business and affairs of a Sub-County Education Board with necessary modification, and that a Sub-County Education Board may regulate its own procedure except as provided in the Second Schedule.

xi. Section 18D, as substituted, provides that: (1) the Chairperson of the Sub-County Education Board shall serve for a term of four years, renewable once; and (2) members shall serve for a term of three years, renewable once. This replaces the original uniform five-year term proposed for both the Chairperson and members.

xii. Section 18E requires the Sub-County Education Board to meet not less than four times in each financial year. Meeting notices shall be issued at least seven days in advance.

xiii. Section 18F provides that members of the Sub-County Education Board shall be paid such remuneration or allowances as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

10. **Clause 3** (new) is a consequential amendment to Section 20 of the Basic Education Act, 2013 that provides that the Chairperson of the County Education Board shall possess a minimum qualification of a bachelor's degree and at least seven years' experience in a management role.

11. **Clause 4** (new) amends section 8 of the Early Childhood Education Act by substituting the word "county" with "sub-county" in subsection (2), so that learner referrals are directed to the sub-county level.

1.5 Consequences of the Bill

12. The Bill will establish a formal, structured and accountable education governance body at the sub-county level across Kenya. The establishment of Sub-County Education Boards will strengthen the oversight and administration of basic education at the grassroots level and bring education governance closer to the communities it serves.

13. The Bill will replace the current discretionary arrangement, which merely permits County Education Boards to appoint sub-county education offices, with a mandatory and permanent institutional structure. This will ensure uniformity in education governance across all sub-counties.

14. By prescribing clear membership, qualifications, tenure, meeting requirements and remuneration frameworks, the Bill establishes a comprehensive governance architecture that supports accountability, inclusivity and effective coordination among national, county and sub-county education structures.

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION

2.1 Introduction

15. In compliance with the provisions of Article 118 of the Constitution of Kenya, 2010 and Standing Order 145(5) of the Senate Standing Orders, the Committee undertook public participation on the Bill. The Committee published an advertisement in the Daily Nation and Standard newspapers, inviting stakeholders and members of the public to submit any representations they may have on the Bill by way of written memoranda, to be received on or before Monday, 2nd March, 2026 at 5.00 p.m. A copy of the advertisement is attached to this Report as Annex 4.

2.2 Attendance by Stakeholders

16. In response to the advertisement and invitations, the Committee received written memoranda and conducted a public hearing on Tuesday, 3rd March, 2026 at the Mini Chamber, First Floor, County Hall Building, Nairobi.

17. The following stakeholders presented their oral and written submissions to the Committee:

    a) Usawa Agenda;

    b) Council of Governors (COG);

    c) Elimu Yetu Coalition;

    d) Kenya Institute for Special Education (KISE);

    e) Teachers Service Commission (TSC);

    f) National Parents Association;

    g) Dadaab Refugee-Led Organization;

    h) Consortium of Secondary Schools Alumni Associations of Kenya;

    i) Nimcy Kosgei;

    j) George Mwangi (ECDE Teacher, Nyandarua County);

    k) Murithi Samuel (Laboratory Technology Practitioner);

l) Mathew Kiprotich;

m) National School Uniform Fund;

n) Synthia Mideva Asienwa;

o) Augusta Mukuru;

p) United Disabled Persons of Kenya;

q) Kenya Union of Post Primary Teachers - Nyamira Branch; and

r) Kenya Conference of Catholic Bishops

18. The detailed submissions of stakeholders are set out in a matrix attached to this Report as Annex 5. Copies of all stakeholder submissions are attached as Annex 6.

CHAPTER THREE: ANALYSIS OF SUBMISSIONS

19. A summary of the stakeholder submissions on the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) is set out below.

3.1 Clause 2 — Section 18A: Establishment of the Sub-County Education Board

3.1.1 Summary of Submissions

20. The Council of Governors (COG) proposed that section 18A be amended to reconstitute the Sub-County Education Board as a joint committee of the National Government and the County Government. The proposed amendment would introduce a new subsection (2) providing that the Sub-County Education Board is a joint committee established to coordinate educational functions in the sub-county in accordance with the Act and the principles of inter-governmental relations. The COG advanced the following rationale—

    i. The Bill, as drafted, establishes the Sub-County Education Board as an entity of the National Government alone and fails to recognise the County Government as a distinct and equal partner in education governance.

    ii. Sub-County Boards should serve as inter-governmental entities consistent with the devolved system established under the Constitution of Kenya, 2010.

    iii. A joint committee structure would ensure that both levels of government share responsibility and accountability for education outcomes at the sub-county level.

21. The Elimu Yetu Coalition proposed a comprehensive redraft of section 18A, under which each County Education Board would, in consultation with relevant stakeholders, establish a Sub-County Education Board for every sub-county within its jurisdiction. The Coalition advanced the following rationale—

    i. The clause, as currently drafted, conditions the establishment of Sub-County Education Boards in consultation with the National Education

Board, a body provided for in the Basic Education Act, 2013 that has not yet been operationalised. This renders compliance with the consultation requirement practically impossible.

ii. Predicating the establishment of Sub-County Education Boards on consultation with a non-functional body creates a risk of legal and administrative deadlock. County Education Boards are placed in an untenable position of being legally required to consult an entity that does not function in practice

iii. The consultation requirement, until the National Education Board is constituted and operationalised, constitutes an unnecessary bottleneck that impedes the devolution of education governance to the sub-county level.

iv. For the clause to transition from a theoretical aspiration to an effective operational provision, the National Education Board must first be operationalized as originally envisaged by the Basic Education Act, 2013.

3.1.2 Committee observations and recommendations on submissions

22. The Committee observed that the Bill establishes the Sub-County Education Board principally as a National Government entity, with the Cabinet Secretary holding sole appointing authority over its members. The Committee noted the concerns raised by the COG and the Elimu Yetu Coalition that this structure does not adequately reflect the role of county governments in education governance within the devolved system established by the Constitution. The Committee further noted the practical impediment identified by the Elimu Yetu Coalition - namely, that the non-operationalization of the National Education Board renders the consultation requirement in the clause unenforceable.

23. To address these concerns, the Committee recommends that Clause 2 be amended to remove the requirement for prior consultation with the National Education Board as a precondition to the establishment and functioning of the Sub-County Education Boards. Accordingly, section 18B (1) is deleted and the introductory words "Despite the provisions of subsection (1)" are removed from

section 18B (2). These amendments enable Sub-County Education Boards to commence operations without awaiting the operationalization of the National Education Board.

3.2 Clause 2 — Section 18C: Composition of the Sub-County Education Board

3.2.1 Summary of Submissions

24. Usawa Agenda identified a drafting inconsistency in section 18C, observing that the aggregate number of individuals to be nominated by the various groups listed in sub-clauses (a) to (f) of section 18C (2) exceeds the total membership of seven specified in section 18C (1). Usawa Agenda proposed that this discrepancy be reconciled to achieve internal consistency. Additional proposals by Usawa Agenda on composition included—

    i. Amendment of section 18C(2)(b) to provide for a representative of the County Executive in charge of Education, rather than the direct personal participation of the County Executive in charge of Education, on the basis that it would be anomalous for the County Executive Committee Member (CECM) to sit personally on the Sub-County Board. The Bill as published already provides for the County Executive in charge of Education or a designate of the County Executive in charge of Education.

    ii. Amendment of the TSC seat to be filled by the Sub-County Director of the Teachers Service Commission or a designate, given that the TSC has Sub-County Directors in post and such proximity to the sub-county is appropriate for effective representation.

    iii. Amendment of section 18C(2)(d) to refer to "one person nominated by the Teachers Unions," so that the seat is shared among recognized teachers' unions rather than attributed to a single union.

    iv. Amendment of section 18C(2)(e) to require that the persons nominated by the Parents Teachers Association be professionals with at least five years' relevant experience based in the sub-county.

v. Amendment of section 18C(2)(f) to base religious organization representation on the number of schools sponsored in the sub-county rather than on general membership.

vi. Amendment of section 18C (4) to provide that the Chairperson shall possess a minimum of a bachelor's degree and five years' experience in a leadership role, while members shall possess a minimum of a post-secondary certificate.

vii. Deletion of section 18C (6) in its entirety.

25. The Kenya Conference of Catholic Bishops submitted that clause 18 (c) (2) (f) provide for three persons be nominated by the three religious organizations that have members registered in the subcounty.

26. The Council of Governors (COG) proposed a revised composition under section 18C (1) consisting of a Chairperson and seven other members, with the Deputy County Commissioner and the Sub-County Administrator serving as co-chairpersons. Of the seven (7) other members, four (4) would be appointed by the Cabinet Secretary and three (3) by the County Executive Committee Member in charge of Education. The COG further proposed that section 18C(2)(b) be amended to provide for two persons appointed by the County Executive Member in charge of Education. The COG also proposed that section 18C (6) be deleted and replaced with provision for a joint secretariat designated by both the National Government and the County Government, so as to avoid conflicts of interest arising from county staff being required to serve under a body accountable solely to the National Government.

27. The Elimu Yetu Coalition proposed a revised composition under section 18C (1) consisting of a Chairperson and six (6) other members appointed by the Cabinet Secretary through an open and competitive process. Proposed members included the Member of Parliament for each constituency within the sub-county (as an ex-officio member), the Sub-County Director of Education or a designate, the County Executive Member in charge of Education or a designate, a TSC

designee, two nominees of a teachers' trade union and two educationists of at least five years' standing nominated by the Parents Teachers Association (PTA).

28. The Kenya Institute for Special Education (KISE) proposed that section 18C (1) be amended to provide for a Chairperson and eight other members, with an additional seat reserved for an expert in special needs education designated by KISE.

29. The Teachers Service Commission (TSC) submitted that section 18C (2) should be retained as drafted, with the TSC seat preserved in the composition of the Sub-County Education Board.

30. The National Parents Association proposed that section 18C (2) be amended to provide for at least two representatives of the Association to serve as members of each County Education Board.

31. The Dadaab Refugee-Led Organization proposed that section 18C (2) be amended to include representatives from marginalized communities, special context areas, and refugee-hosting communities.

3.2.2 Committee observations and recommendations on the submissions

32. The Committee observed that the composition of the Sub-County Education Board as proposed in the Bill raises significant concerns regarding inter-governmental balance, representation of marginalized groups and internal numerical consistency. The Committee noted that the exclusive vesting of appointing authority in the Cabinet Secretary fails to recognize the role of county governments in education governance within the devolved system. The Committee further noted the unanimous concern among stakeholders that the current composition does not adequately provide for the representation of persons with disabilities, learners with special needs, and communities in special contexts such as refugee-hosting areas.

33. To address these concerns, the Committee recommends the following changes to section 18C: the total membership is increased from seven to nine to address the numerical inconsistency and expand representation; paragraph (a) is

amended to refer to the sub-county officer in charge of early childhood education and training or a designate; the TSC seat (paragraph (c)) is amended to refer specifically to the Sub-County Director of the TSC or a designate; paragraph (e) is amended to require one professional from the county with at least five years' experience in a management role nominated by the Parents Teachers Association; paragraph (f) is expanded to provide one seat each for the National Christian Council of Kenya /Evangelical Fellowship of Kenya joint forum, the Kenya Episcopal Conference, and the Muslim Education Council; the minimum qualification for the Chairperson is set at a diploma with five years' management experience; and section 18C(6) is amended so that Board staff serve under the sub-county education office of the respective sub-county.

3.3 Clause 2 — Section 18D: Tenure of the Sub-County Education Board

3.3.1 Summary of Submissions

34. Usawa Agenda proposed that section 18D be amended to provide for staggered tenure: a four-year term for the Chairperson, renewable once and a three-year term for members, also renewable once. The proposed amendment was advanced on the basis that it would harmonize the tenure of the Sub-County Education Board with that of the County Education Board, thereby ensuring consistency in governance cycles and facilitating effective coordination between the two levels.

35. The Kenya Conference of Catholic Bishops submitted that clause 18 D provide that members appointed under Clause 18 (c) (2) (f) shall hold office for the duration of their tenure, at the discretion of the appointing authority, contingent upon satisfactory performance.

3.3.2 Committee observations and recommendations on the submissions

36. The Committee observed that the uniform five-year term proposed in the Bill for both the Chairperson and members of the Sub-County Education Board is inconsistent with the staggered tenure arrangement applicable to the County Education Board, under which the Chairperson and members serve different term lengths to ensure continuity in institutional knowledge and operations.

37. The Committee recommends that Clause 2 be amended to align the tenure of the Sub-County Education Board with that of the County Education Board. Accordingly, section 18D is substituted to provide that the Chairperson shall serve for a term of four years, renewable once and that members shall serve for a term of three years, renewable once.

3.4 General Submissions

3.4.1 Summary of Submissions

38. The Consortium of Secondary Schools Alumni Associations of Kenya submitted proposals for the formal recognition of registered alumni associations in the governance of basic education institutions, including amendments to facilitate structured engagement between alumni associations and the institutions they represent.

39. Nimcy Kosgei proposed that the Bill address: the need for clearer delineation of the respective functions of County and Sub-County Education Boards; enhanced public awareness of the new governance structures; and the introduction of stronger accountability mechanisms, including regular audits and mandatory public reporting.

40. George Mwangi, an ECDE Teacher from Nyandarua County, submitted that section 18C(2)(a) should be amended to include representation of ECDE teachers on the Sub-County Education Board, noting that ECDE forms the foundational stage of basic education. He further proposed provisions to protect the employment rights of ECDE teachers and to establish a grievance redress mechanism within the sub-county structure.

41. Murithi Samuel, a Laboratory Technology Practitioner, submitted proposals for the formal recognition of laboratory technologists in basic education governance, including a mandate for Sub-County Education Boards to oversee the deployment and utilization of trained laboratory technicians in secondary schools.

42. Mathew Kiprotich proposed that the Bill provide institutional autonomy for Junior Secondary School teachers by establishing clear leadership and reporting structures that eliminate administrative ambiguity between the primary and junior secondary levels.

43. The National School Uniform Fund submitted a proposal for the establishment of a dedicated fund to ensure that no child is denied access to education on account of an inability to afford school uniforms.

44. Synthia Mideva Asienwa submitted that the Bill should provide clear statutory criteria for the appointment of Sub-County Education Board members, define the relationship between County and Sub-County Boards, ensure inclusive representation of gender and youth, and include provisions on teacher welfare and child protection.

45. Augusta Mukuru submitted proposals relating to the employment and management of non-teaching staff in basic education, including proposed amendments to section 59(p) of the Basic Education Act, 2013.

46. The United Disabled Persons of Kenya submitted comprehensive proposals for strengthening disability inclusion in the Basic Education Act, 2013, including: amendments to introduce definitions of "disability," "inclusive education," and "reasonable accommodation" harmonized with the Persons with Disabilities Act, 2025 and the CRPD; increased representation of persons with disabilities on education boards; the designation of a dedicated officer for coordinating reasonable accommodation requests; and the insertion of a new Part providing a formal right to request reasonable accommodation and an appeals process.

47. The Kenya Union of Post Primary Teachers, Nyamira Branch submitted proposals for amendment of the Teachers Service Commission (Amendment) Bill, 2024.

3.5 Committee observations on submissions

48. The Committee observed that the majority of the general proposals submitted by stakeholders, including those from the Consortium of Secondary Schools Alumni Associations of Kenya, George Mwangi, Murithi Samuel, Mathew Kiprotich, the National School Uniform Fund, Synthia Mideva Asienwa, Augusta Mukuru, and the United Disabled Persons of Kenya, while substantive and important, either relate to the Basic Education Act, 2013 as a whole or fall outside the scope of the Bill as published. The Committee further noted that the proposals submitted by the Kenya Union of Post Primary Teachers, Nyamira Branch relate to the Teachers Service Commission (Amendment) Bill, 2024 and are outside the scope of this Bill.

49. The Committee acknowledges the substantive and implementation-focused nature of the concerns raised by stakeholders. However, given that these proposals fall outside the scope of the Bill as published, the Committee recommends that they be pursued through separate legislative proposals and subjected to comprehensive public participation in their own right.

CHAPTER FOUR: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 Committee Observations

50. Having considered the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) and the submissions received from stakeholders, the Committee makes the following observations-

4.1.1 Section 18A — Establishment of the Sub-County Education Board

51. The Committee observed that the establishment of a formal Sub-County Education Board through section 18A represents a significant and necessary step towards strengthening education governance at the grassroots level. The current provision in the Basic Education Act, 2013 merely grants the County Education Board a discretion to appoint a sub-county education office, which has resulted in inconsistent and fragmented education oversight across sub-counties.

52. The Committee noted, however, that section 18A as drafted establishes the Sub-County Education Board as a body operating exclusively within the National Government framework. Given that sub-county education administration straddles both national and county government functions and the sub-county education board is a structure with the national government construct, there is need to ensure full participation of county government in the Sub-County Education Boards.

53. The Committee further noted that section 18B conditions the performance of the Sub-County Education Board's functions on consultation with the National Education Board, which has not yet been operationalised, thereby creating a practical impediment to the effective commencement of Sub-County Education Boards' work.

4.1.2 Section 18C — Composition of the Sub-County Education Board

54. The Committee observed a drafting inconsistency in section 18C in that the aggregate number of persons to be nominated by the groups listed in sub-clauses (a) to (f) of section 18C (2) exceeds the total membership of seven specified in

section 18C (1). This inconsistency would create ambiguity in the constitution of the Board and requires rectification.

55. The Committee further observed that section 18C (1) vests sole appointing authority in the Cabinet Secretary, with no role accorded to county governments in constituting the Board. This centralization of appointing power is inconsistent with the devolved character of the governance framework envisioned by the Constitution of Kenya, 2010.

56. The Committee noted that while section 18C (3) requires the Cabinet Secretary to ensure equal opportunities for persons with disabilities and other marginalized groups, this falls short of guaranteeing their representation on the Board. This gap is of particular significance given Kenya's obligations under the CRPD and under Articles 27 and 54 of the Constitution, which require affirmative measures to ensure the participation of persons with disabilities in public governance structures.

57. The Committee also noted that the minimum qualifications prescribed under section 18C (4), a degree for the Chairperson and secondary education with a post-secondary certificate as an added advantage for members — may be insufficient to ensure that Board members possess the competence necessary to discharge the Board's governance and oversight functions effectively.

4.1.3 Section 18D — Tenure of the Sub-County Education Board

58. The Committee observed that section 18D provides a uniform five-year term for both the Chairperson and members of the Sub-County Education Board, renewable once. This tenure arrangement is inconsistent with the staggered terms applicable to the County Education Board, where the Chairperson and members serve different term lengths so as to ensure continuity in institutional knowledge and operations.

4.1.4 Section 18E — Meetings of the Sub-County Education Board

59. The Committee observed that the minimum requirement of four meetings per financial year, as prescribed under section 18E, may be inadequate given the

dynamic nature of education administration at the sub-county level, particularly during critical periods such as school term openings, examination cycles, and budget preparation.

4.1.5 Section 18F — Remuneration of the Sub-County Education Board

60. The Committee observed that section 18F, which provides for remuneration and allowances to be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission, is consistent with the constitutional framework on public remuneration under Article 230 of the Constitution of Kenya, 2010. The Committee notes that the timely gazettement of applicable allowances is essential to ensure that Board members are not required to discharge their functions without compensation.

4.2 Committee Recommendations

Having reviewed the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) and conducted public participation thereon, the Committee recommends that the Senate passes the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 0f 2023) with the following amendments-

4.2.1 Amendments to Clause 2

THAT the Bill be amended in Clause 2 as follows—

Amendment (1):

61. By inserting the following paragraphs immediately before paragraph (a)—

(AA) by deleting subsection 1(f);

(AB) by deleting subsection (1)(h) and substituting therefor the following—

(h) put measures in place to ensure curriculum is implemented in basic education institutions in the county;

Amendment (2):

62. In the proposed section 18A, by inserting the words "in every county" at the end of the section.

Amendment (3):

63. By inserting the following new section immediately after the proposed section 18A—

Functions of the Sub-County Education Board

18AA (1) The functions of the sub-county education board shall be to—

(a) monitor the retention, transition and completion rates of learners from pre-primary to secondary education in the sub-county;

(b) monitor curriculum implementation in basic education institutions in the sub-county;

(c) assess adherence to safety standards;

(d) assess the state of infrastructure; and

(e) perform such other functions as may be necessary for the better carrying out of the functions of the sub-county education board under this Act or any other written law.

(2) The sub-county education board shall, after every six months, submit a report to the county education board containing the following information with regard to basic education institutions in the sub-county—

(a) retention and completion rate of pupils;

(b) curriculum implementation;

(c) population of pupils or students;

(d) teacher to pupil ratio;

(e) status of infrastructure;

(f) implementation of safety standards; and

(g) any other information the board may deem necessary.

Amendment (4):

64. In the proposed section 18B, by—

(a) deleting subsection (1); and

(b) deleting the words "Despite the provisions of subsection (1)" appearing at the beginning of subsection (2).

Amendment (5):

65. In the proposed section 18C—

(a) in subsection (1), by deleting the word "six" appearing immediately after the words "Chairperson and" and substituting therefor the word "eight";

(b) in subsection (2), by—

(i) deleting paragraph (a) and substituting therefor the following—

(a) the sub-county officer in charge of early childhood education and training or a designate of the sub-county officer in charge of early childhood education and training;

(ii) deleting the words "Teachers Service Commission" appearing at the end of paragraph (c) and substituting therefor the words "Sub-County Director of the Teachers Service Commission or a designate of the Sub-County Director";

(iii) deleting paragraph (e) and substituting therefor the following—

(e) Two professionals from the county nominated by the Parents Teachers Association in the sub-county;

(v) deleting paragraph (f) and substituting therefor the following—

(f) one person each nominated by—

(i) the joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;

(ii) the Kenya Episcopal Conference; and

(iii) the Muslim Education Council;

(c) by deleting subsection (4) and substituting therefor the following—

(4)(a) The chairperson of a Sub-County Education Board shall possess a minimum qualification of a diploma and five years' experience in a management role.

(b) The members of the Sub-County Education Board shall possess a minimum qualification of secondary education.

(d) in subsection (6), by deleting the words "County Public Service Board of the respective county" appearing immediately after the words "serving under the" and substituting therefor the words "sub-county education office of the respective sub-county";

Amendment (6):

66. By deleting the proposed section 18D and substituting therefor the following—

18D. (1) The chairperson of the sub-county education board shall serve for a term of four years, renewable once.

(2) The members shall serve for a term of three years, renewable once.

4.2.2 New Clauses

THAT the Bill be amended by inserting the following new clauses immediately after Clause 2—

Clause 3 — Amendment of Section 20 of Cap 211

3. Section 20 of the Basic Education Act is amended by deleting the word "All" appearing at the beginning of the subsection and substituting therefor the words "The chairperson of the county education board shall possess a minimum qualification of a bachelor's degree and seven years' experience in a management role and".

Clause 4 — Amendment of Section 8 of Cap 211B

4. Section 8 of the Early Childhood Education Act is amended in subsection (2) by deleting the word "county" appearing immediately after the words "learner to the" and substituting therefor the word "sub-county".

LIST OF ANNEXURES

Annex 1: Minutes of the Standing Committee on Education

Annex 2: Committee Stage Amendments on the Bill

Annex 3: The Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023)

Annex 4: Newspaper Advertisement in the Daily Nation and Standard newspapers inviting submission of memoranda on the Bill

Annex 5: Matrix of the stakeholder submissions on the Bill

Annex 6: Copies of stakeholder submissions on the Bill

MINUTES OF THE ONE HUNDRED AND TWENTY-SIXTH (126TH) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN COMMITTEE ROOM 4, FIRST FLOOR, BUNGE TOWER ON THURSDAY, 14TH MAY, 2026 AT 9.00 AM.

PRESENT

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
3. Sen. John Kinyua Nderitu, MP - Member
4. Sen. Johnes Mwaruma, CBS, MP - Member
5. Sen. Catherine Mumma, CBS, MP - Member
6. Sen. Lenku Ole Kanar Seki, MP - Member
7. Sen. James Kamau Murango, MP - Member

ABSENT WITH APOLOGY

1. Sen. Agnes Kavindu Muthama, MP - Member
2. Sen. John Methu, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Obure - Clerk Assistant III
3. Ms. Beatrice Kapei - Principal Legal Counsel
4. Ms. Njeri Manga - Medial Relations Officer
5. Ms. Valarie Chemweno - Research Officer III
6. Mr. Johnstone Simiyu - Audio Recording Officer
7. Mr. Kevin Lomenen - Media Relations Officer
8. Mr. John Lekampule - Assistant Serjeant-At-Arms
9. Mr. Emmanuel Furaha - Attaché
10. Ms. Harriet Kerubo - Attaché
11. Ms. Demtilla Khisa - Attaché
12. Mr. Kelvin Musyoka - Attaché

IN ATTENDANCE
COUNTY GOVERNMENT OF NYERI

1. Hon. (Dr.) Mutahi Kahiga, EGH - Governor
2. Ms. Margaret Macharia - CECM, Education

3. Ms. Esther Ndungu - CECM, Social Services
4. Mr. Benard Kiama - Chief Officer, Education and Training
5. Mr. James Gacuiri - Director, Education
6. Mr. Richard Kimani - Director, Finance and Accounting
7. Ms. Anne Njora - Assistant Director, VET
8. Mr. Eliphas Mbae - Assistant Director, Education
9. Mr. Peter Mbugua - Principal Librarian

MIN/SEN/SCE/405/2026 **PRELIMINARIES**

The meeting was called to order at twenty-eight minutes past Nine O'clock and there followed by a word of prayer by Sen. Betty Montet, MP.

MIN/SEN/SCE/406/2026 **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. John Kinyua Nderitu. MP and seconded by Sen. James Murango, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the 117th, 118th, 119th, 120th, 121st, 122nd, 123rd, 124th and 125th meetings of the Committee;
4. Matters arising from the Minutes;
5. **Consideration and adoption of the Report on the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023);**
6. **Meeting with the Governor, Nyeri County to deliberate on the Inquiry into the implementation status of Early Childhood Development Education (ECDE) and Vocational Education and Training Policies in the County (Committee Paper No. 129); and**
7. Adjournment and Date of the Next Meeting.

MIN/SEN/SCE/407/2026 **CONFIRMATION OF MINUTES**

a) Minutes of the one hundredth and seventeenth (117th) meeting held on 30th March, 2026 at 10 a.m. were confirmed as a true record of the deliberations having been proposed by Sen. Catherine Mumma, CBS, MP and seconded by Sen. John Kinyua Nderitu, MP;

b) Minutes of the one hundredth and eighteenth (118th) meeting held on 30th March, 2026 at 2.00 p.m. were confirmed as a true record of the deliberations having been proposed by Sen. Catherine Mumma, CBS, MP and seconded by Sen. John Nderitu Kinyua, MP;

c) Minutes of the one hundredth and nineteenth (119th) meeting held on 31st March, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Catherine Mumma, CBS, MP;

d) Minutes of the one hundredth and twentieth (120th) meeting held on 2nd April, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Catherine Mumma, CBS, MP;

e) Minutes of the one hundredth and twenty-first (121st) meeting held on 23rd April, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. Catherine Mumma, CBS, MP and seconded by Sen. John Kinyua Nderitu, MP;

f) Minutes of the one hundredth and twenty-second (122nd) meeting held on 30th April, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Catherine Mumma, CBS, MP;

g) Minutes of the one hundredth and twenty-third (123rd) meeting held on 5th May, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. James Kamau Murango, MP and seconded by Sen. Catherine Mumma, CBS, MP;

h) Minutes of the one hundredth and twenty-fourth (124th) meeting held on 7th May, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. James Kamau Murango, MP; and

i) Minutes of the one hundredth and twenty-fifth (125th) meeting held on 12th May, 2026 were confirmed as a true record of the deliberations having been proposed by Sen. (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. John Kinyua Nderitu, MP.

MIN/SEN/SCE/407/2026 MATTERS ARISING FROM THE MINUTES

There were no matters arising.

MIN/SEN/SCE/408/2026: CONSIDERATION AND ADOPTION OF THE REPORT ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

The Committee considered the report of the Committee on the Basic Education (amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) and observed that the establishment of a formal Sub-County Education Board through section 18A represents a significant and necessary step towards strengthening education governance at the grassroots level. Further, the Committee unanimously adopted the report.

MIN/SEN/SCE/409/2026: MEETING WITH THE GOVERNOR, NYERI COUNTY TO DELIBERATE ON THE IMPLEMENTATION STATUS OF EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE) AND VOCATIONAL EDUCATION AND TRAINING POLICIES IN THE COUNTY

1. The Committee was taken through *Committee Paper No. 129* highlighting the issues raised in consideration of the Inquiry into the implementation status of Early Childhood Development Education (ECDE) and Vocational Education and Training Policies in Nyeri County.
2. The Governor, Nyeri informed the Committee that -
   a) The County has a total of 670 ECDE centres, comprising 428 public and 242 private centres across the eight sub-counties;
   b) Most ECDE centres operate within primary schools, while a smaller number function as standalone facilities and centres within informal settlements;
   c) The County heightened investments in Early Childhood Development Education (ECDE) infrastructure, with expenditures totaling approximately Ksh. 20 million in FY 2022/23 and Ksh. 14.6 million in FY 2023/24, alongside a budgeted allocation of Ksh. 53.4 million for FY 2024/25. These funds supported key initiatives, including the construction and renovation of classrooms, erection of toilet blocks, procurement of furniture, and provision of play equipment alongside child-friendly learning facilities;
   d) Public ECDE centres have 770 teachers, of whom 740 are employed by the County Government on permanent and pensionable terms, while 37 are engaged by the County Government on contractual terms;
   e) The total enrolment of ECDE learners is 19,005 with 777 teachers in the public ECDEs;
   f) ECDE teachers employed by the County are categorized into different cadres, including Certificate and Diploma holders, and officers absorbed from the defunct local authorities who are currently pursuing certificate courses;
   g) The salaries of ECDE teachers range from Ksh. 27,290 monthly for the certificate holders to Ksh. 37,120 for Diploma holders; and
   h) The County has 27 VTCs with an enrollment of 3079 spread across the 27 wards out of 30 wards.

3. Following deliberations, the Committee **observed** that-
   a) There are no tuition fees are charged in ECDE centres, with the County Government fully meeting teacher salary costs and providing teaching and learning materials. Parents only contribute towards feeding programmes in some centres.

b) The County has no school feeding program and that only three centres charge Ksh. 1,000 for feeding programmes, while average parental contributions for feeding in other centres amount to approximately Ksh. 3,000 annually;
c) The County receives support from development partners in the form of teacher training and capacity-building initiatives;
d) The County follows merit as per ECDE teachers` scheme of Service when recruiting and those who merit are recruited;
e) The County has five operational public libraries that are fully equipped and staffed;
f) The salaries paid to ECDE teachers, ranging between Ksh. 27,290 and Ksh. 37,120, are above the minimum wage of Ksh. 14,000 prescribed by the Salaries and Remuneration Commission;
g) There are no formal agreements governing the establishment and operation of ECDE centres within primary schools;
h) The County has a total of 169 private daycare facilities with no public facilities;
i) The County discontinued the issuance of bursaries and redirected those funds toward capitation grants for Vocational Training Centres (VTCs);
j) The County will recruit 19 more teachers to address the existing staffing gaps;
k) Following the devolution of library services from the Kenya National Library Service (KNLS) to the County, the County is prioritizing the strengthening of these institutions through the establishment of a dedicated scheme of service;
l) The courses offered are the traditional courses including hairdressing, carpentry, fashion and design, building construction, plumbing, welding, motor vehicle mechanic, and electrical;
m) The indicative cost of providing Vocational Training per trade is Ksh. 30,000 with the County providing capitation of Ksh. 15,000 and parental contribution of 10, 000;
n) The County produces its uniforms, including lab coats for ECDE teachers and enforcement officers, at local Vocational Training Centres (VTCs); and
o) The County in partnership with KCB Tujiajiri programe provides start-up tools for respective courses

4. Following deliberations, the Committee **resolved** to undertake an oversight visit to Nyeri County to further assess the implementation status of Vocational Education and Training policies, inspect selected ECDE centres and Vocational Training Centres (VTCs), and obtain supplementary information on-
   i. The draft policy of Nyeri County Early Childhood Development Education Policy;
   ii. The implementation status of Nyeri County Vocational Education and Training
   iii. Policy; and
   iv. Details of the transition rates of learners in all levels of education including pre-primary to tertiary education.

5. The Committee made the following **recommendations-**

   a) Adopt child-friendly seating arrangements, such as hexagonal tables for six learners, to replace outdated furniture designs and traditional setups that hinder interaction and classroom management;
   b) Introduce a school feeding program to boost ECDE learner retention and enrolment;
   c) Establish mechanisms to track transition rates across all education levels, enabling identification of school leavers and their enrolment in Vocational Training Centres (VTCs) for skills development; and
   d) The need for partnerships with development partners to equip VTCs, recognize prior learning, and develop modern facilities with marketable, relatable courses.

MIN/SEN/SCE/409/2026 ANY OTHER BUSINESS

The Committee was informed of the upcoming oversight visits to Narok, Bomet, Kericho, and Nakuru Counties, scheduled for 17th to 22nd May, 2026 on the Inquiry into the implementation status of ECDE and VTC policies and assessment of the education sector projects.

MIN/SEN/SCE/4010/2026 ADJORNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at twenty minutes past one O'clock.

The next meeting shall be held on notice.

SIGNED..... **DATE**.....09.06.2026.....

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

MINUTES OF THE ONE HUNDRED AND TWENTY-FOURTH (124TH) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN COMMITTEE ROOM 4, FIRST FLOOR, BUNGE TOWER ON THURSDAY, 7TH MAY, 2026 AT 9.00 AM.

PRESENT

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. John Kinyua Nderitu, MP - Member
3. Sen. Catherine Mumma, CBS, MP - Member
4. Sen. Lenku Ole Kanar Seki, MP - Member
5. Sen. James Kamau Murango, MP - Member

APOLOGIES

1. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
2. Sen. Johnes Mwaruma, CBS, MP - Member
3. Sen. Agnes Kavindu Muthama, MP - Member
4. Sen. John Methu, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Oburc - Clerk Assistant III
3. Ms. Beatrice Kapei - Principal Legal Counsel
4. Ms. Njeri Manga - Medial Relations Officer
5. Ms. Valarie Chemweno - Research Officer III
6. Mr. Johnstone Simiyu - Audio Recording Officer
7. Mr. Kevin Lomenen - Media Relations Officer
8. Ms. Harriet Kerubo - Attaché
9. Ms. Demtilla Khisa - Attaché

IN ATTENDANCE

COUNTY GOVERNMENT OF KIRINYAGA

1. Hon. Anne Waiguru, EGH - Governor
2. Ms. Milicent Ngari - CECM, Education
3. Ms. Jacqueline Njogu - CECM, Finance
4. Ms. Rose Wachira, OGW - Chief Officer, Administration and Special Programmes
5. Mr. Patrick Mugo - Chief Officer, Education

6. Ms. Lucy Maina - Director, ECDE
7. Mr. Joseph Muriithi - Deputy Director, Vocational Education
8. Ms. Carolyne Kinyua - County Attorney
9. Mr. Hillary Kimathi - County secretary

MIN/SEN/SCE/395/2026 **PRELIMINARIES**

The meeting was called to order at twenty-eight minutes past nine O'clock followed by a word of prayer by Sen. Betty Montet, MP.

MIN/SEN/SCE/396/2026 **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by Sen. James Murango, MP and seconded by Sen. Lenku Ole Kanar Seki, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of Committee Stage Amendments to the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023);**
4. **Meeting with the Governor, Kirinyaga County to deliberate on the implementation status of Early Childhood Development Education (ECDE) and Vocational Education and Training Policies in the County; and**
5. Adjournment and Date of the Next Meeting.

MIN/SEN/SCE/397/2026: **CONSIDERATION OF COMMITTEE STAGE AMENDMENTS TO THE BASIC EDUCATION (AMENDMENT)BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)**

The Committee was taken through **Committee Paper No. 124A**, which outlined the key issues arising from its consideration of the Committee Stage Amendments to the **Basic Education (Amendment) Bill (National Assembly Bills No. 59 of 2023).** Following deliberations, the Committee made the following recommendations for inclusion to the Amendments—

a) That the minimum qualifications for appointment as Chairperson of the Sub-County Education Board be revised to require possession of at least a Diploma and a minimum of five (5) years' experience in a management role; and
b) That a consequential amendment be made to Section 20(2) of the Basic Education Act, 2013, to provide that the minimum qualifications for appointment as Chairperson of the County Education Board shall be a Bachelor's degree and at least five (5) years' experience in a management role.

MIN/SEN/SCE/398/2026: **MEETING WITH THE GOVERNOR, KIRINYAGA COUNTY TO DELIBERATE ON THE IMPLEMENTATION STATUS OF EARLY CHILDHOOD DEVELOPMENTEDUCATION (ECDE) AND VOCATIONAL EDUCATION AND TRAINING POLICIES IN THE COUNTY**

1. The Committee was taken through *Committee Paper No. 127* highlighting the issues raised in consideration of the Inquiry into the implementation status of Early Childhood Development Education (ECDE) and Vocational Education and Training Policies in Kirinyaga County.
2. The Governor, Kirinyaga County informed the Committee that -
   a) The County has a total of 372 ECDE centres, comprising 202 public and 170 private centres, serving a combined enrolment of 24,499 learners across the five sub-counties;
   b) Public ECDE centres have 482 teachers, of whom 400 are employed by the County Government on permanent and pensionable terms, while 82 are engaged by the respective Schools' Boards of Management;
   c) Public ECDE centres have 14,361 learners against 482 teachers, translating to a teacher-pupil ratio of 1:30, while private ECDE centres have 10,138 learners against 510 teachers, giving a teacher-pupil ratio of 1:20;
   d) Out of the 202 public ECDE centres, 195 are situated within primary schools, six are standalone centres, and one is located within an informal settlement;
   e) The County is collaborating with KNATCOM, the Ministry of Education, ZIZI Afrique, and Ollin Sacco to enhance digital skills training and capacity building;
   f) ECDE teachers employed by the County are categorized into different cadres, including Bachelor's Degree holders (21), Diploma holders (230), Certificate holders (138), and eleven officers absorbed from the defunct local authorities who are currently pursuing certificate courses; and
   g) The salaries of ECDE teachers range from Ksh. 22,800 for the absorbed officers to Ksh. 64,300 for Bachelor Degree holders.
3. Following deliberations, the Committee **observed** that-
   a) The County Government constructs ECDE classrooms measuring 8.9 metres by 7.9 metres at an estimated cost of Ksh. 1.5 million;
   b) No fees are charged in the 202 public ECDE centres;
   c) The County Government does not currently have a public library, though there are plans to establish digital and mobile libraries;
   d) The salaries paid to ECDE teachers, range between Ksh. 22,800 and Ksh. 64,300;
   e) There are no formal agreements governing the establishment and operation of ECDE centres within primary schools;
   f) The County Government provides school uniforms to ECDE learners through the Wezesha Mama Programme implemented in Vocational Training Centres (VTCs),

with the uniforms consisting of two colours-green and blue across the five sub-counties;

g) The County has 248 childcare centres, of which 232 are privately owned and 16 are public, distributed across the five sub-counties; and

h) The County Government has not established a common school feeding programme for ECDE learners due to budgetary constraints.

4. Following deliberations, the Committee **observed** that-

a) The dimensions provided by the County are 8.9m by 7.9m, whose cost of construction is 1.5 million against the National Pre-primary Policy Guidelines, 2018 of 8m by 6m;

b) There are no fees charged in the 202 public centres however, there is parental contribution in support of employment of additional Board of Management (BOM) teachers;

c) The salaries for the ECDE teachers range from Ksh. 22,800 (others) and 64, 300 (Bachelor's Degree) is above the minimum wage of Ksh, 14,000 as provided by the Salaries and Remuneration Commission;

d) The County Government budgets to the Education Department included allocation to provide bursaries to secondary and tertiary institution which is a national government function;

e) The provision of school uniforms to 15,000 ECDE learners helps in ensuring access to ECDE learning and also promotes skills development to women in the county; and

f) The teacher to learner ratio presented did not factor the teachers employed by the BOM teachers.

5. Following deliberations, the Committee **resolved** to undertake an oversight visit to Kirinyaga County to further assess the implementation status of Vocational Education and Training policies, inspect selected ECDE centres and Vocational Training Centres (VTCs), and obtain supplementary information on-

i. The remuneration structure for Board of Management teachers;

ii. The distribution and location of childcare centres within the County;

iii. The Vocational Education and Training policy currently being implemented by the County Government; and

iv. The implementation status of the Kirinyaga County ECDE Policy, 2023.

MIN/SEN/SCE/399/2026 ADJORNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at fifteen minutes to one O'clock. The next meeting shall be held on Tuesday, 12th May, 2026.

SIGNED..... **DATE** 14th May 2026

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

MINUTES OF THE ONE HUNDRED AND TWENTY-SECOND (122ND) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN COMMITTEE ROOM 8, FIRST FLOOR, BUNGE TOWER ON THURSDAY, 30TH APRIL, 2026 AT 9.00 AM.

PRESENT

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. Catherine Mumma, CBS, MP - Member *(Online)*
3. Sen. John Kinyua Nderitu, MP - Member *(Online)*
4. Sen. Agnes Kavindu Muthama, MP - Member *(Online)*
5. Sen. Lenku Ole Kanar Seki, MP - Member *(Online)*

ABSENT WITH APOLOGY

1. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
2. Sen. Johnes Mwaruma, CBS, MP - Member
3. Sen. James Kamau Murango, MP - Member
4. Sen. John Methu, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Obure - Clerk Assistant III
3. Ms. Beatrice Kapei - Principal Legal Counsel
4. Mr. Jonathan Lemurt - Fiscal Analyst
5. Ms. Valarie Chemweno - Research Officer III
6. Mr. Johnstone Simiyu - Audio Recording Officer
7. Ms. Lucy Mwaniki - Assistant Serjeant-At-Arms

MIN/SEN/SCE/385/2026 PRELIMINARIES

The meeting was called to order at twenty-eight minutes past Nine O'clock and there followed by a word of prayer by Sen. Betty Montet, MP.

MIN/SEN/SCE/386/2026 ADOPTION OF THE AGENDA

The agenda of the meeting was adopted with amendments having been proposed by Sen. John Kinyua Nderitu, MP and seconded by Sen. Catherine Mumma, CBS, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of Committee Stage Amendments to the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023)** ***(Committee Paper No. 124)***
4. **Consideration of Committee Reports on the Inquiry into the implementation status of Early Childhood Development Education (ECDE) and Vocational Education and Training Policies in Kitui and Makueni Counties** (***Committee Paper No. 125)***;
5. Any Other Business
6. Adjournment and Date of the Next Meeting.

MIN/SEN/SCE/387/2026: CONSIDERATION OF COMMITTEE STAGE AMENDMENTS TO THE BASIC EDUCATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

1. The Committee was informed of *Committee Paper No. 124* highlighting the Committee Stage Amendments to the Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) following the consideration of the matrix of submissions.
2. The Committee observed that-
    a) There is need to include the consequential amendments to Section 20 (4) of the Basic Education Act, 2013 on the qualifications of members of the County Education Board so as to be in consonance with amendments on Clause 18C (4) of the Bill.
    b) The functions of the Sub County Education Board to be reviewed further to recognize County governments as an implementer on devolved functions in the education sector for consumption of the data and information from the Subcounty Education Board.

MIN/SEN/SCE/388/2026: CONSIDERATION OF COMMITTEE REPORTS ON THE INQUIRY INTO THE IMPLEMENTATION STATUS OF EARLY CHILDHOOD DEVELOPMENT EDUCATION (ECDE) AND VOCATIONAL EDUCATION AND TRAINING POLICIES IN KITUI AND MAKUENI COUNTIES

1. The Committee was informed of Committee Paper No. 125 on the reports of the Committee on the inquiry into the implementation status of Early Childhood Development Education (ECDE) and Vocational Education and Training Policies in Kitui and Makueni Counties.

2. The Committee considered the observations and recommendations in the reports and unanimously adopted the reports for Tabling in the Senate House.

MIN/SEN/SCE/389/2026 ANY OTHER BUSINESS

The Committee noted the need to committee it budget for local travel before June, 2026 and resolved to undertake oversight visits on 17th to 22nd May, 2026, to Narok, Nakuru, Bomet and Kericho Counties to inspect the status of Early Childhood Development Education (ECDE) and Vocational Education and Training projects.

MIN/SEN/SCE/390/2026 ADJORNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at ten minutes past Ten O'clock. The next meeting shall be held on Tuesday, 5th May, 2026.

SIGNED..... **DATE** 14th May 2026

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

MINUTES OF THE ONE HUNDRED AND SEVENTEENTH (117TH) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN ARGYLE GRAND HOTEL ON MONDAY, 30TH MARCH, 2026 AT 9.00 AM.

PRESENT

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
3. Sen. John Kinyua Nderitu, MP - Member
4. Sen. Catherine Mumma, CBS, MP - Member
5. Sen. Agnes Kavindu Muthama, MP - Member
6. Sen. Lenku Ole Kanar Seki, MP - Member

ABSENT WITH APOLOGY

1. Sen. Johnes Mwaruma, CBS, MP - Member
2. Sen. James Kamau Murango, MP - Member
3. Sen. John Methu, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Obure - Clerk Assistant III
3. Ms. Beatrice Kapei - Principal Legal Counsel
4. Mr. Jonathan Lemurt - Fiscal Analyst
5. Ms. Njeri Manga - Media Relations Officer
6. Mr. Kevin Lomen - Media Relations Officer
7. Ms. Lorna Okatch - Research Officer
8. Ms. Valarie Chemweno - Research Officer III
9. Mr. Johnstone Simiyu - Audio Recording Officer
10. Ms. Lucy Mwaniki - Assistant Serjeant-at-arms
11. Ms. Harriet Kerubo - Attaché

MIN/SEN/SCE/364/2026 PRELIMINARIES

The meeting was called to order at five minutes past Nine O'clock and there followed by a word of prayer by Sen. (Prof.) Margaret Kamar, EGH, MP.

MIN/SEN/SCE/365/2026 **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by (Prof.) Margaret Kamar, EGH, MP and seconded by Sen. Catherine Mumma, CBS, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of stakeholders' submissions matrix on the Basic Education (Amendment) Bill (National Assembly Bills No. 59 of 2023);
4. Adjournment and Date of the Next Meeting.

MIN/SEN/SCE/366/2026: CONSIDERATION OF STAKEHOLDERS' SUBMISSIONS MATRIX ON THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

1. The Committee was informed on *Committee Paper No. 117* that highlighted the submissions received from the following stakeholders-
    1. Usawa Agenda.
    2. Council of Governors (COG)
    3. Elimu Yetu Coalition
    4. Kenya Institute for Special Education (KISE)
    5. Teachers Service Commission (TSC)
    6. National Parents Association
    7. Dadaab Refugee-Led organization
    8. Consortium of Secondary Schools Association of Kenya
    9. Ms. Nimcy Kosgei
    10. Mr. George Mwangi (ECDE teacher, Nyandarua county)
    11. Mr. Murithi Samuel (Laboratory Technology Practitioner
    12. Mr. Mathew Kiprotich
    13. National School Uniform Fund
    14. Ms. Synthia Mideva Asienwa
    15. Mr. Augusta Mukuru
    16. United Disabled Persons of Kenya
    17. Kenya Union of Post Primary Teachers -Nyamira Branch
    18. Kenya Conference of Catholics Bishops

2. The Committee considered the submissions and made the following resolutions that-

a) **Clause 18A.**- The Committee observed that the Bill provided for establishment of a Sub-County Education Board and resolved to retain the clause as provided.

b) **Clause 18B (1)** - The proposal that the Sub-County Education Board shall consult with the County Education Board in the performance of its functions was retained as provided.

c) **Clause 18B (2)** - The proposal that despite the provisions of subsection (1), the Cabinet secretary shall in consultation with National Education Board, through the existing mechanisms for coordination of inter-governmental relations, make regulations prescribing the coordination between the National Education Board, the County Education Boards and the Sub-County Education Boards, the Committee resolved to retain the clause as provided.

a) **Clause 18C (1)** - The proposal that every Sub-County Education Board shall consist of a Chairperson and six other members appointed by the Cabinet Secretary was amended that **every Sub-County Education Board shall consist of a Chairperson and eight other members**.

d) **Clause 18C (2) a to f** - The proposal on the Board members under subsection (1) was amended to have the following-

1. the Sub-County Director of Education or a designate of the Sub-County Director of Education;
2. the County Executive Member in charge of Education or a designate of the County Executive in charge of Education;
3. the Sub-County Director of Teachers Service Commission or a designate of the Sub-County Director of Teachers Service Commission;
4. two persons nominated by the Teachers Trade Union;
5. one person who is a professional with at least five years of experience from the sub county nominated by the Parents Teachers Association in the Sub-County;
6. three persons nominated from the following religious organizations that has the highest number of schools in the sub-county under its sponsorship-

i. Joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
ii. The Kenya Episcopal Conference; and
iii. The Muslim Education Council.

e) **Clause 18C (3)**- The proposal that in appointing the Chairperson and members of the Board, the Cabinet secretary shall ensure (a) that not more than two-thirds of the members are of the same gender; (b) equal opportunities for persons with disabilities and other marginalized groups; and (c) that the appointees to the Board reflect the interests of all sections of the society, the Committee resolved to retain the clause as provided.

f) **Clause 18C (4)**- The proposal that the Chairperson of a Sub-County Education Board shall possess a minimum qualification of a degree and the members shall possess a minimum qualification of secondary education with post-secondary certificate as an added advantage. The clause was amended as: **The Chairperson of a Sub-County Education Board shall possess minimum qualifications of a Bachelor`s Degree and five (5) years` experience in a leadership role. The members shall possess minimum qualifications of a post-secondary certificate.**

g) **Clause 18C (5)**- The proposal that the Board Member appointed under subsection (2)(a) shall be the Secretary to the Sub-County Education Board was retained as provided.

h) Clause 18C (6)- The proposal that the staff of the Sub-County Education Board shall be persons serving under the County Public Service Board of the respective County was amended as: The staff of the Sub-County Education Board shall be persons serving under the Sub-County Director of Education.

i) Clause 18C (7)- The proposal that the Second Schedule shall apply to the conduct of the Business and affairs of the Sub-County Education Board with necessary modification and, expect as provided in the Second Schedule, a Sub County Education Board may regulate its own procedure was retained as provided.

j) **Clause 18D-** The proposed tenure that provided that the Chairperson and members of a Sub County Education Board shall be appointed for five years and shall be eligible for re-appointment for one further term was amended as follows: **The Chairperson shall serve for a term of four years renewable once, while members shall serve for a renewable term of three years.**

k) **Clause 18E (1) (2) (3 a & b)-** The proposal on meetings of the Sub County Education Board were retained as provided. The Committee further **observed** the need for delineated and clear functions of the Sub-County Education Boards to streamline deployment, discipline, supervision and professional development.

l) **Clause 18F** –The proposal on the remuneration of the Sub-County Education Board was retained as provided in the Bill.

3. The Committee further made the following **resolutions** that-

   a) The Secretariat to review and consolidate stakeholder submissions that were not aligned with the Basic Education (Amendment) Bill (National Assembly Bills No. 59 of 2023) for consideration by the Committee; and

   b) The Secretariat to formulate functions of the Sub-County Education Board which were omitted in the drafting of the Bill for consideration by the Committee.

MIN/SEN/SCE/367/2026 **ADJORNMENT AND DATE OF NEXT MEETING**

There being no other business, the meeting was adjourned at twenty-five minutes past One O'clock.

SIGNED..... **DATE**.....14/5/2026.....

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

MINUTES OF THE ONE HUNDRED AND THIRTHIETH (113TH) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN COMMITTEE ROOM 4, FIRST FLOOR, BUNGE TOWER ON TUESDAY, 17TH MARCH, 2026 AT 10.00 AM.

PRESENT

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
3. Sen. Johnes Mwaruma, CBS, MP - Member
4. Sen. Lenku Ole Kanar Seki, MP - Member

ABSENT WITH APOLOGY

1. Sen. John Kinyua Nderitu, MP - Member
2. Sen. Catherine Mumma, CBS, MP - Member
3. Sen. Agnes Kavindu Muthama, MP - Member
4. Sen. James Kamau Murango, MP - Member
5. Sen. John Methu, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Obure - Clerk Assistant III
3. Ms. Beatrice Kapei - Principal Legal Counsel II
4. Mr. Jonathan Lemurt - Senior Fiscal Analyst
5. Ms. Lorna Okatch - Research Officer
6. Ms. Valarie Chemweno - Research Officer III
7. Ms. Njeri Manga - Media Relations Officer
8. Mr. Kevin Lomenen - Media Relations Officer
9. Mr. Johnstone Simiyu - Audio Recording Officer
10. Ms. Lucy Mwaniki - Assistant Serjeant-at-Arms
11. Ms. Harriet Kerubo - Attaché

MIN/SEN/SCE/343/2026 **PRELIMINARIES**

The meeting was called to order at six minutes past ten O'clock and there followed by a word of prayer by Sen. Betty Montet, MP.

MIN/SEN/SCE/344/2026 **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by Sen. Johnes Mwaruma, CBS, MP and seconded by Sen. (Prof.) Margaret Kamar, EGH, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of matrix of the stakeholders' submissions on the Basic Education (Amendment) Bill (National Assembly Bills No. 59 of 2023) (*Committee Paper No.117*);**
4. Any Other Business
5. Adjournment and Date of the Next Meeting.

MIN/SEN/SCE/345/2026: CONSIDERATION OF MATRIX OF THE STAKEHOLDERS' SUBMISSIONS ON THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

The Committee was informed that the Secretariat had received 17 memoranda on the Basic Education (Amendment) Bill, 2023 from the following members of the public and stakeholders-

1. Usawa Agenda.
2. Council of Governors (COG)
3. Elimu Yetu Coalition
4. Kenya Institute for Special Education (KISE)
5. Teachers Service Commission (TSC)
6. National Parents Association
7. Dadaab Refugee-Led organization
8. Consortium of Secondary Schools Association of Kenya
9. Ms. Nimcy Kosgei
10. Mr. George Mwangi (ECDE teacher, Nyandarua county)
11. Mr. Murithi Samuel (Laboratory Technology Practitioner
12. Mr. Mathew Kiprotich
13. National School Uniform Fund
14. Ms. Synthia Mideva Asienwa
15. Mr. Augusta Mukuru
16. United Disabled Persons of Kenya
17. Kenya Union of Post Primary Teachers -Nyamira Branch

The Committee considered submissions from Usawa Agenda and resolved as follows-

a) **Clause 18C (1)**-

The Committee observed that the Bill provided for a membership of the Subcounty Education Board of 7 but the listing of the members in Clause 18 C (2) was nine members. The Committee further observed that Mwongozo guidance on membership to boards of public entities should have at least 7 and not more than 9 members. The Committee noted the need to have the membership as listed in Clause 18 C (2) and resolved to amend Clause 18 C (1) to provide as follows-***Every Subcounty Education Board shall consist of a chairperson and eight other members appointed by the Cabinet Secretary.***

b) **Clause 18 C (2) (b)**- The proposal to amend the Bill to read that ***-a representative of the County Executive in charge of Education*** was agreed to because Section 20 (1) (c) of the Basic Education Act provides for a representative of the CECM Education to sit in the County Education Board and therefore it would not be in order for the CECM Education to sit in Subcounty Education Board whereas a designate sits in the County Education Board.

c) **Clause 18C (2) (c)**- The proposal to amend the Bill to read that-***the Sub-County Director of Teachers Service Commission (TSC) or a designate of the Sub-County Director of TSC*** was taken with the understanding that TSC has subcounty directors of education in every subcounty.

d) **Clause 18 C (2) (d, e, and f)**- were not agreed to because the membership to the Subcounty Education Board was amended to reflect a membership of nine (9); which the proposals sought to correct.

e) **Clause 18 C (4)**- The proposal to amend the Bill to provide for specification of the type of degree to be considered for the position of chairperson was taken **so** as to exclude honorary degree holders and be specific to academic degrees.

f) **Clause 18 C (6)** -The proposal to delete the subclause was taken because the inclusion of officers of the County Government in the operations of the Subcounty Education Board- which was an entity of the National Government- would not provide the requisite supervision/delivery of work.

The Committee observed that proposed amendments to the Basic Education (Amendment) Bill, 2023 were many and required ample time for Members to go through the amendments. It was resolved that a retreat be organized near Nairobi-Machakos County to consider the proposed amendments from Friday, 27th and Saturday, 28th March, 2026. It was further resolved that the Committee also considers the report of the Committee on the Inquiry into the status of implementation of Early Childhood Development Education (ECDE) and Vocational Training and Education policies for Machakos, Makueni and Kitui Counties.

MIN/SEN/SCE/346/2026 **ANY OTHER BUSINESS**

1. The Committee deliberated on a proposal to attend the 3rd International Congress on Early Childhood Intervention, Kusadasi, Aydin Province, Turkey to be held from 12th to 20th April, 2026. The Committee resolved that the following Members would attend the Internal Congress-
   a) Sen. Betty Montet, MP - **Chairperson**
   b) Sen. Johnes Mwaruma, CBS, MP - Member
2. The Committee considered a request by Sen. (Prof.) Margaret Kamar, EGH, MP for the Committee to pay for travel cost of Ksh. 310,960.00 for a travel undertaken to the USA. The Committee resolved to pay for the requested amount from the balance of Committee travel to Turkey and/or any additional budget from a supplementary budget allocation that may occur.

MIN/SEN/SCE/347/2026 **ADJORNMENT AND DATE OF NEXT MEETING**

There being no other business, the meeting was adjourned at half past ten O'clock in the morning. The next meeting shall be held on Thursday, 19th March, 2026 at 9.00 a.m.

SIGNED..... ..... **DATE**....02.04.2026.....

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

MINUTES OF THE ONE HUNDRED AND TENTH (110TH) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN MINI CHAMBER, FIRST FLOOR, COUNTY HALL BUILDING ON TUESDAY, 3RD MARCH, 2026 AT 10.00 AM.

PRESENT

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
3. Sen. Catherine Mumma, CBS, MP - Member
4. Sen. John Kinyua Nderitu, MP - Member
5. Sen. Lenku Ole Kanar Seki, MP - Member

ABSENT WITH APOLOGY

1. Sen. Johnes Mwaruma, CBS, MP - Member
2. Sen. James Kamau Murango, MP - Member
3. Sen. Agnes Kavindu Muthama, MP - Member
4. Sen. John Methu, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Obure - Clerk Assistant III
3. Ms. Beatrice Kapei - Principal Legal Counsel
4. Ms. Valarie Chemweno - Research Officer III
5. Ms. Njeri Manga - Media Relations Officer
6. Mr. Johnstone Simiyu - Audio Recording Officer
7. Mr. Kevin Oketch - Attaché
8. Ms. Harriet Kerubo - Attaché

IN ATTENDANCE

1. Dr. Emmanuel Manyasa - Executive Director, Usawa Agenda
2. Mr. Robin Toskin - Communications Director, Usawa Agenda
3. Mr. Daniel Samoe - Deputy Director, KISE
4. Mr. Anthony Mwangi - Deputy Director, Finance, KISE
5. Mr. Eskimos Kobia - Secretary General, National Parents Associations
6. Mr. Absolom Mukuusi - Member, National Parents Association

MIN/SEN/SCE/329/2026 **PRELIMINARIES**

The meeting was called to order at twenty-eight minutes past Ten O'clock and there followed by a word of prayer by Sen. Betty Montet, MP.

MIN/SEN/SCE/330/2026 **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by Sen. Catherine Mumma, CBS, MP and seconded by Sen. Lenku Ole Kanar Seki, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **Public participation hearing on the Basic Education (Amendment) Bill (National Assembly Bills No. 59 of 2023) (*Committee Paper No.114*);**
4. Any Other Business;
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCE/331/2026: **PUBLIC PARTICIPATION HEARING ON THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)**

1. The Chairperson welcomed stakeholders to the meeting and thereafter followed introductions.

2. The Committee noted there was representation from the USAWA Agenda, the Kenya Institute of Special Education (KISE) and the National Parents Association (NPA).

a) Presentation by Usawa Agenda

3. The Committee considered submissions from USAWA Agenda regarding the removal of explicit functions of Sub County Education Boards in the Bill. It was observed that the omission may create ambiguity, and the need to clearly define the functions of the Boards was emphasized. The following were their proposals-
    a) Reduce board membership from nine to seven members by rationalizing representative categories;
    b) Replace a county executive committee representation with one county executive nominee;

c) Specify the Sub County Director of the Teachers Service Commission (TSC) or designate, instead of a generic TSC representative;

d) Reduce teacher union nominees from two to one;

e) Clarify that parent representation should emanate from the Sub County Parents Association rather than the PTA, to align with the Basic Education Act;

f) The Chairperson of the Sub County Education Board should possess at least a bachelor's degree and a minimum of five years' leadership experience in any sector to enhance governance capacity;

g) Subsection six be deleted to streamline governance structures; and

h) The term of office be harmonized with County Education Boards, where the Chairperson serves a four-year term renewable once, and members serve three-year terms renewable.

b) Presentation by the Kenya Institute of Special Education(KISE)

4. The Kenya Institute of Special Education (KISE) submitted that there be inclusion in the Sub County Education Boards a person nominated by KISE to strengthen support for learners with disabilities and improve coordination in curriculum development, assessment and oversight.

c) Presentation by the National Parents Association (NPA)

5. The National Parents Association submitted that the Bill provides inadequate and indirect parental representation through PTA nominees, who lack national coordination and statutory recognition. The Association proposed-

a) Inclusion of two nominees from the NPA at the sub county level;

b) Formal recognition of the NPA as a statutory body under the Basic Education Act, 2013, to operationalize relevant provisions of the Third Schedule;

c) Protection of its nomination authority to prevent interference;

d) The representatives from religious organizations should be parents who are active within the school community to ensure meaningful engagement and accountability.

6. Following the deliberations, the Committee **observed** that-

a) The Sub County Director of Education serve as Secretary to the Board to streamline administrative functions and avoid duplication of county staff roles at the sub county level;
b) There was need to clearly define the functions of the Sub County Education Board (SCEB) to accommodate expanded roles such as special education oversight; and
c) There was need for consideration of inclusion of a representative from special interest groups, including special needs education, within the proposed membership of the SCEB.

MIN/SEN/SCE/332/2026 ANY OTHER BUSINESS

The meeting resolved to consider the county oversight reports on the inquiry into the implementation status of Early Childhood Development Education (ECDE) and Vocational Training centre (VTC) policies.

MIN/SEN/SCE/333/2026 ADJORNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at 11:35 a.m. The next meeting shall be on notice.

SIGNED..... ..... **DATE**....02.04.2026.....

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

MINUTES OF THE ONE HUNDRED AND EIGHTH (108TH) SITTING OF THE STANDING COMMITTEE ON EDUCATION HELD IN COMMITTEE ROOM 7, FIRST FLOOR, BUNGE TOWER ON THURSDAY, 19TH FEBRUARY, 2026 AT 9.00 AM.

PRESENT

1. Sen. (Prof.) Margaret Kamar, EGH, MP - **Vice-Chairperson**
2. Sen. Catherine Mumma, CBS, MP - Member
3. Sen. John Kinyua Nderitu, MP - Member
4. Sen. Johnes Mwaruma, CBS, MP - Member (*Online)*

ABSENT WITH APOLOGY

1. Sen. Betty Montet, MP - **Chairperson**
2. Sen. Agnes Kavindu Muthama, MP - Member
3. Sen. John Methu, MP - Member
4. Sen. James Kamau Murango, MP - Member
5. Sen. Lenku Ole Kanar Seki, MP - Member

SECRETARIAT

1. Mr. Charles Ngatia - Clerk Assistant I
2. Ms. Doris Obure - Clerk Assistant III
3. Ms. Lucy Makara - Senior Deputy Director, PBO
4. Mr. Edson Odhiambo - Fiscal Analyst
5. Dr. Evans Kiganda - Fiscal Analyst
6. Ms. Beatrice Kapei - Principal Legal Counsel II
7. Ms. Valarie Chemweno - Research Officer III
8. Mr. Kevin Lomenen - Media Relations Officer
9. Mr. Johnstone Simiyu - Audio Recording Officer
10. Ms. Lucy Mwaniki - Assistant Serjeant-at-arms
11. Mr. Kevin Oketch - Attaché
12. Ms. Harriet Kerubo - Attaché

MIN/SEN/SCE/320/2026 **PRELIMINARIES**

The meeting was called to order at twenty-eight minutes past nine O'clock and there followed by a word of prayer by (Prof.) Margaret Kamar, EGH, MP.

MIN/SEN/SCE/321/2026 **ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted with amendments having been proposed by Sen. Catherine Mumma, CBS, MP and seconded by Sen. John Kinyua Nderitu, MP as follows-

1. Prayer;
2. Adoption of the Agenda;
3. **A brief on the Basic Education (Amendment) Bill (National Assembly Bills No. 69 of 2023)** ***(Committee Paper 111);***
4. **Consideration of the 2026 Budget Policy Statement in the education sector (*Committee Paper No. 112);***
5. Date of the Next Meeting and Adjournment.

MIN/SEN/SCE/322/2026: A BRIEF ON THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 69 OF 2023)

1. The Secretariat informed the Committee on the provisions of the Basic Education (Amendment) Bill (National Assembly Bills No. 59 of 2023) that was committed to the Committee on Thursday, 12th February, 2026 and is required to submit its report to the Senate within thirty (30) calendar days, therefore, by 14th March, 2026;

2. The Basic Education (Amendment) Bill proposes the establishment of Sub-County Education Boards under County Education Boards through replacement of Section 18 of the Basic Education Act;

3. The Committee **observed** that the amendment aligns with devolved functions in overseeing operations and management of youth polytechnics and ECDE, collaboration with the Teachers Service Commission on teacher management, and registration and maintaining a data bank of all education and training institutions within the counties; and

4. Following the deliberations, the Committee **resolved** that public participation be undertaken and key stakeholders including the Ministry of Education, Teachers Service Commission (TSC), Education Committee-Council of Governors (COG) and the caucus of Chief Executive Committee members for education, National Parents Association, religious organisations and non-government education institutions be invited to submit views.

MIN/SEN/SCE/323/2026: CONSIDERATION OF THE 2026 BUDGET POLICY STATEMENT IN THE EDUCATION SECTOR

1. The Parliamentary Budget Officer informed the Committee that-
    a) The national budget ceiling for FY 2026/27 is KSh 4.7 trillion, with the education sector receiving the largest share at KSh 767 billion. Regarding Medium Term Expenditure Framework (MTEF) Sector classification, in the BPS 2026 ceilings, the Education Sector accounts for the highest share of the total budgetary allocation with an allocation share of 26.8% of the total budget; and in percentage change in allocation from the baseline (2025/2026), the sector resource allocation ranks lowest as compared to other sectors, at 9.1%;
    b) The 2026/2027 Budget Policy Statement indicated that the education sector had an allocation of Ksh. 767 billion comprising of Ksh. 737 billion in recurrent expenditure and Ksh. 30 billion development expenditure. The Teachers Service Commission (TSC) receiving 55% of resources allocated to the sector and the rest of the departments within the Ministry of Education sharing the remaining 45%; and
    c) The education sector is currently undergoing significant reforms, notably the continued implementation of the Competency-Based Education (CBE) curriculum across all levels and its expected transition to tertiary education. The student-centred funding model is also in its third year of implementation, alongside ongoing restructuring of sector agencies and review of education laws.
2. The Committee observed that-
    a) There are several challenges affecting the sector including the absence of a capitation policy for ECDE and VTC learners, inadequate infrastructure in county institutions, weak support for ECDE school feeding programmes, and non-standardized employment terms for ECDE teachers resulting in low remuneration, stagnation and heavy workloads;
    b) There has been an increment of 40% in the resource ceiling for the sector for the last five years and the proposed ceiling is a 9% increase from the 2025 baseline attributed to increased enrolment levels, recruitment of teachers, capitation to tertiary and university students, implementation of the new curriculum and infrastructure expansion; and

c) Although education is prioritized in policy, the support to devolved education functions remains inadequate and the need for increased national support to ECDE school feeding programmes and development of capitation policies for ECDE and VTC learners.

3. The Committee **recommended** a review of the Parliamentary Budget Office (PBO) analysis to include the following observations and recommendations-
   a) Establishment and funding of the ECDE school feeding programme as a distinct education support programme;
   b) Allocation of conditional grant to counties for infrastructure development, equipping and capitation for vocational training centres;
   c) Increased national and county funding for Early Childhood Development Education (ECDE) and Vocational Training Centres (VTCs) in standard policy formulation and implementation to ensure equitable access and quality across counties;
   d) Reconsideration of the intergovernmental funding formula to ensure county allocations increase proportionately with national budget increment;
   e) Increase funding to Parliament so as to give adequate funds for oversight of the public spending.
4. The Committee further **resolved** to hold a follow-up virtual meeting on Friday, 20th February, 2026 at 9:00 a.m. to consider and adopt the recommendations to the 2026 BPS for submission to the Senate Committee on Finance and Budget.

MIN/SEN/SCE/324/2026 ADJORNMENT AND DATE OF NEXT MEETING

There being no other business, the meeting was adjourned at ten-minutes past eleven in the morning. The next meeting shall be held virtually on Friday, 20th February, 2026 at 9.00 a.m.

SIGNED.....**DATE**...02:04:2026.....

SEN. BETTY MONTET, M.P.
(CHAIRPERSON, STANDING COMMITTEE ON EDUCATION)

16th June, 2026

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

NOTICE is given that Sen. Betty Montet, MP Chairperson to the Standing Committee on Education, intends to move the following amendments to the Basic Education (Amendment Bill) (National Assembly Bills No. 59 of 2023), at the Committee Stage —

CLAUSE 2

THAT the Bill be amended in clause 2-

(1) By inserting the following paragraphs immediately before paragraph (a)-

(AA) by deleting subsection 1(f);

(AB) By deleting sub section (1) (h) and substituting therefor the following-

(h)put measures in place to ensure curriculum is implemented in basis education institutions in the county;

(2) In the proposed section 18A by inserting the words "in every county" at the end of the section.

(3) By inserting the following section immediately after the proposed section 18A-

Functions of the Sub-county Education Board

18AA (1) The functions of the sub-county education board shall be to—

(a) monitor the retention, transition and completion rates of learners from pre-primary to secondary education in the sub-county;

(b) monitor curriculum implementation in basic education institutions in the sub-county;

(c) assess adherence to safety standards;

(d) assess the state of infrastructure; and

(e) perform such other functions as may be necessary for the better carrying out of the functions of the sub-county education board under this Act or any other written law.

(2)The sub-county education board shall after every six months submit a report to the county education board containing the following information with regard to basic education institutions in the subcounty–

(a) retention and completion rate of pupils;

(b) curriculum implementation;

(c) population of pupils or students;

(d) teacher to pupil ratio;

(e) status of infrastructure;

(f) implementation of safety standards; and

(g) any other information the board may deem necessary.

(4) In the proposed section 18B by-

(a) deleting subsection (1); and

(b) deleting the words "Despite the provisions of subsection (1)". appearing at the beginning of subsection (2).

(5) In the proposed Section 18C —

(a) in subsection (1) by deleting the word "six" appearing immediately after the words "Chairperson and" and substituting therefor the word "eight"

(b) in subsection (2) by —

(i) deleting paragraph (a) and substituting therefor the following new paragraph-

(a) the sub-county officer in charge of early childhood education and training or a designate of the sub-county officer in charge of early childhood education and training;

(ii) deleting the words "Teachers Service Commission" appearing at the end of paragraph (c) and substituting therefor the words "Sub-County Director of the Teachers Service Commission or a designate of the Sub-County Director";

(iii)by deleting paragraph (e) and substituting therefor the following new paragraph-

(e)Two professionals from the county nominated by the Parents Teachers Association in the sub county;

(v)by deleting paragraph (f) and substituting therefor the following new paragraph-

(f) one person each nominated by—

(i)the joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;

(ii)the Kenya Episcopal Conference; and

(iii)the Muslim Education Council;

(c) by deleting sub section (4) and inserting therefor the following new subsection —

(4) (a)The chairperson of a Sub-county Education Board shall possess a minimum qualification of a Bachelors degree and five years experience in a management role.

(b) The members of the Sub-County Education Board shall possess a minimum qualification of secondary education.

(d) in subsection (6) by deleting the words "County Public Service Board of the respective county" appearing immediately after the words "serving under the" and substituting therefor the words "sub-county education office of the respective sub county"

(6) by deleting the proposed Section 18 D and substituting therefor the following new section-

18D. (1) The chairperson of the sub county education board shall serve for a term of four years renewable once.

(2) The members shall serve for a term of three years renewable once.

NEW CLAUSES

THAT the Bill be amended by inserting the following new clauses immediately after clause 2-

CLAUSE 3

Amendment of section 20 of Cap 211

3. Section 20 of the Basic Education Act is amended by deleting the word "All" appearing at the beginning of the subsection and substituting therefor the words "The chairperson of the county education board shall possess a minimum qualification of a bachelor's degree and seven years' experience in a management role and"

CLAUSE 4

Amendment of section 8 of Cap 211B

4. Section 8 of the Early Childhood Education Act is amended in subsection (2) by deleting the word "county" appearing

immediately after the words "learner to the" and substituting therefor the word "sub-county".

Dated 16/06/26, 2026.

Sen. Betty Montet, MP
Chairperson,
Standing Committee on Education.

THE BASIC EDUCATION (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Basic Education Act and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Basic Education (Amendment) Bill, 2023.

Amendment of section 18 of CAP 211.

2. Section 18 of the Basic Education Act is amended by—

(a) deleting subsection (2); and

(b) inserting the following new sections immediately after section 18—

The Sub-county Education Board.

18A. There is established a Sub-County Education Board.

Consultation with the County Education Board.

18B. (1) The Sub-county Education Board shall consult with the County Education Board in the performance its functions.

(2) Despite the provisions of subsection (1), the Cabinet Secretary shall in consultation with National Education Board, through the existing mechanisms for coordination of inter-governmental relations, make regulations prescribing the coordination between the National Education Board, the County Education Boards and the Sub-county Education Boards.

Composition of Sub-county Education Boards.

18C. (1) Every Sub-county Education Board shall consist of a Chairperson and six other members appointed by the Cabinet Secretary.

(2) The Board members under subsection (1) shall include—

(a) the Sub-county Director of Education or a designate of the Sub-county Director of

Education;

(b) the County Executive in charge of Education or a designate of the County Executive in charge of Education;

(c) one person designated by the Teachers Service Commission;

(d) two persons nominated by the Teachers Trade Union;

(e) two persons who are professionals with at least five years of experience based in the Sub-county nominated by the Parents Teachers Association in the Sub-county; and

(f) two persons nominated by one of the following religious organisations that has the highest number of members registered in the sub-county—

(i) a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;

(ii) the Kenya Episcopal Conference; or

(iii) the Muslim Education Council.

(3) In appointing the Chairperson and members of the Board, the Cabinet Secretary shall ensure—

(a) that not more than two-thirds of the members are of the same gender;

(b) equal opportunities for persons with disabilities and other marginalized

groups; and

(c) that the appointees to the Board reflect the interests of all sections of the society.

(4) The Chairperson of a Sub-county Education Board shall possess a minimum qualification of a degree and the members shall possess a minimum qualification of secondary education with post-secondary certificate as an added advantage.

(5) The Board Member appointed under subsection (2)(a) shall be the Secretary to the Sub-county Education Board.

(6) The staff of the Sub-county Education Board shall be persons serving under the County Public Service Board of the respective County.

(7) The Second Schedule shall apply to the conduct of the business and affairs of a Sub-county Education Board with necessary modification and, except as provided in the Second Schedule, a Sub County Education Board may regulate its own procedure.

Tenure.

18D. The Chairperson and members of a Sub-county Education Board shall be appointed for a term of five years and shall be eligible for re-appointment for one further term.

Meetings of the Sub-county Education Board.

18E. (1) A Sub-county Education Board shall hold such number of meetings at such places and at such times as the Sub-county Education Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding subsection (1), the Sub-county Education Board shall meet not less than four times in each financial year.

(3) The Sub-county Education Board shall —

(a) notify each member of a meeting under subsections (1) and (2);

(b) issue the notice under subsection (1) within a period that is not less than seven days before the day of the meeting under subsections (1) and (2)."

Remuneration of the Sub-county Education Board.

18F. The Sub-county Education Board shall pay its members such remuneration or allowances as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission."

I certify that this printed impression is a true copy of the Bill passed by the National Assembly on the 19th November, 2025.

Clerk of the National Assembly

Endorsed for presentation to the Senate in accordance with the provisions of Standing Order 142 of the National Assembly Standing Orders.

Speaker of the National Assembly

Gaps Audit found insufficient stakeholder mapping and weak monitoring of partner activities

Audit ignored as drought worsens

Kenyans suffer as Sh56bn mitigation plan stalls, watchdog warnings unheeded

BY DAVID MWERE

The government's failure to implement the report of Auditor-General Nancy Gathungu may have contributed to the worsening drought crisis.

The number of affected Kenyans in the 23 Arid and Semi-Arid Lands (ASAL) counties has risen from 2.1 million in January to 3.3 million by mid-February 2026, underscoring the growing humanitarian strain.

A performance audit on drought management by the National Drought Management Authority (NDMA), tabled in the National Assembly in December 2020, identified serious weaknesses and proposed practical remedies. Yet the report remains largely unimplemented.

Had its recommendations been acted upon, the audit suggested, efficiency could have improved in the use of at least Sh56 billion spent on drought mitigation over the past 11 years.

The audit covered July 2015 to June 2019 and examined four core areas: drought resilience, contingency planning and response, drought information, and coordination. While it assessed all 23 ASAL counties where NDMA operates, field inspections were conducted in seven sampled counties — Baringo, Marsabit, Isiolo, Turkana, Laikipia, Kajiado and Kitui.

According to the report, the audit was triggered by public concern over the government's approach to drought management, expressed through parliamentary debate and media coverage.

Among its findings were weaknesses in the early warning system, raising concerns about the reliability of information used to guide responses. It also identified gaps in European Union-funded Drought Management and Coordination projects, and shortcomings in flagship programmes such as the Hunger Safety Net Programme (HSNP) and the Asset Creation Programme (ACP).

The audit found insufficient stakeholder mapping and weak monitoring of partner activities, leaving NDMA with limited knowledge of project implementation status. Despite having early warning systems in place, the authority's response often began only after drought conditions had escalated to emergency levels due to delays in approving response plans.

Residents and their livestock at River Jirfa in the drought-stricken Tana River County on February 13, 2026. KEVIN ODIT | NATION

Planning gaps were also evident. Ward-based contingency planning was adopted only in 2018, and even then covered just five wards per county, limiting understanding of local vulnerabilities.

"Good preparations can make the effects of drought less severe and hence less costly for taxpayers," the audit noted, adding that preparedness continued to face significant challenges.

Auditor-General Gathungu stressed the need for commitment across institutions, not only from NDMA but also from national ministries, county governments, agencies and legislators.

NDMA, led by CEO Lt Col (Rtd) Hared Hassan Adan, did not respond to requests for comment.

However, Public Service, Human Capital Development and Special Programmes Cabinet Secretary Geoffrey Ruku said the government had spent Sh6 billion in December 2025 and January 2026 to mitigate drought impacts. The funds, he said, were used to provide food assistance across the 23 ASAL counties.

3.3m

The number of Kenyans currently affected by drought in the 23 ASAL counties, up from 2.1 million

Ruku maintained that the government has sufficient food reserves and that distribution is guided by NDMA data. He identified Mandera, Wajir, Kwale and Kilifi as severely affected, with several other counties — including Kajiado, Marsabit, Laikipia, Turkana, Isiolo, Tana River, Kitui, Narok, Lamu, Baringo and Samburu — in a "very critical" stage.

Established in 2011 and anchored in law through the NDMA Act of 2016, the authority is mandated to prevent drought from escalating into emergencies and to mitigate climate change impacts. Drought, though common in ASAL regions, has grown more frequent and severe climate change, raising co about economic develo and livelihoods.

The audit shows subst funding has flowed into d management. Between 2 and 2018/19, NDMA re Sh24.82 billion. From 201 2025/26, an additional S billion was spent. Annual tions ranged from Sh2.3 bi Sh7.16 billion.

The Auditor-General tioned whether this expe delivered value for mon ticularly in preparedness.

In early 2024, National As Speaker Moses Wetang'ula ed committees to prioriti formance audit reports. drought audit's recomm tions remain largely unadd

The report emphasis need for enabling legislat cluding fast-tracking the al Drought Emergency Fu ulations, 2017, and revis ya's Drought Response Gu to clarify timelines for act contingency plans. Fixed tion timelines, it noted, c duce dangerous delays.

The audit also found w ter-agency commitment, ing failure to enact guidi limited participation of officials in coordinatio ings, and inaction on earl ing bulletins. Planning d cies and unclear guidelin time lags in activating co cy measures.

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT | FIFTH SESSION (2026)

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA AND PUBLIC HEARING

THE BASIC EDUCATION (AMENDMENT) BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

The Basic Education (Amendment) Bill, 2023 (National Assembly Bills No. 59 of 2023) was read a First Time in the Senate on Thursday, 12th February, 2026 and thereafter stood committed to the Standing Committee on Education for consideration. The Committee is required, understanding order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bill and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

The Bill seeks to amend the Basic Education Act, 2023 by deleting the provision that mandates the County Education Board to appoint a Sub-county Education Board and, in its place, establishe the Sub-County Education Board. The Bill further proposes that the Sub-county Education Board shall consult the County Education Board in the performance of its functions.

In accordance with the provisions of Article 118 of the Constitution and standing order 145(5) of the Senate Standing Orders, the Standing Committee on Education now invites interested members of the public to submit any representations that they may have on the Bill by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P.O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate. Main Parliament Buildings, Nairobi or emailed to **clerk.senate@parliament.go.ke** and copied to **educationcommittee.senate@parliament.go.ke** to be received on or before **Thursday, 5th March, 2026 at 5.00 p.m.**

In addition, the Committee will hold a public hearing on the Bill on **Tuesday, 3rd March, 2026** at the **Mini Chamber, First Floor, County Hall Building, Nairobi** at **10.00 a.m.** Members of the public are welcome to attend the hearing.

The Bill and a digest that summarizes the contents and context of the Bill may be accessed on the Parliament website at **http://www.parliament.go.ke/the-senate/house-business/bills**.

J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.

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PUBLIC NOTICE

GEOFFREY MANONO

This is to formally notify the public that **Geoffrey Manono** ceased to be an employee or representative of Britam **effective August 2025**.

The individual is not authorized to transact, negotiate, or represent Britam in any capacity. Britam disclaims any responsibility or liability arising from dealings undertaken by the said individual after the stated date.

Members of the public are advised to verify all engagements through official Britam channels.

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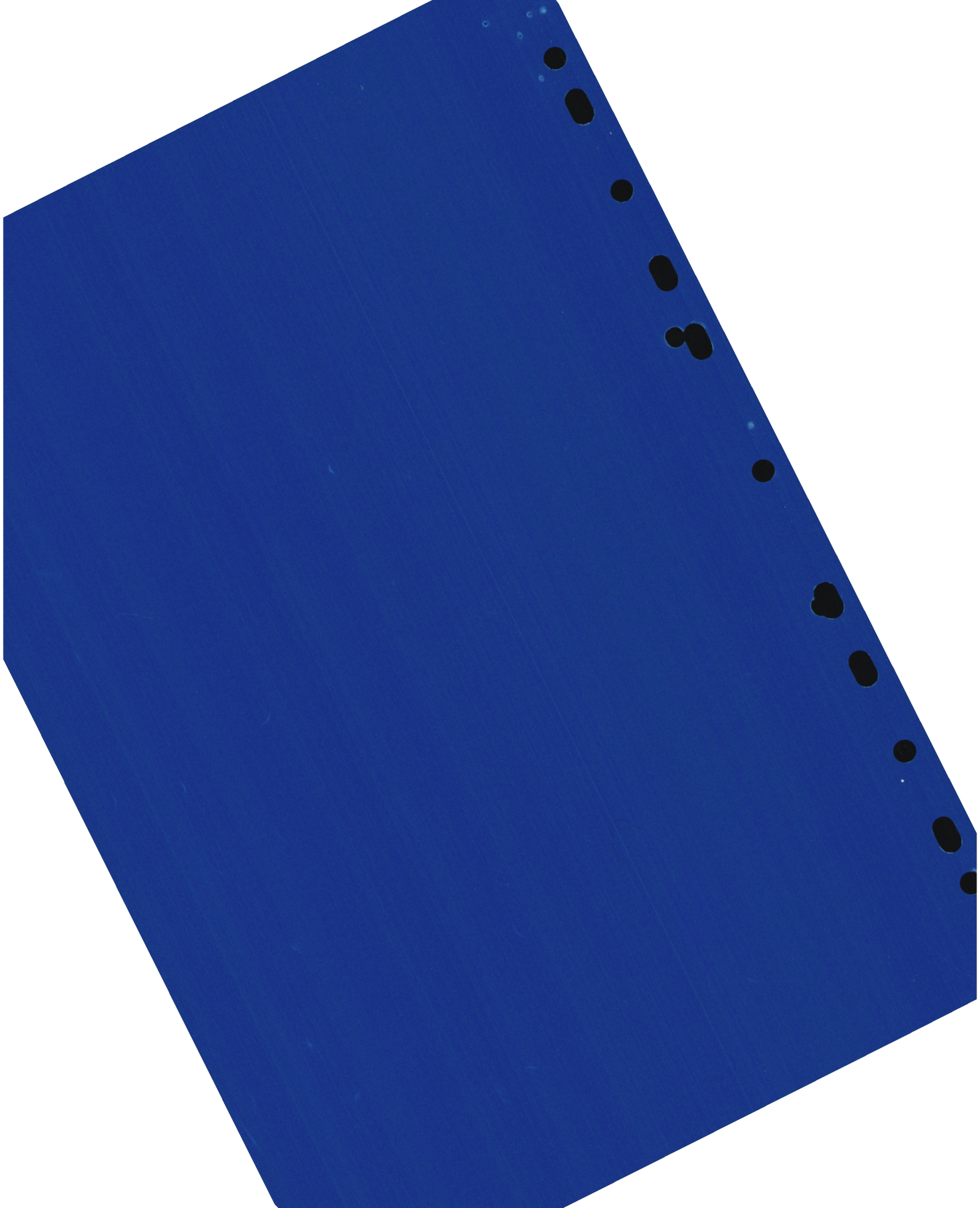

MATRIX ON STAKEHOLDERS' MEMORANDA ON
THE BASIC EDUCATION (AMENDMENT)BILL,2023 (NATIONAL ASSEMBLY BILLS NO.59 OF 2023)
Stakeholders:

1. Usawa Agenda.
2. Council of Governors (COG)
3. Elimu Yetu Coalition
4. Kenya Institute for Special Education (KISE)
5. Teachers Service Commission (TSC)
6. National Parents Association
7. Dadaab Refugee-Led organization
8. Consortium of Secondary Schools Association of Kenya
9. Nimcy Kosgei
10. George Mwangi (ECDE teacher, Nyandarua county)
11. Murithi Samuel (Laboratory Technology Practitioner
12. Mathew Kiprotich
13. National School Uniform Fund
14. Synthia Mideva Asienwa
15. Augusta Mukuru

16. United Disabled Persons of Kenya

17. Kenya Union of Post Primary Teachers -Nyamira Branch

18. Kenya Conference of Catholic Bishops.

No	Clause	Stakeholder	Proposal	Reason	Recommendation
1.	18A	Council of Governors	Propose to Amend as follows: 18A. (1) There is established a Sub-County Education Board for every sub-county. (2) The Sub-County Education Board shall be a joint committee of the National Government and the County Government, established to coordinate educational functions in the sub-county in accordance with this Act and the principles of inter-governmental relations.	This is to ensure the Sub- County Boards serve as an intergovernmental entity rather than an entity of the National Government as currently proposed.	
2.	18C	Usawa Agenda	Total number of individuals to be nominated by different groups in sub-clause (a) to (f) is nine (9). The clause provides for a total number of seven members which is more than that provided for in the clause.		
3.	18C (1)	Council of Governors	Propose to amend the composition of Sub- County Education Board to consist of – (a) the Deputy County Commissioner and the Sub County Administrator as co- chairpersons; (b) seven other members appointed as follows— (i) four members appointed by the (ii) Cabinet Secretary in accordance with subsection (2); and (iii) three members appointed by the County executive Committee member in accordance with subsection (2).	The Bill gives the Cabinet Secretary the sole power to appoint all members. This centralizes control and fails to recognize the County Government as a distinct and equal.	

4.	18C (1)	Elimu Yetu Coalition	Proposal to redraft the clause as follows- (1) Every Sub-County Education Board shall consist of a chairperson and six other members appointed by the Cabinet Secretary through an ***open and competitive process.*** (2) The Board members under subsection (1) shall include— (a) the Member of Parliament for each of the constituencies within the Sub- County who shall be an ex- officio member of the Board; (b) the Sub- County Director of Education or a designate of the Sub- County Director of Education; (c) the County Executive member in charge of Education or a designate of the County Executive in charge of Education; (d) one person designated by the Teachers Service Commission; (e) two persons nominated by the Teachers Trade Union; and (f) two educationists of at least five years standing based in the Sub-County nominated by parents, Teachers Association in the Sub-County. (3) In appointing the Chairperson and members of the Board, the Cabinet Secretary shall ensure— (i) that not more than two-thirds of the members are of the same gender; (ii) equal opportunities for persons with disabilities and other marginalized groups; and (iii) that the appointees to the Board reflect the interests of all sections of the society. (iv) the Chairperson of a Sub- County Education Board shall possess a minimum qualification of a degree and the members shall possess a minimum qualification of secondary education with post-secondary certificate as an added advantage (v) the Board Member appointed under subsection (2) (b) (the Sub-county Director of Education) shall be the Secretary to the Sub- County Education Board.	1.While Section 18C(3)(b) mandates the Cabinet Secretary to ensure & ***'equal opportunities' for persons with disabilities and other marginalized groups,*** & this provision, though well-intentioned, offers no guarantee of representation. The phrase & ***"equal Opportunities"***; acts merely as a guiding principle for the appointment process; it ensures that these groups are considered or are eligible to apply, but it does not mandate their inclusion in the final composition of the Board 2.Under the current provision of Section 18C (1), members are appointed through an ***"open and competitive process"*** In a purely competitive scenario, candidates from marginalized groups, including persons with disabilities and refugees, often face systemic barriers and historical disadvantages that hinder their ability to compete effectively against more established or resource-endowed	

			(vi) the staff of the Sub- County Education Board shall be persons serving under the County Public Service Board of the respective County. (vii) the Second Schedule shall apply to the conduct of the business and affairs of a Sub- County Education Board with necessary modification and, except as provided in the Second Schedule, a Sub County Education Board may regulate its own procedure.	candidates. Consequently, relying on "equal opportunity" without a reserved seat creates a high probability that these vulnerable groups will be excluded from the decision-making table. 3. An analysis of the specific composition outlined in Subsection (2) reveals a rigid structure dominated by ***institutional representatives Members of Parliament, government executives, the Teachers Service Commission,*** and ***Teachers Unions***. There is no dedicated slot for the very groups whose rights the Act seeks to protect. Without a designated representative in Subsection (2), the "opportunity" mentioned in Subsection (3) remains a hollow promise. 4. We propose that representation for persons with disabilities and marginalized groups ***including refugees, be explicitly codified within the membership of the Board.*** This is not merely a matter of tokenism; it is a functional necessity to ensure that the right to education for every child is observed. Boards that lack the voice of persons with	

				disabilities or refugees often lack the specific insights required to address the unique infrastructural, pedagogical, and social challenges these children face. An appointed representative acts as a crucial conduit, ensuring that the Board policies on enrolment, retention, and resource allocation are inclusive and sensitive to the needs of the marginalized. To truly safeguard the right to education for all, the law must move beyond offering & "opportunities" to guaranteeing a "voice"	
5.	18 C (1)	Kenya Institute of Special Education	Amend clause 18C (1) on composition of Sub-county Education Board as follows – Every Sub-county Education Board shall consist of a ***Chairperson and eight other members***	Kenya Institute of special education has the mandate to administer educational and psychological assessment center for learners with special needs in education at national, county and sub-county level. There is therefore need to have a representative of the Institute at the Sub-county education Board to address issues of educational and psychological assessment centers.	
6.	18 C (2)	Kenya Institute of Special Education	Amend clause 18 C (2) to include the following – (g) An expert in special needs education designated by the Kenya Institute of Special Education		

7.	18 C (2) (f)	Kenya Conference of Catholic Bishops	Amend clause 18 C (2) (f) as follows- Three persons nominated by each of the following religious organizations that have members registered in the Sub-county- (i) Joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya; (ii) The Kenya Episcopal Conference; or (iii) The Muslim Education Council.	The religious organizations are three and representation should be from the three organizations.	
8.	18C (2)	The Teachers Service Commission	Retain Clause	Teachers Service Commission is a key player in the education sector and will be involved in the deliberations of the Sub-county education Board.	
9.	18 C (2)	National Parents Association	Proposal to amend clause 18C (2) as follows – The National Parents Association shall nominate at least two representatives to serve as members of each County education	Without representation of the National Parents Association governance structures risk becoming administratively centralized without sufficient stakeholder accountability structures.	
10.	18 C (2)	Dadaab Refugee-led Organisation	Proposal to amend clause 18 C (2) as follows – representatives from marginalized, special context or refugee hosting communities in the Sub-county Education Board.		
11.	18 C (2)	George Mwangi (ECDE teacher, Nyandarua county)	Amend 18 C(2)(a) to include – representation of early childhood development education (ECDE) in the Sub-county education Board	The proposal is general and does not address the Basic Education (Amendment) Bill,2023. ECDE forms the basis of Basic education, hence the need to include representation of early childhood development education teachers (ECDE) in the Board to ensure that matters touching on early childhood education are adequately addressed.	

12.	18 C (2)	Usawa Agenda	Amend18 C (2)(a) to include – the Sub-County Director of Teachers Service Commission or a designate of the Sub-County Director of Teachers Service Commission.	Teachers Service Commission has Sub-county Directors it is expected that the Sub-county Director would be nominated	
13.	18 C (2)(b)	Usawa Agenda	Amend 2(b) as follows – (2) a representative of the County Executive in charge of Education Section 20(1) (c) of the Basic Education Act provides for a representative of the county executive committee member in charge of Education	This is the case with the County Education Boards in the Basic Education Act. We can't have the County Executive in charge of Education sitting in the Sub-county Education Board, while his/her representative sits in the County Education Board. In terms of hierarchy, the County Executive Committee member in charge of education should be a member of the County Education Board and have a representative on the Sub-county education	

14.	18 C (2) (b)	Council of Governors	Amend 2(b) on composition of Sub-county Education Board as follows- "two persons appointed by the County Executive in charge of Education"	To ensure meaningful representation of County Governments in the Boards, and in respect of the functional integrity of Counties.	
15.	18 C (2) (d)	Usawa Agenda	Amend as follows– "one person nominated by the Teachers Unions"		
16.	18 C (2) (e)	Usawa Agenda	Amend 2(e) as follows – two persons who are professionals with at least five years of experience, based in the Sub-county, nominated by the Sub-County parent association.		
17.	18 C (2) (f)	Usawa Agenda	Amend (2)(f) as follows- One person nominated by one of the following religious organizations that has the ***highest number of schools in the sub- county*** under its sponsorship: (i)a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya; (ii)the Kenya Episcopal Conference; or (iii) the Muslim Education Council.		
18.	18 (C)(4)	Usawa Agenda	Amend 18C (4) on minimum qualifications of a chairperson and members of the Sub-county Education Board as follows— The Chairperson of a Sub-county Education Board shall ***possess minimum qualifications of a bachelor's degree and five (5) years' experience in a leadership role***. The members shall possess ***minimum qualifications of a post-secondary certificate***		
19.	18 C (6)	Usawa Agenda	Delete Clause		

20.	18 C (6)	Council of Governors	Delete Clause	The National Government and the County Government shall designate a joint secretariate to the Sub County Education Board Staff are employees of the County, yet they would be serving an entity established by and accountable to the National Government. This duality creates a conflict of interest and places County staff in an untenable position. It violates the principle of distinct governments under Article 6(2) and the County's exclusive authority over its own public service under Article 176 This amendment rectifies the current governance flaw where staff report to a single level of government. A joint appointment mechanism fosters shared accountability and strengthens inter- governmental relations in line with Article 189	

21.	18 D	Usawa Agenda	Amend 18D on tenure as follows- The ***Chairperson shall serve for a term of four years renewable once,*** while ***members shall serve for a renewable term of three years***	Harmonize this with the Terms of Service of the County Education Board, as provided for under section 22 of the Basic Education Act which provides as follows- (1) the Chairperson shall serve for a term of four years renewable once. (2) The members shall serve for a term of three years.	
22.	18D	Kenya Conference of Catholic Bishops	Amend clause 18D as follows- ***Members appointed under clause 18C (2) (f)(iii) shall hold office for the duration of their tenure, at the discretion of the appointing authority, contingent upon satisfactory performance***	The nominations under clause 18 C (2) (f) (iii) are based on office tenure. As such this person should not be limited to several terms.	
23.	**General Proposal**	Consortium of secondary schools Alumni Associations of Kenya	Proposal to insert new section 18A (3) on the functions of the sub-county education Board as follows- "maintain a register and data bank of registered alumni associations of basic education institutions within the Sub-county, including official registration details and contact persons, and facilitate structured engagement between such associations and the relevant institutions in support of mentorship, guidance, resource mobilization, and school development priorities."	The proposals from the Consortium are general and do not address the Basic Education (Amendment)Bill, 2023 This amendment strengthens the Bill's data bank function by recognizing organized alumni associations as part of the local education support architecture. A maintained register enables orderly and transparent coordination between Sub- County Education Boards, institutions, and registered alumni associations, reduces duplication and ad hoc engagement, and provides a practical basis for inviting nominations, partnerships,	

				or specialized support where the Board requires structured stakeholder input or co-opted expertise to support mentorship, learner guidance, resource mobilization, and school development priorities.	
24.			Proposed insertion of new section 18G on co-option of members as follows- "In co-opting persons under this section, the Sub- County Education Board shall, where practicable, invite nominations from registered alumni associations within the Sub- County and consider co-opting at least one such nominee who possesses relevant skills and experience in education support, governance, mentorship, finance, the built environment, or community development. In inviting or verifying nominations, the Board may consult a recognized national federation of registered alumni associations, including Consortium of secondary schools Alumni Associations of Kenya, where applicable."	This creates a workable and transparent route for alumni participation without altering the Bill's fixed membership structure. It supports merit-based co-option by requiring the Board, where practicable, to invite nominations from registered alumni associations, while allowing optional consultation with a recognized federation, including Consortium of secondary schools Alumni Associations of Kenya, to verify nominations and reduce administrative uncertainty. This preserves the Board's discretion under section 18G to co-opt persons based on skills and experience.	

25.			Proposal to amend section 4(l) of the Basic Education Act as follows- "(l) promotion of good governance, participation and inclusiveness of parents, communities, private sector, registered alumni associations and other stakeholders in the development and management of basic education;"	This clarifies, at the level of guiding principles, that registered alumni associations are recognized stakeholders in the development and management of basic education, supporting consistency and transparency in stakeholder participation across counties.	
26.			Proposed amendment to section 24 of the Basic Education Act on co-option of members as follows- "Provided that, subject to the limit in this section, in exercising the power to co-opt under this section, the County Education Board shall, where practicable, invite nominations from registered alumni associations of basic education institutions within the county and consider co-opting at least one such nominee who possesses relevant skills and experience in education support, governance, mentorship, finance, the built environment, or community development. In inviting or verifying nominations, the Board may consult a recognized national federation of registered alumni associations, including Consortium of secondary schools Alumni Associations of Kenya, where applicable."	This strengthens county-level education governance by introducing a clear, merit-based and more transparent pathway for accessing organized alumni expertise, without altering the statutory composition of the County Education Board or the existing cap on co-opted members. It supports more consistent stakeholder engagement and informed decision making on oversight and coordination. It is especially relevant because Boards of Management are appointed by the County Education Board under the Basic Education Act, 2013.	

27.			Proposal to insert new section 55A and a new Seventh Schedule to the Basic Education Act as follows- "55A. (1) A basic education institution may be supported by an alumni association. (2) Where an alumni association (including an alumnae association) exists and is registered under the Societies Act (Cap. 108), it shall be recognized for purposes of structured engagement under this Act. (3) The definition, character and functions of alumni associations recognized under this Act shall be as set out in the Seventh Schedule." To insert the proposed Seventh Schedule as follows- ***DEFINITION, CHARACTER AND FUNCTIONS OF ALUMNI ASSOCIATIONS*** 1 Definition "Alumni association" means an organized body of former learners of a basic education institution that is registered under the Societies Act (Cap. 108) and recognized under section 55A, and includes an association of former learners described as an "alumnae association" or by any equivalent title. 2. Character (1) An alumni association recognized under this Act shall operate on a non-profit basis. (2) The primary objective of an alumni association shall be to maintain engagement with its alma mater and foster connections among former learners in support of education outcomes. 3. Functions An alumni association may, in support of a basic education institution: (i) provide mentorship, motivation, and career guidance to current learners. (ii) support fundraising and resource mobilization for institutional priorities. (iii) organize programmes and events that contribute to the growth and development of the institution.	The proposals from the Association are general and do not address the Basic Education (Amendment) Bill,2023. A dedicated statutory recognition framework reduces ambiguity on how alumni associations interface with school governance, enables structured accountability, and supports sustainable alumni contributions across the basic education system.	

			(iv) promote community engagement involving learners, staff, parents, and other stakeholders through social and educational programmes. (v) mobilize resources for the vetting and sponsorship of meritorious and needy learners, including bursaries and scholarships. (vi) mobilize resources for, and participate in, infrastructure development and improvement of learning facilities, subject to applicable procurement and governance requirements. (vii) facilitate networking opportunities among alumni for the benefit of the institution and its learners. (viii) promote volunteering and co-operation among alumni in support of the education objectives of the Republic of Kenya and applicable international obligations. (ix) promote and protect the academic reputation and public profile of the institution nationally and internationally, for the benefit of the school community. (x) perform any other function geared towards improving the quality of teaching and learning in the institution.		
28.			Proposed amendment to section 56(1) of the Basic Education Act by inserting a new paragraph immediately after section 56(1)(d) as follows- "(e) three persons nominated by the alumni association of the institution, where an alumni association registered under the Societies Act (Cap. 108) exists, and appointed by the County Education Board."	The proposal is general and does not address the Basic Education (Amendment) Bill,2023. This amendment provides explicit statutory recognition of alumni as stakeholders in institutional governance and creates a defined route for structured alumni participation in school development, while retaining the County Education Board's appointing mandate and aligning appointments to existing constitutional and integrity expectations.	

29.			Proposal to insert a proviso at the end of section 56(1) as follows: "Provided that where no registered alumni association exists, the County Education Board shall, in consultation with the head of the institution and the Parents Association, appoint three alumni representatives of good standing to serve for the purposes of paragraph (e)."		
30.			Proposal to insert a new subsection immediately after section 57(1) as follows- "(1A) Without prejudice to subsection (1), the regulations shall prescribe minimum qualifications and competency areas for appointment or co-option into a Board of Management, including competencies in education, law and policy, governance and ethics, finance and audit, business and strategy, economics, technology and digital learning, the built environment and infrastructure oversight, human resource management, the arts and culture, sports and co-curricular development, vocational and applied arts and sciences, and theology, among others. For avoidance of doubt, section 57(2) shall continue to apply to all appointments and co-options".	This amendment modernizes school governance by requiring a baseline of relevant competencies that match the operational realities of today's institutions, including stronger oversight of finance, risk, infrastructure, technology, and learner support. Explicit inclusion of sports and co-curricular development reflect the growing weight of co-curricular pathways in learner development and school performance, and supports safer, better-governed talent programmes, competitions, facilities, and partnerships. This approach also aligns with curriculum reforms that emphasize competencies and holistic education, without tying the Act to any single curriculum model that may evolve over time.	

31.	General Provision	Nimcy Kosgei	Proposal for Bill to- i. clarify on the functions of County and Sub-county Education Boards; ii. Outline distinct roles to prevent duplication and administrative disputes; iii. Increase public awareness strengthen civic education and ensure information reaches rural and marginalized communities in a simple language; iv. clarify on the functions of County and Sub-county Education Boards; v. Outline distinct roles to prevent duplication and administrative disputes; vi. Increase public awareness strengthen civic education and ensure information reaches rural and marginalized communities in a simple language; vii. The need to ensure accountability by putting in place stronger systems such as regular audits and public reporting by sub-county education boards to be mandatory.	The proposal are general and do not address the Basic Education (Amendment) Bill,2023.	
32.	General Provision	George Mwangi (ECDE teacher, Nyandarua county)	Bill to provide clear delineation of roles	The proposal is general and does not address the Basic Education (Amendment) Bill,2023. The functions of Sub-County Education Boards should be clearly defined to avoid conflict with county governments, which are the legal employers of early childhood education development education teachers (ECDE). It will prevent confusion in deployment, discipline, supervision and professional development.	

33.			Protection of employment rights.	The amendment Bill should clarify that nothing in the establishment of Sub-County Education Boards shall interfere with the employment terms, remuneration, confirmation, promotion, and welfare of early childhood development education teachers (ECDE).	
34.			Strengthened coordination and support.	The Boards should play a supportive and facilitative role to enhance quality assurance, training, and professional growth for early childhood development and education teachers (ECDE) rather than create additional bureaucratic layers.	
35.			Grievance redress mechanism	There should be a clear framework within the Sub-County structure to channel and address concerns raised by early childhood development and education teachers (ECDE) in a timely and transparent manner.	
36.	General Proposal	Murithi Samuel (Laboratory Technology Practitioner)	Proposal for formal recognition of laboratory technologist in Basic Education.	The proposals are general and do not address the Basic Education (Amendment)Bill, 2023. Sub-County Education Boards should be mandated to oversee the deployment and utilization of trained laboratory technicians in secondary schools.	

37.			Inclusion of technical professionals in sub-county education governance.	Membership or advisory roles within Sub-County Education Boards should include professionals with science and technical backgrounds to strengthen decision-making.	
38.			Strengthening laboratory safety and standards.	The Boards should be empowered to enforce minimum laboratory safety standards, equipment maintenance schedules, and compliance inspections.	
39.			Support for skills-based and STEM education	Sub-county structures should actively support practical learning, innovation projects, science fairs, and technical skills development aligned with national goals.	
40.	General Proposal	Mathew Kiprotich	Proposal to grant autonomy to JSS teachers to achieve the following- i. establish clear leadership and reporting structures, eliminating administrative ambiguity between primary and junior secondary levels; ii. align institutional governance with the professional training and deployment structure of teachers under the Teachers Service Commission (TSC); iii. improve financial transparency through dedicated budgeting and targeted infrastructure development; iv. strengthen accountability in line with Article 10 of the Constitution of Kenya, 2010, which upholds good governance, transparency, and accountability; v. enhance the quality of curriculum implementation by allowing focused academic planning and subject specialization.	The proposal is general and does not address the Basic Education (Amendment) Bill,2023.	

41.	General Proposal	National School Uniform Fund	The National School Uniform Fund ensures that no child is denied education due to lack of uniforms, while creating sustainable employment opportunities for young Kenyans. Its success depends on collaborative contributions from corporate social responsibility (CSR) actors, education champions, and the textile industry. The author, as the originator, may be formally engaged for consultancy support and is entitled to fair compensation if the concept is adopted.	The proposal is general and does not address the Basic Education (Amendment) Bill,2023.	
42.	General proposal	Synthia Mideva Asienwa.	Bill should provide for clear statutory criteria for appointment of Sub-County Board members. Lack of transparent appointment procedures and decentralization risks weakening accountability rather than strengthening it.	The proposal is general and does not address the Basic Education (Amendment) Bill,2023.	
43.			The Bill should clearly define the relationship between County and Sub-County Boards to avoid overlap and operational inefficiencies.		
44.			Proposal for Bill to be inclusive in its representation of – Gender and youth on the Board.		
45.			Proposal to include in the-child protection and learner safeguarding.		
46.	General Provision	Augusta Mukuru	Proposal to amend section 59(p) of the Basic Education Act to allow employment and management of non-teaching staff through the county education Board.	The proposals are general and do not address the Basic Education (Amendment)Bill, 2023.	
47.			Proposal to include two persons nominated by the non-teaching staff trade union in the sub-county education Board.		
48.			Proposal to expand the mandate of the county education Board to include the management of senior schools and to provide for the transfer of the staff within the county.		
49.			Proposal to expand responsibility of the county education Board to establish and maintain data for all teachers and non-teaching staff engaged in all senior schools within the county.		
50.			Proposal to make regulations under section 95(2)(b) to include incentives to the learners, teachers and non-teaching staff.		

51.			Proposal to make regulations under section 95(2)(o) to provide for training and transfer of non-teaching staff within the county.		
52.	General Provision	United Disabled Persons of Kenya	Proposal to amend section 2 of the Basic Education Act to insert the following definitions in their proper alphabetical order- "disability" means a physical, sensory, mental, intellectual, psychosocial, or other impairment, whether temporary or permanent, which results from the interaction between a person and physical, social, cultural, economic, or attitudinal barriers that hinder full and effective participation in society on an equal basis with others; "Inclusive education" means an approach to education whereby learners with disabilities learn alongside their non-disabled peers in mainstream schools, including Alternative Provision of Basic Education and Training schools, with appropriate support services, accessible infrastructure, adapted curriculum, and reasonable accommodation;" reasonable accommodation" means necessary and appropriate modifications and adjustments, not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that learners with disabilities can enjoy or exercise on an equal basis with others all rights and freedoms in the educational context, including in admission, learning, assessment, and participation in co-curricular activities;	The proposal are on the Basic Education Act and not the Basic Education Act. The proposed amendments do not define disability, inclusive education, or reasonable accommodation. Including definitions harmonized with the Persons with Disabilities Act, 2025, Article 260 of the Constitution of Kenya (2010), and Article 2 of the Committee on the Rights of Persons with Disabilities is essential to anchor future references to persons with disabilities within the legislation. Defining disability through the social model shifts focus from impairment to the disabling environment, thereby promoting inclusive design and systemic accommodations. Defining reasonable accommodation clarifies the legal obligations of duty-bearers (schools, boards, government agencies) in ensuring equitable access to education for learners with disabilities. This definition is drawn directly from the Committee on the	

				Rights of Persons with Disabilities, ensuring alignment with international standards. Defining inclusive education establishes a clear vision and standard for what learners with disabilities should expect in Kenyan schools.	
53.			Proposed amendment to section 7 of the Basic Education Act as follows- (1B) In appointing members under subsection (1), the Cabinet Secretary shall ensure that at least one member is a person with a disability nominated by organizations of persons with disabilities. (1C) The National Education Board shall establish a technical committee on inclusive education to advise on matters relating to accessibility, reasonable accommodation, and the educational needs of learners with disabilities, which committee shall include representatives of organizations of persons with disabilities.	Sustainable and effective inclusion is not possible without meaningful participation. Persons with disabilities are experts in their own experiences and can inform the development of relevant, practical, and non-discriminatory policies for inclusive education. This amendment ensures that persons with disabilities participate in policy-making at the highest level, fulfilling the "nothing about us without us" principle enshrined in Article 4(3) of the Convention on the Rights of Persons with Disability. The technical committee on inclusive education creates an institutional mechanism to address disability issues systematically	

54.			Proposed amendment to section 20(l)(i) of the Basic Education Act as follows- (i) two representatives of persons with disabilities, one of whom shall be a woman with a disability, nominated by organizations of persons with disabilities in the county;		
55.			Insertion of new section 20(3) in the Basic Education Act as follows- (4) Every County Education Board shall designate an officer responsible for coordinating reasonable accommodation requests and ensuring compliance with accessibility standards in all schools within the county, including Alternative Provision of Basic Education and Training schools.	The current provision for only one representative of persons with disabilities is inadequate to ensure meaningful representation. This amendment strengthens representation by: • Increasing the number to two representatives; • Ensuring gender balance by requiring one woman with a disability; • Mandating nomination by organizations of persons with disabilities to ensure authentic representation. The designation of a reasonable accommodation officer at county level ensures that counties have dedicated personnel to handle accommodation requests, monitor compliance, and provide support to schools and learners.	

56.			Proposed amendment by inserting a new paragraph (I) to section 39 of the Basic Education Act as follows- (m) ensure that all schools, including Alternative Provision of Basic Education and Training schools provide reasonable accommodation to learners with disabilities, including— (i) modification of classroom environments and teaching methodologies; (ii) provision of assistive devices and learning materials in accessible formats such as braille, large print, audio, and easy-to-read versions; (iii) curriculum adaptation and assessment modifications, including extended time, scribe services, and sign language interpretation; (iv) support services, including sign language interpretation, personal assistance, and mobility training where needed; (v) accessible information and communication throughout the educational process; (n) develop and disseminate public awareness materials in accessible formats to inform the public, including persons with disabilities and their families, about the right to basic education and the availability of reasonable accommodation; (o) in advising the national government on financing of infrastructure development under paragraph (k), specifically recommend allocation of funds for accessibility modifications and reasonable accommodation in Alternative Provision of Basic Education and Training schools;	This amendment transforms the Cabinet Secretary's responsibilities from general obligations to specific, enforceable duties regarding disability inclusion and reasonable accommodation. Paragraph (m) provides a comprehensive list of what reasonable accommodation entails in the education context, giving practical guidance to implementers. Paragraph (n) addresses the critical barrier of a lack of awareness among persons with disabilities and their families about their educational rights, particularly those in remote, rural, or informal settings. Paragraph (o) links infrastructure financing to accessibility, ensuring that new or improved facilities are accessible to all learners.	
57.			Amendment to section 41 of the Basic Education Act by inserting the following new paragraph: f. inclusive education across all categories of schools and institutions, including Alternative Provision of Basic Education and Training schools;	Elevating inclusive education as a distinct area requiring promotion signals its importance within the education system and creates a mandate for the Cabinet Secretary to actively promote inclusive practices across all school categories.	

58.			Proposal to amend section 43 of the Basic Education Act by inserting a new subsection (2) as follows- (3) All categories of schools under subsection (1), including Alternative Provision of Basic Education and Training schools shall have a duty to provide reasonable accommodation to learners with disabilities, and failure to do so shall constitute discrimination under thisAct. (4) The Cabinet Secretary shall, within six months of the commencement of this Act, issue guidelines on reasonable accommodation in educational settings, including procedures for requesting, assessing, and providing accommodations.	This amendment makes reasonable accommodation a legal duty across all school categories and creates implementing guidelines. Subsection (3) explicitly states that denial of reasonable accommodation constitutes discrimination, aligning with Article 2 of the CRPD which defines discrimination on the basis of disability as including denial of reasonable accommodation. Subsection (4) mandates the development of practical guidelines to ensure consistent implementation across all schools.	
59.			***Proposal to amend Part VIIA*** by inserting the following new section- 52GA. Reasonable accommodation in APBET institutions (1) Institutions to which this Part applies shall provide reasonable accommodation to learners with disabilities to ensure their full participation in educational programmes, including accelerated and self-directed learning programmes under Section 52F. Reasonable accommodation under this section shall include— (a) provision of learning materials in accessible formats such as braille, large print, audio, or electronic formats; (b) assistive technology and devices appropriate to the learner's needs; (c) flexible scheduling and extended time for completing programmes and assessments;	These new sections create a comprehensive framework for disability inclusion specifically tailored to alternative provision of basic education and training (APBET) institutions, recognizing that these schools often operate in informal settlements with limited resources but must nonetheless be accessible. Section 52GA explicitly requires reasonable accommodation in alternative provision of basic education and training (APBET) institutions and provides detailed examples of what this means in practice, including for	

			(d) support from trained personnel, including sign language interpreters, scribes, and personal assistants; (e) modification of assessment methods to measure knowledge and competencies rather than disability; (f) accessible physical infrastructure, including ramps, accessible sanitary facilities, and appropriate classroom layouts. (3) The Cabinet Secretary shall allocate specific funds from the infrastructure improvement grants under Section 52H for the purpose of providing reasonable accommodation in APBET institutions. 52GB. Duty to assess and provide accommodation in alternative provision of basic education and training (APBET) institutions (1) Upon admission of a learner with a disability to an institution to which this Part applies, the institution shall conduct an assessment of the learner's reasonable accommodation needs in consultation with the learner, their parents or guardians, and where appropriate, disability specialists and organizations of persons with disabilities. (2) The institution shall develop an individual education plan for the learner specifying the reasonable accommodations to be provided, which plan shall be reviewed at least annually. (3) Where an institution fails to provide the reasonable accommodations specified in the individual education plan, the learner or their parent or guardian may lodge a complaint with the County Education Board. 52GC. Accessibility standards for alternative provision for basic education and training (APBET) institutions (1) All institutions to which this Part applies shall ensure that their physical infrastructure, learning materials, teaching methodologies, and assessment procedures are accessible to learners with disabilities. (2) The Cabinet Secretary shall, in consultation with the National Council for Persons with Disabilities and	accelerated and self-directed learning programmes which may otherwise exclude learners with certain disabilities. 52GB creates a rights-based process for identifying and providing accommodations through individual education plans, with a complaint mechanism for non-compliance. Section 52GC makes accessibility a precondition for registration, preventing the establishment of new inaccessible alternative provision of basic education and training (APBET) schools and requiring existing ones to upgrade.	

			organizations of persons with disabilities, issue guidelines on minimum accessibility standards for alternative provision of basic education and training (APBET) institutions within six months of the commencement of this Act. (3) No institution to which this Part applies shall be registered unless it meets the minimum accessibility standards prescribed under subsection (2).		
60.			Proposed amendment to section 76 of the Basic Education Act by inserting a new subsection (4) as follows- (5) The County Education Board shall not register an institution of basic education, including an Alternative Provision of Basic Education and Training school, unless the applicant demonstrates the capacity to provide reasonable accommodation to learners with disabilities, including through: a. accessible physical infrastructure; b. plans for providing accommodations based on learner needs; c. budget allocation for assistive devices and accessible materials; d. staff trained or to be trained on inclusive education practices and reasonable accommodation.		
61.			Proposed amendment to amend section 79 of the Basic Education Act by inserting a new proposed paragraph (d) as follows- (e) learners with disabilities in all categories of schools within the county, including	Inclusive policies require reliable, disaggregated data to identify who is benefiting and who is being left behind. Currently, there is a major data gap on the participation of learners with	

			Alternative Provision of Basic Education and Training schools, disaggregated by type of disability, age, gender, and educational level;	disabilities in basic education, particularly in alternative provision of basic education and training (APBET) institutions. Collecting and publishing such data would support: • Performance tracking against inclusion targets; • Equity-based resource allocation; • Evidence-based decision making and policy refinement; • Identification of gaps in service delivery. This aligns with Article 31 of the CRPD, which obliges States to collect appropriate information to support the implementation of the Convention and promote policy accountability.	
62.			Proposal to amend section 82 (2) of the Basic Education Act by inserting a new paragraph as follows- (f) the institution has demonstrated capacity to provide reasonable accommodation to learners with disabilities, including accessible facilities, adapted teaching and learning materials, trained personnel, and where applicable, specialized support services;	This amendment adds reasonable accommodation capacity as a licensing condition, ensuring that all licensed schools, including APBET institutions, are equipped to include learners with disabilities.	

63.			Proposal to amend section 86 of the Basic Education Act by inserting a new subsection as follows- (3) The funds under this section shall specifically provide for reasonable accommodation for learners with disabilities in all schools, including public, private, and Alternative Provision of Basic Education and Training schools, including— (a) procurement of assistive devices and technology; (b) production of learning materials in accessible formats; (c) training of teachers and education officials on providing reasonable accommodation and inclusive education; (d) modification of school infrastructure for accessibility; (e) hiring of support staff including sign language interpreters, braillists, and special needs education assistants. (4) The Cabinet Secretary shall ensure that capitation grants to schools include a specific component for reasonable accommodation calculated based on the number of learners with disabilities enrolled. (5) The Cabinet Secretary shall, in consultation with the National Treasury and the National Council for Persons with Disabilities, develop guidelines for the disbursement and utilization of funds for reasonable accommodation under this section.	Inclusion requires dedicated resources. This amendment ensures that funding mechanisms explicitly address disability-inclusive education by: • Creating a specific budget line for reasonable accommodation; • Linking funding to actual numbers of learners with disabilities enrolled; • Providing detailed categories of what funds may be used for; • Mandating guidelines for transparent and accountable use of funds.	
64.			Proposal to amend section 86 (on use of existing facilities) of the Basic Education Act by inserting a new subsection (2) as follows- (2) Where institutions of Alternative Basic Education, Training and Continuing Adult Education utilize facilities of existing institutions under subsection (1), they shall ensure that such facilities are accessible to learners with disabilities or shall make modifications to ensure accessibility.	This amendment ensures that when APBET institutions share facilities with other schools, accessibility is not compromised and modifications are made where necessary.	

65.			Proposal to amend section 86(Placement of learners) of the Basic Education Act by inserting a new subsection as follows- (2) In determining the placement of a learner with a disability under subsection (1), the institution shall consider the learner's reasonable accommodation needs and shall not place the learner at a level that fails to provide appropriate support services.	This amendment ensures that the flexibility in placement for APBET learners is applied without discrimination to learners with disabilities and that their accommodation needs are considered in placement decisions.	
66.			Proposal to amend section 86(Conduct of programmes) of the Basic Education Act by inserting a new subsection as follows- (2) Institutions offering accelerated and self-directed learning programmes under subsection (1) shall ensure that such programmes are accessible to learners with disabilities through appropriate modifications, including extended time, accessible materials, and assistive technology.	This amendment ensures that the accelerated and self-directed learning models promoted for APBET institutions do not inadvertently exclude learners with disabilities who may require additional time or modified approaches.	
67.			Proposal to insert a new Part IX (Enforcement of reasonable accommodation obligations) to the Basic Education Act as follows- 92A. Right to request reasonable accommodation (1) A learner with a disability, or their parent or guardian, may request reasonable accommodation from the institution of basic education in which the learner is enrolled or seeks enrollment (2) The request under subsection (1) shall be made in writing to the headteacher, principal, or manager of the institution, or orally where the learner or parent is unable to write, in which case the institution shall assist in documenting the request. (3) The institution shall respond to the request in writing within fourteen days, indicating— (a) the accommodation to be provided and the timeline for provision; or (b) if the request is refused, the reasons for refusal in writing. 92B. Appeal against refusal of reasonable accommodation (1) A learner with a disability, or their parent or guardian, may appeal a refusal to provide reasonable accommodation to the County Education Board within thirty days of the refusal.	This new Part creates comprehensive enforcement mechanisms for reasonable accommodation obligations, including: • A clear right to request accommodation; • Timelines for response; • An appeal process to the County Education Board; • Penalties for discrimination through denial of reasonable accommodation; • Annual reporting requirements for transparency and accountability. This ensures that the rights created elsewhere in the Act are enforceable in practice, not merely aspirational.	

			(2) The County Education Board shall determine the appeal within thirty days and may— (a) uphold the institution's decision; (b) direct the institution to provide specified reasonable accommodation within a stated timeline; (c) refer the matter to the Education Appeals Tribunal for further hearing. (3) The County Education Board shall, in determining an appeal under this section, seek input from organizations of persons with disabilities or disability specialists where appropriate 92C. Prohibition of discrimination through denial of reasonable accommodation (1) Denial of reasonable accommodation to a learner with a disability shall constitute discrimination on the basis of disability and shall be an offence under this Act. (2) A person convicted of an offence under subsection (1) shall be liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both. 92D. Annual reporting on reasonable accommodation (1) The Cabinet Secretary shall, through the National Education Board and in consultation with County Education Boards, publish an annual report on the provision of reasonable accommodation in basic education institutions, including Alternative Provision of Basic Education and Training schools. (2) The report under subsection (1) shall include— (a) the number of requests for reasonable accommodation received, disaggregated by county and type of school; (b) the types of accommodation provided; (c) the number of requests refused and reasons for refusal; (d) the number of appeals and their outcomes; (e) expenditure on reasonable accommodation from the national and county education budgets;		

			(f) challenges encountered in providing reasonable accommodation and recommendations for improvement. (3) The report under subsection (1) shall be submitted to the National Assembly and the Senate and shall be made publicly available in accessible formats.		
68.	General Provision	Kenya Union of Post-Primary Teachers - Nyamira Branch	Proposal to amend the Teachers Service Commission (Amendment) Bill,2024.	The proposals are on the Teachers Service Commission (Amendment)Bill ,2024 and not the Basic Education (Amendment)Bill,2023.	

USAWA AGENDA MEMORANDUM TO THE SENATE COMMITTEE ON EDUCATION ON THE BASIC EDUCATION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

1. Who we are

Usawa Agenda is the leading non-government generator of evidence on education in Kenya. Our mission is to promote systems change for education justice for all through research, innovation and evidence-based stakeholder engagement. In pursuit of this mission, we have invested in building partnerships across the education sector to harness the diverse viewpoints of those impacted by, and those who impact policy, practice, investment and community decisions that affect justice in access to quality education.

Our name underlies our strong conviction that we can enable every child to access and benefit from quality education. Our commitment to contributing to education justice is informed by the fact that formal education plays a pivotal role in social mobility, and the danger that education injustice may potentially make quality education heritable, thereby widening and entrenching socio-economic inequalities, with the attendant national and global development and social stability risks.

We believe in the primacy of rigorous evidence and empirical data in driving the desired change. But we also believe in strong partnerships nurtured through regular, multi-stakeholder engagements in public, policy, and community forums in order to change minds, hearts, and behaviors.

1.1 OUR VISION: A world where every child benefits from quality education.

This vision was born out of 14 years of conducting foundational learning assessments, which revealed stubbornly low and inequitably distributed learning outcomes. Deeper analysis has drawn the conclusion that the undesirable learning outcomes are, but a symptom of unjust education systems that augment rather than mitigate the disadvantages that children bring into school. We illustrate this in Figure 1.

This tree epitomises the current state of education systems in Kenya and beyond. Children (the roots of the tree) come into the education system, (the trunk of the tree), from diverse socio-economic backgrounds and with diverse personal attributes. The current education systems, which are unjust, often, accentuate the advantages and disadvantages that children come with. The adults (branches), who emerge from the education systems, retain the colour of their roots. Only the branch linked to the deepest root, has green leaves (colour of prosperity). The other branches have leaves similar to their roots in colour, depicting the fact that learning outcomes and the associated benefits for each child are predetermined even as millions of children journey through the school system.

Figure 1: The current state of education systems

1.2 OUR MISSION: To promote systems change for education justice through research, innovation and stakeholder engagement.

We believe that with requisite systems changes, the school can neutralise the diverse challenges that children come in with and enable every child to access and benefit from quality education as illustrated by Figure 2.

This tree embodies the desired state of education system in Kenya and beyond. Children (the roots of the tree) come into the education system, (the trunk of the tree), from diverse socio-economic backgrounds and with diverse personal attributes. The transformed education systems, which are just, blunt the unique disadvantages and preserve the advantages that children bring into the school. All the adults (branches), who emerge from the education system have the same colour and green leaves (colour of prosperity). In pursuit of this transformation of education systems, we generate evidence, innovate and engage with a broad spectrum of actors at multiple levels.

Figure 2: The desired state of education systems

We have sharpened our focus on evidence and insights generation, innovation and engagement to influence policies, practices and norms, and cultivate systems change-enabling ecosystem to deliver education justice for all.

1.3 OUR CORE VALUES: Rigour; Integrity; and Curiosity (RIC).

Rigour: We wear the badge of rigour on our sleeve with pride – it is our heritage and our promise to those we work for and with.

Integrity: We understand the invaluable role of integrity in building trust without which our mission would abort. We uphold it with utmost fidelity in our rank and file, and in everything that we do.

Curiosity: We are driven by a thirst for learning; to ask, listen, experiment, reflect and disrupt.

2. Basic Education (Amendment) Bill, 2023

The Bill seeks to amend the Basic Education Act, 2023 by **deleting section 18, subsection (2) which makes establishment of Subcounty Education Boards an option for County Education Boards and Mandating the Cabinet Secretary to Establish Sub-County Education Boards.** It is detailed but it has some gaps and inconsistencies versus other sections of the mother Act—the Basic Education Act, 2013, especially with regards to the County Education Board. We lay in the next section the issues we have picked and our suggestions on how to improve coherence

3. Usawa Agenda's Overview of the Bill & Proposals

3.1 Overview of the Bill

We support the proposed Basic Education (Amendment) Bill, 2023, but note that there are pending sections of the Basic Education Act 2013, whose implementation would lend more harmony and efficiency to the sector alongside the proposed amendment. Among these pending sections are:

- The Third Schedule, which focuses on establishment and functions of the Parents Association, and specifically section five (5) of this schedule. Non-establishment of the National Education Board hinders effective functioning of the lower-level boards such as the one proposed in this amendment.
- Establishment of the Education Standards and Quality Assurance Commission is one of the stated goals of the enactment of the Basic Education Act, 2013. Its absence hamstrings the functioning of other entities established under the Act.
- Given that this board will also govern TVET institutions and, which must be linked to the labour market and higher education, the composition of the Boards would be better served with industry representation, which is neither provided for in the Act nor the amendment.

3.2 Our proposals

While supporting the amendments as proposed, we would like to see the following changes for which we provide supporting arguments:

- The proposed amendment deletes subsection two (2), which provided that the appointment of a sub-county education office would specify its clear functions and powers, but the introduced changes don't provide such functions and powers of the Sub-county Education Board. We would like to presume that the functions and powers of the Sub-county Education Boards will be the same as those of County Education Boards, cascaded to the sub-county level. If yes, provide for this expressly. If no, provide a schedule of the Sub-county Education Board's functions and powers.
- **18C. (2)** The total number of individuals to be nominated by different groups (a) – (f) is nine (9), which is more than the seven (7) provided in sub-section (1). These are our suggestions for each sub-section:
    - ***2 (b) a representative of the County Executive in charge of Education.*** This is the case with the County Education Boards in the Basic Education Act. We can't have the County Executive in charge of Education sitting in the Sub-county Education Board, while his/her representative sits in the County Education Board.
    - ***2 (c) the Sub-County Director of TSC or a designate of the Sub-County Director of TSC.***
    - ***2 (d) one person nominated by the Teachers Unions***
    - ***2 (e) two persons who are professionals with at least five years of experience based in the Sub-county nominated by the Sub-County Parents Association***
    - ***One person*** nominated by one of the following religious organisations that has the highest **number of schools** in the sub-county under its sponsorship:
        (i) a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
        (ii) the Kenya Episcopal Conference; or
        (iii) the Muslim Education Council.
- **18C. (4)** The Chairperson of a Sub-county Education Board shall possess minimum qualifications of a **bachelor's** degree **and five (5) years' experience in a leadership role**. The members shall possess minimum qualifications of a post-secondary certificate.
- (6) **Delete**
- **18D.** Harmonise this with the Terms of Service of the County Education Board, where the Chairperson serves for a four-year term renewable once, while members serve for three-year renewable terms.

LEGISLATIVE MEMORANDUM ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023

(NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

TO

SENATE STANDING COMMITTEE ON EDUCATION

FROM

THE COUNCIL OF GOVERNORS

Introduction

The Council of Governors submits this memorandum for the consideration of the Senate Standing Committee on Education regarding the Basic Education (Amendment) Bill, 2023.

This memorandum is informed by the constitutional imperative to uphold the principles of devolution as enshrined in the Constitution of Kenya, 2010. Specifically, the Council is guided by:

- Article 1(4) , which recognizes that sovereign power is exercised at both the National and County levels.
- Article 6(2) , which affirms that the two levels of government are distinct and inter-dependent.
- Article 189, which mandates all governments to perform their functions in a manner that respects the functional and institutional integrity of the other level and to cooperate in performing their functions, including through the establishment of joint committees.

It is the Council's considered view that the Bill, in its current form, does not adequately reflect these constitutional tenets.

GENERAL COMMENTS

The Basic Education Act 2013, through Part 2 and 3 established the National Education Board and the County Education Boards to support the management of education at both the National and County levels. It is important to note that this management structure follows the establishment that was contained in the repealed Education Act Cap 211. The Basic Education Act 2013 was then developed and enacted to conform to the tenets of the Constitution 2010; however, the Act has not adequately addressed issues of devolution as contained in the Fourth Schedule of the Constitution and Article 189 on cooperation between the National and County Governments.

Article 189 (1) mandates government at either level to perform its functions, and exercise its powers, in a manner that respects the functional and institutional integrity of government at the other level and respects the constitutional status and institutions of government at the other level and, in the case of County Government, within the County level. Further sub-article (2) provides that government at each level, and different governments at the County level, shall co-operate in the performance of functions and exercise of powers and, for that purpose, may set up joint committees and joint authorities. This therefore means that the set up of any committee to support the two levels of Governments in performance of functions must be jointly done with mutually agreed management and reporting framework.

While the intent to decentralize education management is appreciated, the proposed structure perpetuates a fundamental flaw found in the existing framework for County Education Boards under the Basic Education Act, 2013. The Boards, as currently constituted, function as entities of the National Government rather than as the joint, inter-governmental bodies envisioned by the Constitution. This approach fails to respect the functional integrity of County Governments, as some functions assigned to these Boards fall within the express mandate of the counties under the Fourth Schedule of the Constitution. The introduction of Sub-County Boards along the same trajectory only serves to entrench this constitutional misalignment.

The amendment does not provide for the definition of a sub-county. The County Governments Act provides for decentralized units. Specifically, Section 48 (1(b)) provides for, "the sub-counties equivalent to the constituencies within the county established under Article 89 of the Constitution." The Council is aware of entities called sub-counties that do not align with the provision of Section 48 (1(b)). These sub-counties are created contrary to the provisions of Section 17 of the Sixth Schedule of the Constitution and specifically, "...to accord with and respect the system devolved of government established under this Constitution".

Specifically, the Council notes as follows on the proposed amendments:

SPECIFIC COMMENTS

Section of the Bill	Provision of Section in the Bill	Proposed Amendment	Rationale/Justification for Amendment
18 (A)	There is established a Sub-County Education Board	**Amend as follows:** **18A. (1) There is established a Sub-County Education Board for every sub-county.** **(2) The Sub-County Education Board shall be a joint committee of the National Government and the County Government, established to coordinate educational functions in the sub-county in accordance with this Act and the principles of inter-governmental relations.**	This is to ensure the Sub-County Boards serve as an intergovernmental entity rather than an entity of the National Government as currently proposed.
18 (C) 1	Every Sub-County Education Board shall consist of a Chairperson and six other members appointed by the Cabinet Secretary	**18C. (1) Every Sub-county Education Board shall consist of—** **(a) the Deputy County Commissioner and the Sub County Administrator as co-chairpersons** **(c) seven other members appointed as follows—** **(i) four members appointed by the Cabinet Secretary in accordance with subsection**	The Bill gives the Cabinet Secretary the sole power to appoint all members. This centralizes control and fails to recognize the County Government as a distinct and equal partner in education service delivery. Therefore, the need for the appointment process to be shared reflects

		(2); and **(ii) three members appointed by the CECM in accordance with subsection (2).**	the joint nature of the Board. The County Government should have a formal role in both nomination and appointment.
18 (C)	Composition of the Sub-County Education Board: 2(b) County Executive In charge of Education or a designate of the County Executive in charge of Education	**Composition of the Sub-County Education Board:** **2(b) two persons appointed by the County Executive in charge of Education**	To ensure meaningful representation of County Governments in the Boards and in respect of the functional integrity of Counties.
18 (C) 6	The staff of the Sub-County Education Board shall be persons serving under the County Public Service Board of the respective County	**Delete this provision**	The National Government and the County Government shall designate a joint secretariate to the Sub County Education Board Staff are employees of the County, yet they would be serving an entity established by and accountable to the National Government. This duality creates a conflict of interest and places County staff in an untenable position. It violates the principle of distinct governments under **Article 6(2)** and the

			County's exclusive authority over its own public service under **Article 176**. This amendment rectifies the current governance flaw where staff report to a single level of government. A joint appointment mechanism fosters shared accountability and strengthens inter-governmental relations in line with Article 189.

CONCLUSION AND RECOMMENDATION

The Bill, in its current form, represents a missed opportunity to create a inter-governmental structure for education governance. It retains a top-down, national government-centric model that is not in line with devolved governance envisioned under the 2010 Constitution. Therefore, the Council of Governors recommends that the Senate Committee on Education adopts the proposed amendments to transform the Sub-County Education Boards into genuine joint authorities.

Further, the Council recommends further review of the Basic Education Act 2013, to align it with the constitution.

elimu ni haki yetu

Elimu Yetu Coalition

4/3/2026

Elimu Yetu Coalition,
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Cell: +254 715 242 644 / +254 787 146 120

To:

J. M. Nyegenye, CBS,
Clerk of the Senate.

MEMORUNDUM

BASIC EDUCATION AMENDMENT BILL 2023

ABOUT ELIMU YETU COALITION

Elimu Yetu Coalition (EYC) is Kenya's National Education Coalition, established in 1999 as a national platform for civil society organizations and other non-state actors in Kenya's education sector to lobby for the implementation of Education for All (EFA) goals as articulated in the Jomtien Declaration in 1990 and Dakar Framework of Action in 2000. With a Membership of over 200 organizations, the Coalition is at the forefront of supporting efforts towards the implementation of sustainable development Goal 4 with the view of ensuring quality education for all children.

Pursuant to a Request for Memoranda from the Clerk of the Senate for views on the Basic Education Amendment Bill, 2023 (National Assembly Bill No 59 of 2023) the Coalition and its partner Save the Children presents the below views in a matrix format.

Section of the Act	Proposed Amendments	Justification
1. Section 18 of no 14 of 2013	Sub section proposed for deletion (2) The County Education Board may in consultation with the National Education Board and relevant stakeholders appoint a sub county education office with clear functions and powers.	In agreement with the proposed amendment because; 1) The primary grounds for this deletion rest on the unavoidable creation of lack of uniformity and consistency in the management of basic education across the nation. The use of the term "may" render the establishment of Sub-County Education Offices discretionary rather than mandatory. This discretion creates a system where the administrative infrastructure of education is determined by the localized decisions of individual County Education Boards, rather than a unified national standard. 2) Further an inherent danger in this discretionary provision is that it institutionalizes inequality. If the establishment of these offices is left to the discretion of County Boards, we create a scenario

		where learners in one region benefit from the decentralized services, oversight, and grievance resolution mechanisms of a Sub-County Education Office, while learners in a neighboring region, where the Board opts not to appoint such an office are denied these same advantages. 3) Consequently, this subsection is most likely to result in differing education outcomes across the country. The presence or absence of a Sub-County Education Office dictates the efficiency of resource distribution, the monitoring of curriculum implementation, and the speed of administrative response. By leaving this to chance or local preference, the law would inadvertently sanction a system where a child's access to efficient educational management is determined by their geographical location. 4) A national education system must operate on a level playing field to ensure equity. The current wording of the subsection violates the fundamental principle that administrative structures should be uniform to guarantee consistent service delivery. We argue that the legal framework should be definitive: we should either have Sub-County Education Offices established as a mandatory tier of governance across all counties, or we should not have them at all. 5) Allowing a "pick-and-choose" approach destabilizes the education hierarchy and creates confusion regarding lines of accountability. To ensure that every child in the country is subjected to the same administrative standards and opportunities, this subsection must be deleted in its

		entirety. The structure of educational governance must be either universally applied or universally absent rather than a result of regional preferences.
	Proposed Insertions	
	18A. The Sub- County Education Board. (1) A County Education Board shall, in consultation with the National Education Board and relevant stakeholders, establish a Sub-County Education Board for every Sub- County in the respective county. (2) The Sub- County Education Board shall be an agent of the County Education Board. (3) The Sub- County Education Board shall— (a) register and establish a data bank of all education and training institutions in the Sub- County; (b) in consultation with residents of the Sub- County, recommend institutions that may receive funding for infrastructural development funding; (c) review the Board of Management reports of the respective schools within the Sub- County and, submit the reports to the County Education Board; (d) assess the budgetary requirements of learning institutions in the Sub- County and develop allocation programmes, including programmes on allocation of institutional lunch; and	We submit as under primarily focusing on clause 1 of 18A; 1. The requirement for consultation with the National Education Board (NEB), as stipulated in the clause—"*A County Education Board shall, in consultation with the National Education Board... establish a Sub- County Education Board*"—is currently counter-productive and fundamentally flawed. 2. The glaring anomaly in this provision is that it predicates the establishment of Sub-County Education Boards on consultation with a body that does not currently exist in practice. Although the Basic Education Act 2013 provides for the formation of a National Education Board, this entity is not currently operationalized 3. There is the risk of creating a legal and administrative deadlock. By making consultation with the NEB a necessary precedent, the law effectively stalls the formation of Sub-County Education Boards. County Education Boards are placed in an impossible position: they are legally required to consult an entity that is non-functional, yet they are expected to facilitate education management at the sub-county level. This statutory requirement ties the hands of county authorities, preventing them from decentralizing education governance in a timely manner.

	(e) perform any other function that may be assigned by the County Education Board under this Act.	4. For this clause to transition from a theoretical ideal to an effective operational tool, the National Education Board must be operationalized as originally envisaged by the Basic Education Act 2013. It is illogical to impose a statutory duty that relies on a non-existent intermediary. Therefore, we argue that proceeding with this clause in the absence of an operational NEB is counter-productive to the immediate needs of the education sector. The priority must first be to constitute and operationalize the National Education Board; only then can the requirement for consultation be meaningfully enforced. Until such time, the clause serves as an unnecessary bottleneck that hinders the devolution of education services to the sub-county level. With the resolution of Clause 1 of 18A there would be no issue on Clause 2 and 3
	18B. Consultation with the County Education Board. (1) The Sub- County Education Board shall consult with the County Education Board in the performance its functions. (2) Despite the provisions of subsection (1), the Cabinet Secretary shall in consultation with National Education Board, through the existing mechanisms for coordination of inter-governmental relations, make regulations prescribing the coordination between the National Education Board, the County Education Boards and the Sub- County Education Boards.	With the resolution of Clause 1 of 18A there would be no issue with 18B

	18C. Composition of Sub- County Education Boards. (1) Every Sub- County Education Board shall consist of a Chairperson and six other members appointed by the Cabinet Secretary through an open and competitive process. (2) The Board members under subsection (1) shall include— (a) the Member of Parliament for each of the constituencies within the Sub- County who shall be an ex-officio member of the Board; (b) the Sub- County Director of Education or a designate of the Sub-County Director of Education; (c) the County Executive in charge of Education or a designate of the County Executive in charge of Education; (d) one person designated by the Teachers Service Commission; (e) two persons nominated by the Teachers Trade Union; and (f) two educationists of at least five years standing based in the Sub- County nominated by Parents Teachers' Association in the Sub- County; (3) In appointing the Chairperson and members of the Board, the Cabinet Secretary shall ensure— (a) that not more than two-thirds of the members are of the same gender; (b) equal opportunities for persons with disabilities and other marginalized groups; and	We Submit as under; 1. While Section 18C(3)(b) mandates the Cabinet Secretary to ensure "equal opportunities for persons with disabilities and other marginalized groups," this provision, though well-intentioned, offers no guarantee of representation. The phrase "equal opportunities" acts merely as a guiding principle for the appointment process; it ensures that these groups are *considered* or are eligible to apply, but it does not mandate their inclusion in the final composition of the Board. 2. Under the current provision of Section 18C (1), members are appointed through an "open and competitive process." In a purely competitive scenario, candidates from marginalized groups, including persons with disabilities and refugees, often face systemic barriers and historical disadvantages that hinder their ability to compete effectively against more established or resource-endowed candidate s. Consequently, relying on "equal opportunity" without a reserved seat creates a high probability that these vulnerable groups will be excluded from the decision-making table. 3. An analysis of the specific composition outlined in Subsection (2) reveals a rigid structure dominated by institutional representatives: Members of Parliament, government executives, the Teachers Service Commission, and Teachers' Unions. There is no dedicated slot for the very groups whose rights the Act seeks to protect. Without a designated representative in Subsection (2), the

	(c) that the appointees to the Board reflect the interests of all sections of the society. (4) The Chairperson of a Sub- County Education Board shall possess a minimum qualification of a degree and the members shall possess a minimum qualification of secondary education with post-secondary certificate as an added advantage. (5) The Board Member appointed under subsection (2) (b) shall be the Secretary to the Sub- County Education Board. (6) The staff of the Sub- County Education Board shall be persons serving under the County Public Service Board of the respective County. (7) The Second Schedule shall apply to the conduct of the business and affairs of a Sub- County Education Board with necessary modification and, except as provided in the Second Schedule, a Sub County Education Board may regulate its own procedure.	"opportunity" mentioned in Subsection (3) remains a hollow promise. 4. We propose that representation for persons with disabilities and marginalized groups including refugees, be explicitly codified within the membership of the Board. This is not merely a matter of tokenism; it is a functional necessity to ensure that the right to education for every child is observed. 5. Boards that lack the voice of persons with disabilities or refugees often lack the specific insight required to address the unique infrastructural, pedagogical, and social challenges these children face. An appointed representative acts as a crucial conduit, ensuring that the Board's policies on enrollment, retention, and resource allocation are inclusive and sensitive to the needs of the marginalized. To truly safeguard the right to education for all, the law must move beyond offering "opportunities" to guaranteeing a "voice."
	18D. Tenure. The Chairperson and members of a Sub- County Education Board shall be appointed for a term of five years and be eligible for re-appointment for one further term.	Okay
	18E. Meetings of the Sub- County Education Board. (1) A Sub- County Education Board shall hold meetings on a need basis at such places and at such times as the County Education Board shall consider necessary for the proper discharge of its functions.	Okay

	(2) Notwithstanding subsection (1), the Sub- County Education Board shall not meet more than four times in each financial year.	
	18F. Remuneration of the Sub- County Education Board. The members of the Sub- County Education Board shall be paid by the organisations they represent in the Board such allowances and disbursements for expenses as may be approved by Cabinet Secretary in consultation with the Salaries and Remuneration Commission.	Okay
	18G. Co-option. A Sub- County Education Board may from time to time co-opt into its membership such persons not being more than three as it is satisfied that possess skills and experience necessary in the discharge of the functions of the Sub- County Education Board.	Okay

Concern of this Being a Money Bill

We are concerned that this Amendment Bill is a Money Bill pursuant to Article 114 of the Constitution which means that the enactment of these provisions will occasion additional expenditure of public funds. This financial commitment creates a paradox given the current operational reality: the very County Education Boards under which these proposed Sub-County Education Boards shall function as agents are already grappling with severe resource constraints.

It is counterproductive to establish new administrative structures that mandate further public spending while the parent bodies lack the necessary financial capacity to function effectively. To expand the governance structure without securing the financial sustainability of existing boards risks creating Institutions that exist only in statute but cannot deliver services due to lack of resources.

Therefore, the issue of funding must be streamlined. The exchequer must ensure that the current County Education Boards are adequately resourced to meet their existing mandates before extending the financial burden to include Sub-County units. Allocating funds for new offices while existing ones' struggle defeats the purpose of efficient service delivery.

Conclusion;

While we support the proposed amendments to ensure national uniformity and eliminate the discretionary creation of education offices, which risks institutionalizing regional inequality, we predicate our support on the operationalization of the National Education Board to resolve any potential administrative deadlock that may hinder the establishment of Sub-County Governance Structures. We also strongly advocate for explicit representation of persons with disabilities and marginalized groups including refugees in the case of host counties so that we move from nominal opportunities to guaranteed decision making power. Additionally, funding mechanisms must be streamlined to sustain current structures before burdening the system with additional administrative costs.

Joseph Wakhongo,
National Coordinator,
Elimu Yetu Coalition.

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MEMORANDUM ON THE BASIC EDUCATION (AMENDMENT) BILL 2023

PRESENTED TO
THE SENATE
THE THIRTEENTH PARLIAMENT

SUBMITTED TO
CLERK OF THE SENATE
PO BOX 41842-00100, NAIROBI

IN THE MATTER OF CONSIDERATION BY THE EDUCATION COMMITTEE
OF THE SENATE:

3rd MARCH 2026

SUBMITTED BY:
The Kenya Institute of Special Education
P.O. Box 48413-00100, Nairobi, Kenya
Office Tel: +254-705269505 |
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KENYA INSTITUTE OF SPECIAL EDUCATION

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NAIROBI, KENYA

MEMORANDA ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023

Introduction

Kenya Institute of Special Education (KISE), a Semi-Autonomous Government Agency (SAGA) was established through legal notice No. 17 of 14th February 1986. The Institute is managed by a council appointed by the Cabinet Secretary Ministry of Education. The head of the Institute is the Director who is also the Secretary to the council. The core functions of the Institute are; Training of personnel to serve persons with special needs and disabilities, conducting research in special needs and disabilities, assessment of children with special needs and disabilities, production of educational materials and assistive devices for learners with special needs and disabilities, habilitation and rehabilitation of persons with special needs and disabilities, modelling inclusive education among other functions.

KISE submits this memorandum in line with its mandate and need to provide a special needs and disabilities practitioners view on the provisions of the bill. This memorandum therefore, highlights KISE views on the proposals included in the Bill.

Our Observations on the Clauses in the Amendment Bill

Kenya Institute of Special Education has a mandate to administer the Educational and Psychological Assessment centre for learners with Special Needs in Education at National, County and Sub-County level. There is therefore a need to have a representative of the Institute at the Sub-County Education Board to address issues of Educational and Psychological Assessment Centres.

Sub-County Education Board

1. Section 18C(1) Every Subcounty Education Board shall consist of a Chairperson and Six other members appointed by the Cabinet Secretary, be amended to read:

- ***Every Subcounty Education Board shall consist of a Chairperson and eight other members appointed by the Cabinet Secretary.***

2. Section 18C(2) be amended by inserting;

(g) An expert in special needs education designated by the Kenya Institute of Special Education

Conclusion and Recommendation.

The Institute supports the enactment of the Basic Education (Amendment) Bill and hopes that these proposed additions will be included. This will see enhanced access to quality education for learners with special needs and disabilities at pre-primary and vocational levels. We remain open to discussing the provisions beyond what we have selected to respond to.

TEACHERS SERVICE COMMISSION

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Email: info@tsc.go.ke
Web: www.tsc.go.ke

When replying please quote

TSC HOUSE
KILIMANJARO ROAD
UPPER HILL
PRIVATE BAG- 00100
NAIROBI, KENYA

Ref. N°: CS/TSC/78/VOL.VII

2ND March 2026

J.M. Nyegenye, CBS
Clerk of the Senate
Clerk's Chambers
Parliament Building
P.O. Box 41842 - 00100
NAIROBI

THE SENATE RECEIVED 02 MAR 2026 CLERK'S OFFICE P.O. Box 41842-00100 NAIROBI

Dear Sir,

STAKEHOLDER ENGAGEMENT ON THE BASIC EDUCATION (AMENDMENT) BILL 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

The above captioned and your letter Ref: SEN/SCE/CORR/2026/262 dated 24th February 2026 refers.

We have perused the Basic Education Amendment Bill and note that the proposed amendment seeks to entrench the Sub-County Education Board under the Act.

We further note that under the proposed Clause 18C on the composition of the Board, a person designated by the Teachers Service Commission has been included as a member of the Board. Consequently, TSC a key player in the education sector, will be involved in the mandate and deliberations of the Sub-County Education Board.

To this end the Commission has no objection to the specific amendment as it intends to embed the Sub-County Board in Law.

Yours Sincerely,

(1) DJKC
DKY
Kindly deal.

(2) DDSEC (VK)
Kindly deal
03/03/2026

(3) Mr. Ngatia
Kindly deal
03/03/2026

02/03/2026

MS. E. J. MITEI, MBS
AG. COMMISSION SECRETARY/CEO

REPUBLIC OF KENYA

MEMORANDUM TO THE Senate of Kenya ON THE BASIC EDUCATION (AMENDMENT) BILL, 2025

SUBMITTED TO:

The Clerk of the Senate
Senate of Kenya
Parliament Buildings
P.O. Box 41842–00100
Nairobi, Kenya

SUBMITTED BY:

National Parents Association (NPA)
Established under the Basic Education Act, 2013
Reinsurance Plaza 13th Floor Room 1305
P.O Box 22638 - 00400
Tel: 0722 402 182, 0711 166 407
Email: nationalparentsassociationk@gmail.com
NAIROBI

DATE:

24 February 2026

1.0 EXECUTIVE SUMMARY

The National Parents Association (NPA) is a statutory institution established under the **Third Schedule** of the **Basic Education Act, 2013** to represent parents and guardians in Kenya's basic education sector and to facilitate structured parental participation in education governance, learner welfare, and policy oversight.

The NPA acknowledges and supports the objective of the Basic Education (Amendment) Bill, 2025, which introduces reforms aimed at strengthening decentralized education governance, improving coordination structures, and enhancing oversight and management of basic education at devolved levels.

The establishment and restructuring of education governance organs under this Bill present an important opportunity to operationalize participatory governance as envisaged under the Constitution of Kenya, 2010 and the Basic Education Act, 2013.

However, upon detailed analysis of the Bill, the National Parents Association observes critical gaps relating to:

- ✓ Absence of mandatory institutional representation of the National Parents Association in key education governance structures;
- ✓ Weak statutory anchoring of parental participation mechanisms;
- ✓ Lack of formal coordination frameworks between NPA and education governance bodies;
- ✓ Absence of statutory protection of NPA's institutional independence;
- ✓ Failure to operationalize the parental governance architecture envisioned under the Basic Education Act, 2013.

Unless addressed, these gaps risk undermining constitutional principles of public participation, weakening education governance accountability, and marginalizing the statutory role of parents in Kenya's education system.

This memorandum therefore proposes targeted legislative amendments to strengthen institutional representation, governance participation, accountability, and operational effectiveness of the National Parents Association.

2.0 LEGAL AND INSTITUTIONAL FRAMEWORK

2.1 Constitutional Framework

This submission is anchored on the Constitution of Kenya, 2010, specifically:

Article 53(1)(b)

Guarantees every child the right to free and compulsory basic education.

Article 10(2)

Provides national values and principles of governance including:

- ✓ Public participation;
- ✓ Inclusiveness;
- ✓ Transparency;
- ✓ Accountability;
- ✓ Good governance.

Parental participation through statutory structures such as the National Parents Association is essential in realizing these constitutional obligations.

2.2 Statutory Framework: Basic Education Act, 2013

The Basic Education Act, 2013 establishes the National Parents Association as a statutory institution with responsibility to:

- ✓ Represent parents in education governance;
- ✓ Promote parental engagement and participation;
- ✓ Support implementation of education policy;
- ✓ Promote learner welfare and protection;
- ✓ Facilitate collaboration between parents and education authorities.

The Amendment Bill must therefore strengthen and operationalize—not diminish—the institutional role of the National Parents Association.

3.0 OBJECTIVES AND KEY PROVISIONS OF THE BASIC EDUCATION (AMENDMENT) BILL, 2025

The Bill introduces significant reforms intended to strengthen governance, coordination, and administration of basic education in Kenya.

Key reforms include:

- ✓ Establishment and restructuring of decentralized education governance mechanisms;
- ✓ Strengthening administrative oversight at devolved levels;
- ✓ Improving coordination of education management;
- ✓ Enhancing governance and operational efficiency.

These reforms are commendable and necessary.

However, the Bill does not adequately integrate the National Parents Association into the proposed governance architecture.

4.0 KEY GAPS IDENTIFIED IN THE BILL

4.1 Absence of Mandatory Institutional Representation of NPA

The Bill does not expressly provide for representation of the National Parents Association in:

- ✓ National education governance structures;

- ✓ County Education Boards;
- ✓ Sub-County Education Boards;
- ✓ Education policy implementation and oversight mechanisms.

This omission contradicts the statutory intent of the Basic Education Act, 2013.

4.2 Weak Institutional Anchoring of Parental Participation

While the Bill strengthens administrative governance, it does not provide statutory mechanisms to operationalize structured parental participation through the National Parents Association.

This creates risks of:

- ✓ Exclusion of parents from governance processes;
- ✓ Weak accountability mechanisms;
- ✓ Reduced stakeholder ownership of education policy.

4.3 Absence of Statutory Coordination Framework Between NPA and Education Authorities

The Bill does not establish formal coordination mechanisms between NPA and:

- ✓ Ministry of Education;
- ✓ National Education Board;
- ✓ County Education Boards;
- ✓ Sub-County Education Boards.

This undermines effective stakeholder coordination.

4.4 Risk of Administrative Centralization Without Stakeholder Safeguards

Without statutory representation of NPA, governance structures risk becoming administratively centralized without sufficient stakeholder accountability safeguards.

5.0 PROPOSED LEGISLATIVE AMENDMENTS

The National Parents Association respectfully proposes the following amendments:

Amendment 1: Mandatory Representation of NPA in County and Sub-County Education Boards

Insert new clause:

> *"The National Parents Association shall nominate at least two representatives to serve as members of each County Education Board and Sub-County Education Board."*

Amendment 2: Statutory Recognition of NPA as a Core Stakeholder in Education Governance

Insert provision stating:

> *"The National Parents Association shall be recognized as a principal stakeholder in basic education governance and shall participate in education policy formulation, implementation, and oversight."*

Amendment 3: Mandatory Consultation with NPA

Insert provision stating:

> *"Education authorities at national, county, and sub-county levels shall consult the National Parents Association on matters affecting education governance, policy implementation, and learner welfare."*

Amendment 4: Establishment of NPA Structures at Devolved Levels

Insert provision establishing:

- ✓ *County Parents Associations;*
- ✓ *Sub-County Parents Associations;*

as operational structures under the National Parents Association.

Amendment 5: Statutory Protection of NPA Institutional Independence

Insert provision stating:

> *"Representatives nominated by the National Parents Association shall serve independently and shall not be removed except in accordance with law."*

Amendment 6: Statutory Operational Support for NPA

Insert provision stating:

> *"Parliament shall provide funding and institutional support to facilitate effective functioning of the National Parents Association."*

6.0 POLICY AND GOVERNANCE JUSTIFICATION

Strengthening the National Parents Association will:

6.1 Enhance Accountability

Parents provide direct oversight and grassroots accountability.

6.2 Strengthen Learner Protection

Parents identify and respond to risks affecting learners.

6.3 Improve Education Outcomes

Parental participation improves attendance, retention, and performance.

6.4 Improve Governance Transparency

Independent parental representation strengthens governance integrity.

6.5 Improve Policy Implementation

Parents facilitate policy implementation at community level.

7.0 RISKS OF NON-INCLUSION OF NPA

Failure to strengthen NPA may result in:

- ✓ Weak stakeholder participation;
- ✓ Reduced governance accountability;
- ✓ Poor policy implementation;
- ✓ Increased learner vulnerability;
- ✓ Institutional governance gaps.

8.0 CONCLUSION

The Basic Education (Amendment) Bill, 2025 presents an important opportunity to strengthen education governance in Kenya.

However, the Bill must explicitly anchor and strengthen the National Parents Association as a statutory stakeholder in education governance.

This will ensure alignment with:

- ✓ Constitution of Kenya, 2010;
- ✓ Basic Education Act, 2013;
- ✓ Principles of participatory governance;
- ✓ Best practices in education governance.

9.0 PRAYER

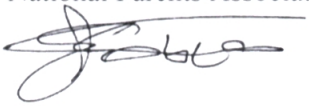
The National Parents Association respectfully requests the Senate to:

1. Amend the Bill to provide mandatory representation of NPA;
2. Strengthen statutory recognition of NPA;
3. Establish structured consultation frameworks;
4. Protect NPA institutional independence;
5. Provide operational support for NPA.

10.0 SIGNATURE

Submitted by:

Chairperson
National Parents Association



Secretary General
National Parents Association

DADAAB REFUGEE LED ORGANIZATIONS NETWORK

MEMORANDUM

SUBMITTED BY: DADAAB REFUGEE-LED ORGANIZATIONS NETWORK (DARLON)

TO: THE SENATE STANDING COMMITTEE ON EDUCATION

ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

1. **INTRODUCTION**

The Dadaab Refugee-Led Organizations Network (DARLON) is a network of Refugee-Led Organizations (RLOs) operating in the Dadaab Refugee Complex in Garissa County.

DARLON represents youth, women-led organizations, community-based organizations, educators, and humanitarian actors working to promote access to quality education, youth empowerment, peaceful coexistence, and community development.

We appreciate the opportunity provided by the Senate to submit our views pursuant to Article 118 of the Constitution and Standing Order 145(5).

Public participation is a cornerstone of Kenya's democratic governance, and we commend the Senate for upholding this constitutional principle.

2. **CONTEXT**: EDUCATION IN DADAAB REFUGEE COMPLEX

Dadaab hosts one of the largest refugee populations in Kenya.

Refugee learners in Dadaab:

A). Follow the Kenyan Competency-Based Curriculum (CBC)

B). Sit for national examinations (KPSEA, KCPE, KCSE)

C). Learn in institutions supported by both Government and humanitarian partners

D). Face significant infrastructure, teacher, and resource constraints

Education in Dadaab operates within Kenya's legal and policy framework, including the Basic Education Act and the Refugee Act.

Therefore, any amendment affecting County and Sub-County Education Boards directly impacts refugee learners and schools in Dadaab.

3. **UNDERSTANDING OF THE PROPOSED AMENDMENT**

The Bill seeks to:

A). Delete the provision mandating County Education Boards to appoint Sub-County Education Boards.

B). Establish Sub-County Education Boards in a revised structure.

C). Require consultation between Sub-County and County Education Boards in performance of their functions.

While administrative restructuring may improve efficiency, it is critical that governance reforms do not unintentionally weaken representation, inclusion, or oversight in marginalized and refugee-hosting regions.

4. **KEY CONCERNS FROM A REFUGEE CONTEXT**

4.1 Representation of Refugee-Hosting Areas

Garissa County, particularly Dadaab Sub-County, hosts a large refugee population whose education system is uniquely structured.

We are concerned that:

》 The restructuring may not explicitly safeguard representation of marginalized or special-context regions such as refugee-hosting areas.

》 Refugee education stakeholders may not have formal participation space in Sub-County Education governance.

Recommendation:

The Bill should explicitly provide for inclusion of representatives from marginalized, special-context, or refugee-hosting communities in Sub-County Education Boards.

4.2 Inclusion of Non-State and Refugee Education Actors

Education delivery in Dadaab is supported by:

A). Refugee teachers

B). Community education committees

C). Refugee-led organizations

D). Humanitarian partners

These actors play a vital operational and oversight role.

Recommendation:

The Bill should:

》 Recognize and provide structured engagement mechanisms between Sub-County Education Boards and community-based, refugee-led, and humanitarian education stakeholders.

》 Mandate periodic stakeholder consultation forums at Sub-County level.

4.3 Protection of Access and Equity

Refugee learners face:

A). Overcrowded classrooms

B). Limited infrastructure

C). Teacher shortages

D). Resource constraints

Governance restructuring must not:

A). Delay decision-making

B). Reduce coordination between County and Sub-County structures

C). Create administrative gaps affecting vulnerable learners

Recommendation:

The amendment should include a transitional safeguard clause ensuring continuity of services and administrative clarity during restructuring.

4.4 Alignment with Kenya's Refugee and Inclusion Policies

Kenya has made significant commitments through:

》 The Refugee Act, 2021

》 The Shirika Plan

》 International refugee protection frameworks.

Education governance reforms must align with Kenya's commitment to inclusion and integration of refugees into national systems.

Recommendation:

The Committee should ensure the amendment strengthens inclusive governance in line with Kenya's international and national commitments.

5. **PROPOSED ADDITIONAL AMENDMENT LANGUAGE (SUGGESTED)**

DARLON respectfully proposes consideration of an additional clause stating:

》 "In constituting Sub-County Education Boards in areas hosting refugees or other marginalized populations, due consideration shall be given to representation of education stakeholders from such communities to promote inclusivity, equity, and effective service delivery."

6. **WHY THIS MATTERS**

Education in Dadaab is not only a service, it is:

》 A tool for peacebuilding

》 A prevention mechanism against radicalization and criminal networks

》 A pathway to self-reliance

》 A bridge between refugee and host communities

Governance reforms must strengthen, not weaken, these foundations.

7. **CONCLUSION**

DARLON supports reforms that:

A). Enhance efficiency

B). Strengthen accountability

C). Improve coordination between County and Sub-County structures.

However, we urge the Senate to ensure that the Basic Education (Amendment) Bill, 2023:

A). Protects marginalized and refugee-hosting areas

B). Enhances inclusive representation

C). Safeguards continuity of education services

D). Aligns with Kenya's refugee inclusion commitments.

We remain available to appear before the Committee for oral submissions and further clarification.

8. **CONTACT INFORMATION DARLON...**

Dadaab Refugee Complex - Garissa County, Kenya

dadaabrefugeeledorganizationsn@gmail.com

Phone No: +254769319668

Submitted by: Mw. Tawane

On behalf of DARLON

Date: 25th February 2026.

CONSORTIUM OF SECONDARY SCHOOLS
ALUMNI ASSOCIATIONS OF KENYA

MEMORANDUM ON THE BASIC EDUCATION (AMENDMENT) BILL 2023 (NATIONAL ASSEMBLY BILLS, No. 59 OF 2023)

Submitted to: The Senate Standing Committee on Education, Parliament of Kenya
Via email to: clerk.senate@parliament.go.ke
CC: educationcommittee.senate@parliament.go.ke
Submitted by: The Consortium of Secondary Schools Alumni Associations of Kenya (COSSAAK)
From: cossaak.federation@gmail.com

Date: 5 March 2026

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3.0 Proposed amendments for inclusion in the Basic Education (Amendment) Bill, 2023
4.0 Further recommendations for consideration under the Basic Education Act, 2013
5.0 Conclusion

Annexures:

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Annexure B: The Basic Education Act, 2013, relevant extracts *[pages fourteen to twenty]*
Annexure C: COSSAAK Governance and Membership *[pages twenty-one to twenty-four]*

[Total number of pages in this Memorandum: *twenty-four pages*]

Executive Committee: *President:* Maurice Nduranu | *Deputy President Administration & Policy:* Dr. Selpher Cheloti
Deputy President Partnerships & External Affairs: Frank Mutua | *Secretary-General:* Louise Nyamu-Steinbeck
Treasury Secretary: Elsa Mavisi | *Organising Secretary:* Hellen Gitonga Muyumbu | *Communications Secretary:* [vacant]
Legal Secretary: Laureen Magotsi | *Chairperson Advisory Council:* Leonard Mudachi

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1.0 Introduction

The Consortium of Secondary Schools Alumni Associations of Kenya (COSSAAK) is a federation of secondary school alumni associations, registered by the Registrar of Societies under Reg. No. SOCA-44SLGYE, and currently representing 76 member alumni associations nationwide.

COSSAAK appreciates the invitation by the Senate Standing Committee on Education to submit memoranda on the Basic Education (Amendment) Bill, 2023.
COSSAAK submits the views below to strengthen stakeholder participation in basic education governance, with specific emphasis on structured alumni engagement.

In addition to proposed amendments that can be accommodated within the Basic Education (Amendment) Bill, 2023, this memorandum also sets out further recommendations to strengthen related provisions of the Basic Education Act, 2013 for the Committee's noting and inclusion in its report for subsequent legislative or regulatory action.

2.0 Policy concern and gap

Alumni associations are established, organised stakeholders that contribute to the education ecosystem through mentorship, career guidance, bursaries and scholarships, resource mobilisation, infrastructure support, community engagement, and preservation of school heritage.

The Basic Education (Amendment) Bill, 2023 proposes the establishment of Sub-county Education Boards through amendments to Section 18 of the Basic Education Act, 2013.
This new governance layer is an appropriate entry point to provide explicit recognition of alumni associations as stakeholders for consultation, coordination, and partnership at local level.

3.0 Proposed amendments to the Basic Education (Amendment) Bill, 2023

3.1 Proposed amendment to Clause 2, proposed new Section 18A(1) on establishment of Sub-county Education Boards

3.1.1 Current wording

Section 18A(1) currently provides that "A County Education Board shall, in consultation with the National Education Board and relevant stakeholders, establish a Sub-county Education Board for every Sub-county in the respective county".

3.1.2 Proposed insertion:

After the words "relevant stakeholders", insert the words "including registered alumni associations and other organised community stakeholder groups".

3.1.3 Justification:

The Bill already anticipates consultation with stakeholders when establishing Sub-county Education Boards. Making alumni associations explicit strengthens clarity and ensures consistent practice across counties. It also promotes transparency and predictability in stakeholder engagement by recognising organised, registered entities that can be readily identified and held accountable through their registration status.

3.2 Proposed amendment to Clause 2, proposed new Section 18A(3) on functions of the Sub-county Education Board

3.2.1 Current wording

Section 18A(3) currently sets out the functions of the Sub-county Education Board in paragraphs (a) to (e). Paragraph (a) provides for "registering and establishing a data bank of all education and training institutions in the Sub-county".

3.2.2 Proposed insertion

(i) Insert a new paragraph immediately after section 18A(3)(a) as follows:
"(b) maintain a register and data bank of registered alumni associations of basic education institutions within the Sub-county, including official registration details and contact persons, and facilitate structured engagement between such associations and the relevant institutions in support of mentorship, guidance, resource mobilisation, and school development priorities."

(ii) Renumber the existing paragraphs section 18A(3)(b) to (e) as section 18A(3)(c) to (f), and make any consequential renumbering required within the Bill.

3.2.3 Justification

This amendment strengthens the Bill's data bank function by recognising organised alumni associations as part of the local education support architecture. A maintained register enables orderly and transparent coordination between Sub-county Education Boards, institutions, and registered alumni associations, reduces duplication and ad hoc engagement, and provides a practical basis for inviting nominations, partnerships, or specialised support where the Board requires structured stakeholder input or co-opted expertise to support mentorship, learner guidance, resource mobilisation, and school development priorities.

3.3 Proposed amendment to Clause 2, proposed new Section 18G on co-option

3.3.1 Current wording

Section 18G currently provides that "a Sub-county Education Board may, from time to time, co-opt into its membership such persons not being more than three as it is satisfied that such persons possess skills and experience necessary in the discharge of the functions of the Sub-county Education Board."

3.3.2 Proposed insertion:

Add a proviso to the co-option provision to read:
"In co-opting persons under this section, the Sub-county Education Board shall, where practicable, invite nominations from registered alumni associations within the Sub-county and consider co-opting at least one such nominee who possesses relevant skills and experience in education support, governance, mentorship, finance, the built environment, or community development. In inviting or verifying nominations, the Board may consult a recognised national federation of registered alumni associations, including COSSAAK, where applicable."

3.3.3 Justification:

This creates a workable and transparent route for alumni participation without altering the Bill's fixed membership structure. It supports merit-based co-option by requiring the Board, where practicable, to invite nominations from registered alumni associations, while allowing optional consultation with a recognised federation, including COSSAAK, to verify nominations and reduce administrative uncertainty. This preserves the Board's discretion under section 18G to co-opt persons based on skills and experience.

4.0 Further recommendations for the Committee's consideration, outside the immediate scope of this Bill

4.1 Proposed amendment to the Basic Education Act, 2013, Section 4(l): Guiding principles

4.1.1 Current wording (Basic Education Act, 2013, section 4(l))

"(l) promotion of good governance, participation and inclusiveness of parents, communities, private sector and other stakeholders in the development and management of basic education;"

4.1.2 Proposed amendment

Amend paragraph (l) by inserting the words "registered alumni associations" immediately after the words "private sector", so that the paragraph reads:
"(l) promotion of good governance, participation and inclusiveness of parents, communities, private sector, registered alumni associations and other stakeholders in the development and management of basic education;"

4.1.3 Justification

This clarifies, at the level of guiding principles, that registered alumni associations are recognised stakeholders in the development and management of basic education, supporting consistency and transparency in stakeholder participation across counties.

4.2 Proposed amendment to the Basic Education Act, 2013, Section 24: Co-option by County Education Boards

4.2.1 Current wording (Basic Education Act, 2013, section 24)

"The County Education Boards may from time to time co-opt into its membership such persons not being more than three as it is satisfied possess skills and experience to assist in the discharge of the functions of the County Education Board."

4.2.2 Proposed insertion

Add a proviso to Section 24 to read:
"Provided that, subject to the limit in this section, in exercising the power to co-opt under this section, the County Education Board shall, where practicable, invite nominations from registered alumni associations of basic education institutions within the county and consider co-opting at least one such nominee who possesses relevant skills and experience in education support, governance, mentorship, finance, the built environment, or community development. In inviting or verifying nominations, the Board may consult a recognised national federation of registered alumni associations, including COSSAAK, where applicable."

4.2.3 Justification

This strengthens county-level education governance by introducing a clear, merit-based and more transparent pathway for accessing organised alumni expertise, without altering the statutory composition of the County Education Board or the existing cap on co-opted members. It supports more consistent stakeholder engagement and informed decision-making on oversight and coordination. It is especially relevant because Boards of Management are appointed by the County Education Board under the Basic Education Act, 2013.

4.3 Proposed insertion of a new Section 55A and a new Seventh Schedule on alumni associations

4.3.1 Proposed new section 55A (Recognition of alumni associations)

Insert a new section immediately after section 55 as follows:
"55A. (1) A basic education institution may be supported by an alumni association.
(2) Where an alumni association (including an alumnae association) exists and is registered under the Societies Act (Cap. 108), it shall be recognised for purposes of structured engagement under this Act.
(3) The definition, character and functions of alumni associations recognised under this Act shall be as set out in the Seventh Schedule."

4.3.2 Proposed Seventh Schedule (s. 55A)

SEVENTH SCHEDULE

DEFINITION, CHARACTER AND FUNCTIONS OF ALUMNI ASSOCIATIONS

1. Definition

   "Alumni association" means an organised body of former learners of a basic education institution that is registered under the Societies Act (Cap. 108) and recognised under section 55A, and includes an association of former learners described as an "alumnae association" or by any equivalent title.

2. Character

   (1) An alumni association recognised under this Act shall operate on a non-profit basis.

   (2) The primary objective of an alumni association shall be to maintain engagement with its alma mater and foster connections among former learners in support of education outcomes.

3. Functions

   An alumni association may, in support of a basic education institution:

   (i) provide mentorship, motivation, and career guidance to current learners.
   (ii) support fundraising and resource mobilisation for institutional priorities.
   (iii) organise programmes and events that contribute to the growth and development of the institution.
   (iv) promote community engagement involving learners, staff, parents, and other stakeholders through social and educational programmes.
   (v) mobilise resources for the vetting and sponsorship of meritorious and needy learners, including bursaries and scholarships.
   (vi) mobilise resources for, and participate in, infrastructure development and improvement of learning facilities, subject to applicable procurement and governance requirements.
   (vii) facilitate networking opportunities among alumni for the benefit of the institution and its learners.
   (viii) promote volunteering and co-operation among alumni in support of the education objectives of the Republic of Kenya and applicable international obligations.
   (ix) promote and protect the academic reputation and public profile of the institution nationally and internationally, for the benefit of the school community.
   (x) perform any other function geared towards improving the quality of teaching and learning in the institution.

4.3.3 Justification

A dedicated statutory recognition framework reduces ambiguity on how alumni associations interface with school governance, enables structured accountability, and supports sustainable alumni contributions across the basic education system.

4.4 Proposed amendment to the Basic Education Act, 2013, Section 56 (Composition of Board of Management)

4.4.1 Current position

Section 56(1) of the Basic Education Act, 2013 provides that the Board of Management (established under section 55) is appointed by the County Education Board and comprises parent representatives, a County Education Board nominee, a teacher representative,

sponsor representatives, a representative of special interest groups, a representative of persons with special needs, and a students' council representative as an ex officio member. Section 56(2) to (3) further allows the Board to co-opt up to three additional persons for skills and experience, without voting rights.

4.4.2 Proposed amendment

(i) Insert a new paragraph immediately after section 56(1)(d) as follows:
"(e) three persons nominated by the alumni association of the institution, where an alumni association registered under the Societies Act (Cap. 108) exists, and appointed by the County Education Board."

(ii) Renumber the existing paragraphs section 56(1)(e) to (g) as section 56(1)(f) to (h), and make any consequential renumbering required within the Act.

(iii) Insert a proviso at the end of section 56(1) as follows:
"Provided that where no registered alumni association exists, the County Education Board shall, in consultation with the head of the institution and the Parents Association, appoint three alumni representatives of good standing to serve for the purposes of paragraph (e)."

4.4.3 Justification

This amendment provides explicit statutory recognition of alumni as stakeholders in institutional governance and creates a defined route for structured alumni participation in school development, while retaining the County Education Board's appointing mandate and aligning appointments to existing constitutional and integrity expectations.

4.5 Proposed amendment to the Basic Education Act, 2013, Section 57 (Qualifications of members of Boards of Management)

4.5.1 Current position

Section 57(1) provides that the Cabinet Secretary shall, by regulations, prescribe the qualifications for persons who may be appointed to or co-opted into Boards of Management. Section 57(2) requires the nominating and appointing authority to observe ethnic and regional diversity, impartiality and gender equity, and Article 10 and Chapter Six of the Constitution.

4.5.2 Proposed amendment

Insert a new subsection immediately after section 57(1) as follows:
"(1A) Without prejudice to subsection (1), the regulations shall prescribe minimum qualifications and competency areas for appointment or co-option into a Board of Management, including competencies in education, law and policy, governance and ethics, finance and audit, business and strategy, economics, technology and digital learning, the built environment and infrastructure oversight, human resource management, the arts and culture, sports and co-curricular development, vocational and applied arts and sciences, and theology, among others. For avoidance of doubt, section 57(2) shall continue to apply to all appointments and co-options."

4.5.3 Justification

This amendment modernises school governance by requiring a baseline of relevant competencies that match the operational realities of today's institutions, including stronger oversight of finance, risk, infrastructure, technology, and learner support. Explicit inclusion of sports and co-curricular development reflects the growing weight of co-curricular pathways in learner development and school performance, and supports safer, better governed talent programmes, competitions, facilities, and partnerships. This approach also aligns with curriculum reforms that emphasise competencies and holistic education, without tying the Act to any single curriculum model that may evolve over time.

5.0 Conclusion

COSSAAK respectfully requests the Senate Standing Committee on Education to consider and adopt the proposed amendments set out in Section 3.0 of this Memorandum for inclusion in the Basic Education (Amendment) Bill, 2023.

COSSAAK further requests the Committee to note the additional recommendations set out in Section 4.0, which relate to the broader governance framework under the Basic Education Act, 2013, and to include these recommendations in the Committee's report, together with a recommendation for subsequent legislative amendments or subsidiary legislation to give effect to structured alumni recognition and participation at institutional level.

Recognising alumni associations within the education governance architecture will strengthen community participation, enhance governance, and improve educational outcomes.

Should the Committee require further clarification or engagement on any of the proposals, COSSAAK remains available through its Executive Committee.

Yours sincerely,

Maurice Nduranu
President, COSSAAK
+254-717-516734 / maurice@flux.co.ke

ANNEXURE A

EXTRACTS OF THE BASIC EDUCATION (AMENDMENT) BILL, 2023
(National Assembly Bills No. 59 of 2023)

Attached to: Memorandum on the Basic Education (Amendment) Bill, 2023 submitted by the Consortium of Secondary Schools Alumni Associations of Kenya (COSSAAK), dated 5 March 2026.

Source: Official publication.

https://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2023/TheBasicEducation_Amendment_Bill_2023.pdf

Extracts attached for ease of reference and relate to Clause 2 and the proposed Sections 18A to 18G.

Annexure page reference: Annexure A pages A1 to A5.

Executive Committee: *President:* Maurice Nduranu | *Deputy President Administration & Policy:* Dr. Selpher Cheloti
Deputy President Partnerships & External Affairs: Frank Mutua | *Secretary-General:* Louise Nyamu-Steinbeck
Treasury Secretary: Elsa Mavisi | *Organising Secretary:* Hellen Gitonga Muyumbu | *Communications Secretary:* [vacant]
Legal Secretary: Laureen Magotsi | *Chairperson Advisory Council:* Leonard Mudachi

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REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 13th September, 2023

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Bill for Introduction into the National Assembly—

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The Basic Education (Amendment) Bill, 2023 1703

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THE BASIC EDUCATION (AMENDMENT) BILL, 2023

A Bill for

AN ACT of Parliament to amend the Basic Education Act and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

Short title.

1. This Act may be cited as the Basic Education (Amendment) Act, 2023.

Amendment of section 18 of No. 14 of 2013.

2. Section 18 of the Basic Education Act is amended by—

(a) deleting subsection (2); and

(b) inserting the following new sections immediately after section 18—

The Sub-county Education Board.

18A. (1) A County Education Board shall, in consultation with the National Education Board and relevant stakeholders, establish a Sub-county Education Board for every Sub-county in the respective county.

(2) The Sub-county Education Board shall be an agent of the County Education Board.

(3) The Sub-county Education Board shall—

(a) register and establish a data bank of all education and training institutions in the Sub-county;

(b) in consultation with residents of the Sub-county, recommend institutions that may receive funding for infrastructural development funding;

(c) review the Board of Management reports of the respective schools within the Sub-county and, submit the reports to the County Education Board;

(d) assess the budgetary requirements of learning institutions in the Sub-county

and develop allocation programmes, including programmes on allocation of institutional lunch; and

(e) perform any other function that may be assigned by the County Education Board under this Act.

Consultation with the County Education Board.

18B. (1) The Sub-county Education Board shall consult with the County Education Board in the performance its functions.

(2) Despite the provisions of subsection (1), the Cabinet Secretary shall in consultation with National Education Board, through the existing mechanisms for coordination of inter-governmental relations, make regulations prescribing the coordination between the National Education Board, the County Education Boards and the Sub-county Education Boards.

Composition of Sub-county Education Boards.

18C. (1) Every Sub-county Education Board shall consist of a Chairperson and six other members appointed by the Cabinet Secretary through an open and competitive process.

(2) The Board members under subsection (1) shall include—

(a) the Member of Parliament for each of the constituencies within the Sub-county who shall be an ex-officio member of the Board;

(b) the Sub-county Director of Education or a designate of the Sub-county Director of Education;

(c) the County Executive in charge of Education or a designate of the County Executive in charge of Education;

(d) one person designated by the Teachers

Sub-county Education Board shall be appointed for a term of five years and be eligible for re-appointment for one further term.

Meetings of the Sub-county Education Board.

18E. (1) A Sub-county Education Board shall hold meetings on a need basis at such places and at such times as the County Education Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding subsection (1), the Sub-county Education Board shall not meet more than four times in each financial year.

Remuneration of the Sub-county Education Board.

18F. The members of the Sub-county Education Board shall be paid by the organisations they represent in the Board such allowances and disbursements for expenses as may be approved by Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Co-option.

18G. A Sub-county Education Board may from time to time co-opt into its membership such persons not being more than three as it is satisfied that possess skills and experience necessary in the discharge of the functions of the Sub-county Education Board.

ANNEXURE B

EXTRACTS OF THE BASIC EDUCATION ACT, 2013

Attached to: Memorandum on the Basic Education (Amendment) Bill, 2023 submitted by the Consortium of Secondary Schools Alumni Associations of Kenya (COSSAAK), dated 5 March 2026.

Source: Official publication.

https://www.parliament.go.ke/sites/default/files/2017-05/BasicEducationActNo_14of2013.pdf

Extracts attached for ease of reference and relate to Section 4 and Sections 55 to 57.

Annexure page reference: Annexure B pages B1 to B7.

Executive Committee: *President:* Maurice Nduranu | *Deputy President Administration & Policy:* Dr. Selpher Cheloti
Deputy President Partnerships & External Affairs: Frank Mutua | *Secretary-General:* Louise Nyamu-Steinbeck
Treasury Secretary: Elsa Mavisi | *Organising Secretary:* Hellen Gitonga Muyumbu | *Communications Secretary:* [vacant]
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THE BASIC EDUCATION ACT, 2013

No. 14 of 2013

Date of Assent: 14th January, 2013

Date of Commencement: 25th January, 2013

ARRANGEMENT OF SECTIONS

Sections

PART I — PRELIMINARY

1 —Short title.

2 —Interpretation.

3 —Application.

4 —Guiding principles.

PART II – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE NATIONAL EDUCATION BOARD

5 —Establishment and functions of the Board.

6 — Conduct of business and affairs of the Board.

7 —Composition of the Board.

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16— Secretary to the Board.

PART III – COUNTY EDUCATION BOARDS

17— County Education Board.

18— Functions of the County Education Boards.

19— Consultation with National Education Board.

20—Composition of the County Education Boards.

Guiding principles.

4. The provision of basic education shall be guided by the following values and principles-

(a) the right of every child to free and compulsory basic education;

(b) equitable access for the youth to basic education and equal access to education or institutions;

(c) promotion of quality and relevance;

(d) accountability and democratic decision making within the institutions of basic education;

(e) protection of every child against discrimination within or by an education department or education or institution on any ground whatsoever;

(f) protection of the right of every child in a public school to equal standards of education including the medium of instructions used in schools for all children of the same educational level

(g) without prejudice to paragraph (f) above, advancement and protection of every child in pre-primary and lower primary level of education to be instructed in the language of his or her choice where this is reasonably practicable;

(h) encouraging independent and critical thinking; and cultivating skills, disciplines and capacities for reconstruction and development;

(i) promotion of peace, integration, cohesion, tolerance, and inclusion as an objective in the provision of basic education;

(j) elimination of hate speech and tribalism through instructions that promote the proper appreciation of ethnic diversity and culture in society;

(k) imparting relevant knowledge, skills, attitudes and values to learners to foster the spirit and sense of patriotism, nationhood, unity of purpose, togetherness, and respect;

(l) promotion of good governance, participation and inclusiveness of parents, communities, private sector and other stakeholders in the development and management of basic education;

Boards.

provided in the Second Schedule.

(2) Except as provided in the Second Schedule, the County Education Boards may regulate its own procedure.

Tenure.

22. (1) The Chairperson shall serve for a term of four years renewable once.

(2) The members shall serve for a renewable term of three years.

Provided that the Cabinet Secretary shall by regulation, provide for the staggering of the terms of the inaugural Board members.

Remuneration of the County Education Boards.

23. The members of the County Education Boards shall be paid such allowances and disbursements for expenses as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Co-option.

24. The County Education Boards may from time to time co-opt into its membership such persons not being more than three as it is satisfied possess skills and experience to assist in the discharge of the functions of the County Education Board.

Committees of the County Education Board.

25. (1) A County Education Board may establish such committees as may be appropriate to perform such functions and discharge such responsibilities as it may determine.

(2) Without prejudice to the provisions of sub-section (1) the County Education Board shall set up specialized committees on-

(a) finance, audit and human resources;

(b) basic education;

(c) special needs education;

(d) early childhood care and education;

(e) vocational institutions and youth polytechnics;

(f) standards and quality assurance;

(g) assessment and examinations;

(h) dispute resolution; and

(o) supervision of handing and taking over in schools and educational institutions in consultation with the Teacher Service Commission;

(p) oversee the proper management and maintenance of school buildings, property and infrastructure development;

(q) monitoring and evaluation of education programmes;

No.20 of 2012

(r) management of co-curricular activities, sports education and talent development in basic education institutions in the County;

(s) any other duties assigned by the Cabinet Secretary.

(8) The County Director of Education shall, in the performance of the functions under subsection (7), have due regard to the teacher management functions provided under Article 237 of the Constitution and the Teachers Service Commission Act.

Board of management.

55. (1) There shall be a Board of Management for every public -

(a) pre-primary institution;

(b) primary school;

(c) secondary school;

(d) adult and continuing education centre;

(e) multipurpose development training institute; or

(f) middle level institutions of basic education.

(2) Notwithstanding subsection (1) every school shall have a parents association which shall be constituted in the manner set out in the Third Schedule.

(3) Every private school shall establish a parents' teachers association.

Composition of Board of Management.

56. (1) The Board of Management established under section 55 shall consist of the following members appointed by the County Education Board:

(a) six persons elected to represent parents of the pupils in the school or local community in the

case of county secondary schools;

(b) one person nominated by the County Education Board;

(c) one representative of the teaching staff in the school elected by the teachers;

(d) three representatives of the sponsors of the school;

(e) one person to represent special interest groups in the community; and

(f) one person to represent persons with special needs;

(g) a representative of the students' council who shall be an *ex officio* member

(2) The Board of Management may from time to time co-opt into its membership such persons as it is satisfied possess skills and experience to assist in the discharge of the Board's functions.

(3) The number of members of the Board of Management co-opted under subsection (2) shall not exceed three at any particular time and such members do not have a right to vote at the meetings of the Board.

(4) The members of the Board of Management shall elect their chairperson from amongst themselves provided that the member to be so elected shall not be a person who was appointed under subsection (1)(c).

(5) For public schools sponsored by faith-based organisations, the Chairperson of the Board of Management shall be appointed by the County Education Board in consultation with the sponsor.

(6) For a public school, the chairperson of the Board of Management shall be elected by the members in their first meeting.

(7) Despite subsection (5), a faith-based sponsor who does not make a significant contribution and impact to a school or institution as contemplated under section 2 of the Act shall not be consulted in the appointment of the chairperson of the Board of Management of that school or institution.

(8) The conduct and affairs of the Board of Management shall be as set out in the Fourth Schedule.

(9) The provisions of sections 54 to 57 shall apply *mutatis mutandis* to a board of management of any public-

(a) primary school;

(b) secondary school;

(c) adult and continuing education centre; and

(d) multipurpose development training institute.

Qualifications of members of boards of management.

57. (1) The Cabinet Secretary shall, by regulations prescribe the qualifications for persons who may be appointed to or co-opted into the Board of Management of a primary school, secondary school, adult continuing education centre, multipurpose development training institution or any basic education institution under this Act.

(2) In appointing persons as members of a board of management, the nominating and appointing authority shall observe and respect:

(a) the ethnic and regional diversity of the people of Kenya;

(b) impartiality and gender equity; and

(c) Article 10 and Chapter Six of the Constitution.

Functions of a Management Committee of pre-primary institution.

58. (1) The functions of a Management Committee of a pre-primary institution shall be to –

(a) promote the best interests of the institution and ensure the institution's development;

(b) develop a strategic plan for the institution;

(c) promote quality care, nutritional and health status of the children;

(d) ensure the development of the children's knowledge, self-confidence, free expression, spiritual and social values and appreciation of other people's needs and views;

(e) provide a secure physical and psycho-

ANNEXURE C

COSSAAK GOVERNANCE AND MEMBERSHIP

Attached to: Memorandum on the Basic Education (Amendment) Bill, 2023 submitted by the Consortium of Secondary Schools Alumni Associations of Kenya (COSSAAK), dated 5 March 2026.

Executive Committee, Advisory Council, and list of member associations as at 5 March 2026.

Annexure page reference: Annexure C pages C1 to C4.

Executive Committee: *President:* Maurice Nduranu | *Deputy President Administration & Policy:* Dr. Selpher Cheloti
Deputy President Partnerships & External Affairs: Frank Mutua | *Secretary-General:* Louise Nyamu-Steinbeck
Treasury Secretary: Elsa Mavisi | *Organising Secretary:* Hellen Gitonga Muyumbu | *Communications Secretary:* [vacant]
Legal Secretary: Laureen Magotsi | *Chairperson Advisory Council:* Leonard Mudachi

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Executive Committee (ExCo)

1. President ➢ Maurice Nduranu (Chairman Emeritus: Alliance High School Old Boys' Club)
2. Deputy President: Administration & Policy ➢ Dr. Selpher Cheloti (Chairperson Emerita: Butere Girls High School Alumni Association)
3. Deputy President: Partnerships & External Affairs ➢ Frank Mutua (Honorary Chairman Emeritus: Laibon Society [Lenana School])
4. Secretary-General ➢ Louise Nyamu-Steinbeck (President: The Kenya High School Alumnae Society, KHS-AS)
5. Treasury Secretary ➢ Elsa Mavisi (Chairperson: The State House Girls High School Alumni Association)
6. Organising Secretary ➢ Hellen Muyumbu (Chairperson Emerita: Old Ngandu Girls Association, ONGA)
7. Legal Secretary ➢ Adv. Laureen Magotsi (Chairperson: Pangani Girls Alumni Association)
8. Communications Secretary ➢ [vacant]
9. Chairperson: Advisory Council ➢ Leonard Mudachi (Chairman Emeritus: Old Cambrian Society [Nairobi School])

Advisory Council (Chairs Emeriti)

1. Dr. Martin Osumba ➢ President Emeritus: Old Starehian Society
2. Charles Muyembe ➢ Chairman Emeritus: Kakamega School Alumni Association
3. Ibrahim "Babangida" Khamis ➢ Chairman Emeritus: Shimo La Tewa Old Boys Association (SOBA)
4. Enid Busalo ➢ Chairperson Emerita: Mukumu Girls Alumnae Association
5. Wausi Walya ➢ Chairperson Emerita: Precious Blood Old Girls Association (PB Kilungu)
6. Adv. Debra Ogada ➢ Chairperson Emerita: Precious Blood Secondary School Riruta Alumni Association (PBSA)
7. Michael Jasper Obonyo ➢ Chairman Emeritus: Kakamega School Alumni Association
8. Hon. Justice Nzioki wa Makau ➢ President Emeritus: Old Starehian Society (OSS)

Consortium Members (Associations/Societies) + representative Chairpersons/Presidents

1. The Kenya High School Alumnae Society (KHSAS/OGA) ➢ Louise Nyamu-Steinbeck (President)
2. Alliance High School Old Boys' Club (AHS OBC) ➢ Luchiri Omoto (Chairman)
3. Old Cambrian Society (OCS, Nairobi School) ➢ Tom Masaki (Chairman)
4. Laibon Society (Lenana School) ➢ Paul Angatia (Honorary Chairman)
5. The State House Girls High School Alumni Association ➢ Elsa Mavisi (Chairperson)
6. Precious Blood Secondary School Riruta Alumni Association (PBSA) ➢ Purity Kamau (Chairperson)
7. Old Starehian Society (OSS) ➢ President-elect TBC

Executive Committee: *President:* Maurice Nduranu | *Deputy President Administration & Policy:* Dr. Selpher Cheloti
Deputy President Partnerships & External Affairs: Frank Mutua | *Secretary-General:* Louise Nyamu-Steinbeck
Treasury Secretary: Elsa Mavisi | *Organising Secretary:* Hellen Gitonga Muyumbu | *Communications Secretary:* [vacant]
Legal Secretary: Laureen Magotsi | *Chairperson Advisory Council:* Leonard Mudachi

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8. Alliance Girls High School Old Girls Association ➢ Dr. Janet Kabeberi-Macharia (Chair)
9. Mang'u Old Boys Association (MOBA) ➢ Anthony Maina Mithanga (Chairman)
10. Masen Old Boys Association (MOBA) ➢ Eng. Clarence Karot (Chairman)
11. Old Ngandu Girls Association (ONGA) ➢ Dr. Catherine Mwangi (Chair)
12. Kakamega School Alumni Association ➢ Michael Jasper Obonyo, MPRSK (Chairman)
13. Moi Forces Academies Alumni Association, Lanet Chapter ➢ Gathoni Ndung'u (Interim Chair)
14. Butere Girls High School Alumni Association ➢ Rosemary Barasa, PS, FCS (Chair)
15. Moi Girls School Nairobi Alumni Association ➢ Sue Musandu (Chairperson)
16. Kanga High School Old Boys Association (KOBA) ➢ Kenneth Owuocha (Chairman)
17. Kisumu Girls Alumni Community Based Organization ➢ Phoebe Otumba (Chairperson)
18. Mukumu Girls High School Alumnae Association ➢ Helgah Kimanani (Chairperson)
19. Ngara Girls Alumni Association (NGAA) ➢ Regina Ombam (President)
20. Moi High School Kabarak - Alumni Association ➢ Dr. Peter Moindi (Chairperson)
21. Maranda High School Alumni Association (MAHISSA) ➢ Adv. Benson Ochieng (Chairperson)
22. Kapsabet Boys Alumni Association ➢ Eng. Jackson Andembesa (Chairman)
23. Kapsabet Girls High School Alumni Association ➢ Nelly Mulema, CHRP-K (Chairperson)
24. Kisii Old Boys Association (KOBA) ➢ Daniel Kiyoli Nyarunda (Chairman)
25. Pangani Girls Alumni Association ➢ Adv. Laureen Magotsi (Chair)
26. Thiru Secondary Old Students Association (TSOSA) ➢ Edwin Njuguna Mwangi (Chairman)
27. Sironga Girls High School Alumni Association ➢ Gladyds Atambo (Chairperson)
28. Homa Bay School Alumni Association (HBSAA) ➢ Dr. Eng. Fred Nyawade (Chairperson)
29. Shimo La Tewa Old Boys Association (SOBA) ➢ Dr. Sami "Sollozzo" Athman Kivatsi (Chairman)
30. Kwale High School Old Boys Association (KOBA) ➢ Eng. Musa Ndeto (Chairman)
31. Musingu High School Alumni Association ➢ Desmond Liboyi Otwoma (Chairperson)
32. Kabare Girls High School Alumni Association ➢ Dr. Caroline Mwaura (Chairperson)
33. Lugulu Girls Alumni Association (LGAA) ➢ Lady Justice (rtd.) Ruth Sitati (Chairperson)
34. Tudor Day Secondary Old Boys Association (TOBA) ➢ Mohamed Nassor (Chairperson)
35. Friends School Kamusinga Old Boys Association ➢ Fred Waswa (Chairperson)
36. Kisumu Boys High School Alumni Association ➢ Lordvick Otieno (Chairman)
37. Butere Old Boys Association ➢ Adv. Walter Trenk Mukinginyi (President)
38. Old Bokolians Society (OBS, Friends School Bokoli) ➢ President: Walter Trenk (President)
39. Sigalame High School Alumni Association ➢ Vincent Paul Bwire (Chairperson)
40. Mama Ngina Girls Secondary School Mombasa Alumni Association ➢ Dr. Sophie Uyoga (Chairperson)
41. Old Allidinians Association (OAA, Allidina Visram High School) ➢ Boniface Mwalii, MPRSK (Chairperson)
42. Ngi'ya Girls High School Alumni Association ➢ Dr. Alice Akinyi Kaudia, EBS (Chairperson)
43. Ambira High School Alumni Association ➢ Alfrique Otieno Mwana (Chairman)
44. Kagumo Old Boys Association (KOBA) ➢ Prof. Maina Muchara (Chairman)
45. Kenyatta Old Students Association ➢ Arch. Adnan Mwakulomba (Chairperson)
46. Mugoiri Old Girls Association (MOGA) ➢ Victoria Kamau (Chairperson)

Executive Committee: *President:* Maurice Nduranu | *Deputy President Administration & Policy:* Dr. Selpher Cheloti
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47. Precious Blood Kilungu Old Girls Association (PBKOGA) ➢ Dr. Florence Kyallo (Chairperson)
48. Ramba Old Boys Association (ROBA) ➢ Kennedy Oruko (Chairman)
49. Isibania Boys High School Alumni Association (IBHSAA) ➢ Dr Jared Sunda Ombega (Chairman)
50. Sawagongo Alumni Association (SAA) ➢ George Odhiambo (Chairman)
51. Butula High School Alumni Association ➢ Dr. David S. Odaba (Chairperson)
52. The Old Limuru Girls Association (TOLGA) ➢ Wangui Moko (Chairperson)
53. Kianyaga High Alumni Association ➢ David Kariuki Ngugi (Chairman)
54. Matungulu Girls Alumni Association ➢ Juliana Kivasu (Chairperson)
55. Maryhill Girls High School Alumni Association ➢ Dr. Sunday Akoko Awot (Chairperson)
56. Mwer High School Alumni Association (MHSAA) ➢ Francis Ochung, CPA (Chairman)
57. Loreto Limuru (Kotet) Alumnae Association ➢ Kentice L. Tikolo (Chairperson)
58. Kegoye Friends Secondary School Alumni Association ➢ J. P. Shikuku (Chairperson)
59. Garbatula High School Alumni Association ➢ Adan Kabelo (Chairman)
60. Alumni Society of St. Joseph's Boys High School Kitale ➢ Kevin Kimtai (Chairperson)
61. St. Peters Mumias Alumni Association ➢ Kweya Matuli
62. Aquinas High School Alumni Association ➢ George Huma (Chairperson)
63. Olympic High School Alumni Association (OHSAA) ➢ Barack Omondi (Chairperson)
64. Murang'a Boys Alumni Association ➢ Paul Mwangi (Chairperson)
65. Chinga Boys Alumni Association ➢ Alex Gathii (Chairperson)
66. Kambui Girls Alumni Association ➢ Joy Ruo-Vogt (Chairperson)
67. Nyang'oma Secondary School Alumni Association ➢ Eng. Stephen Auma (Chairperson)
68. Wajir High School Alumni Association ➢ Hon. Abdirahman Ali Hassan (Chairman)
69. NEP Girls High School Alumni Association ➢ Hon. Sophia Abdi Noor (Chairperson)
70. Ngere High School Alumni Association ➢ CPA Mathews Adera (Chairperson)
71. Bunyore Girls High School Alumni Association ➢ Winfred Lichuma (Chairperson)
72. St. Mary's Girls' Igoji Alumni Association ➢ Charity Munyori (Chairperson)
73. Nyeri Baptist High School Alumni Association ➢ Eng. Victor Ngatia (Chairperson)
74. Highway Secondary School Alumni Association ➢ Charles Langat (Chairperson)
75. Chania High School Alumni Association ➢ Juma Hemedi (Chairperson)
76. Kapiyo Secondary School Alumni Association ➢ Willis Okello (Chairperson)

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Subject Fwd: MEMORANDUM ON THE BASIC EDUCATION BOARDS

From Education Committee <educationcommittee.senate@parliament.go.ke>

To beatricekapei <beatricekapei@gmail.com>, vjepkemoi <vjepkemoi@gmail.com>

Date Wednesday February 25, 2026 09:43:54

From: Kiprutoh <kiprutohnimcy@gmail.com>
To: educationcommittee <educationcommittee.senate@parliament.go.ke>
Date: Tuesday, 24 February 2026 19:55 EAT
Subject: MEMORANDUM ON THE BASIC EDUCATION BOARDS

(National Assembly Bills No. 59 of 2023)
Submitted to:
The Clerk of the Senate
Senate of Kenya
From:
Name: Nimcy Kosgei
Residence: Kuresoi south constituency, Nakuru county kenya
Email: kiprutohnimcy@gmail.com
Date: 24th, Tuesday February2026.

1. INTRODUCTION

I, Nimcy Kosgei, a citizen of the Republic of Kenya, submit this memorandum pursuant to Article 118 of the Constitution on public participation in legislative matters.
I have reviewed the Basic Education (Amendment) Bill, 2023, which proposes changes to the establishment and functions of Sub-County Education Boards and their relationship with County Education Boards.
Education is a key pillar of national development, and any amendment to the Basic Education Act must strengthen service delivery, accountability, and access to quality education for all Kenyan children.

2. GENERAL OBSERVATIONS

The effort by the Senate to invite public views demonstrates commitment to democratic governance and transparency. However, frequent amendments to education laws risk creating uncertainty and confusion among education officers, school administrators, and the public.
The proposed restructuring of education boards should therefore be carefully implemented to avoid duplication of roles and increased bureaucracy.

3. SUPPORT FOR DECENTRALIZATION

I support the intention of the Bill to bring education governance closer to the people through Sub-County Education Boards. This can improve:
Faster decision-making at the local level,
Better understanding of community needs,
Improved monitoring of schools.
However, this decentralization must be accompanied by:
Clear definition of roles and responsibilities,
Adequate funding from the national government,

Professional and merit-based appointments.

4. CONCERNS AND RECOMMENDATIONS

(a) Risk of Political Interference
There is a risk that Sub-County Education Boards may be politicized.
Recommendation:
Appointments should be based on professional qualifications and experience in education management, not political affiliation.
(b) Overlapping Mandates
Without clarity, County and Sub-County Education Boards may conflict in their functions.
Recommendation:
The law should clearly outline distinct roles to prevent duplication and administrative disputes.
(c) Public Awareness
Many citizens are unaware of such legislative changes.
Recommendation:
The government should strengthen civic education and ensure information reaches rural and marginalized communities in simple language.
(d) Accountability Mechanisms
There is need for stronger systems to ensure transparency in the use of public funds.
Recommendation:
Regular audits and public reporting by Sub-County Education Boards should be made mandatory.

5. CONCLUSION

While the Basic Education (Amendment) Bill, 2023 has good intentions, its success will depend on proper implementation, professionalism, and genuine public participation. The Bill should promote efficiency, reduce bureaucracy, and improve learning outcomes for Kenyan children rather than create additional administrative layers.
I urge the Standing Committee on Education to consider these views in the spirit of strengthening Kenya's education system and democratic governance.
6. DECLARATION
I submit this memorandum in good faith as a concerned Kenyan citizen committed to the improvement of education and governance in our country.
Signed:
Name: Nimcy Kosgei
Email: kiprutohnimcy@gmail.com

Subject Memorandum on the Basic Education (Amendment) Bill, 2023 – Representation and Protection of ECDE Teachers

From George Mwangi <gmm51570@gmail.com>

To clerk senate <clerk.senate@parliament.go.ke>

Cc educationcommittee senate <educationcommittee.senate@parliament.go.ke>

Date Tuesday February 24, 2026 13:04:46

To: The Clerk of the Senate
The Senate of Kenya
P.O. Box 41842-00100
Nairobi, Kenya

Through: The Standing Committee on Education

Date: 24/2/2026

RE: MEMORANDUM ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 59 OF 2023)

I write this memorandum as a concerned ECDE teacher to submit views on the proposed amendments relating to the establishment and functions of Sub-County Education Boards.

First, we appreciate the Senate for allowing public participation as required under Article 118 of the Constitution. ECDE teachers play a foundational role in the education system, and any changes affecting education governance structures directly or indirectly affect our work and welfare.

While the Bill seeks to establish Sub-County Education Boards and require consultation with County Education Boards, it does not clearly provide for representation of ECDE teachers within these structures. ECDE education forms the foundation of basic education, yet teachers in this sector often remain underrepresented in policy and administrative decision-making forums.

We therefore respectfully propose the following:

1. Mandatory ECDE Representation
The law should expressly provide for representation of ECDE teachers in Sub-County Education Boards to ensure that matters affecting early childhood education are adequately addressed.

2. Clear Delineation of Roles
The functions of Sub-County Education Boards should be clearly defined to avoid conflicts with County Governments, which are the legal employers of ECDE teachers. This will prevent confusion in areas such as deployment, supervision, discipline, and professional development.

3. Protection of Employment Rights
The amendment should clarify that nothing in the establishment of Sub-County Education Boards shall interfere with the employment terms, remuneration, confirmation, promotion, and welfare of ECDE teachers as governed by County Governments and relevant labour laws.

4. Strengthened Coordination and Support
The Boards should play a supportive and facilitative role to enhance quality assurance, training, and professional growth for ECDE teachers rather than create additional bureaucratic layers.

5. Grievance Redress Mechanism
There should be a clear framework within the Sub-County structure to channel and address concerns raised by ECDE teachers in a timely and transparent manner.

In conclusion, we support reforms that strengthen governance and improve service delivery in education. However, such reforms must recognize and protect the interests of ECDE teachers who lay the critical foundation for all subsequent learning.

We respectfully urge the Committee to consider these recommendations when deliberating on the Bill.

Thank you for the opportunity to submit our views.

Yours faithfully,

George Mwangi
ECDE Teacher
Nyandarua County
0714515790
gmm51570@gmail.com

Subject MEMORANDUM TO THE SENATE

From MURITHI SAMUEL <murithisamuel002@gmail.com>

To clerk senate <clerk.senate@parliament.go.ke>

Cc educationcommittee senate <educationcommittee.senate@parliament.go.ke>

Date Monday February 23, 2026 11:35:50

SUPPORT FOR THE BASIC EDUCATION (AMENDMENT) BILL, 2023

(National Assembly Bills No. 59 of 2023)

Submitted to:
The Standing Committee on Education
The Senate of the Republic of Kenya

Submitted by:
Murithi Samuel
ratory Technology Practitioner
Kenya

1. INTRODUCTION

I submit this memorandum in support of the **Basic Education (Amendment) Bill, 2023**, which seeks to amend the Basic Education Act by establishing **Sub-County Education Boards** and redefining their relationship with County Education Boards.

As a trained laboratory technologist with hands-on experience in secondary school laboratories, technical institutions, and national examinations practicals, I have interacted directly with learners, teachers, and education administrators at the sub-county level. My experience places me in a good position to appreciate the operational realities of basic education, particularly in science education and school laboratories.

2. SUPPORT FOR THE PROPOSED AMENDMENT

ongly support the proposal to establish **Sub-County Education Boards** as independent functional units rather than as appointments e by County Education Boards. This amendment will:

1. **Improve decentralization and efficiency**
   Education service delivery is most effective when decisions are made closer to schools. Sub-county boards are better placed to understand local challenges such as laboratory infrastructure gaps, staffing shortages, and learner safety concerns.

2. **Enhance accountability and responsiveness**
   Independent Sub-County Education Boards will be more accountable to the schools and communities they serve, reducing bureaucratic delays associated with county-level centralization.

3. **Strengthen implementation of science and technical education**
   Many challenges facing science subjects—such as poorly equipped laboratories, lack of technicians, and weak safety compliance—are best addressed at the sub-county level through targeted supervision and support.

4. **Promote meaningful public participation**
   The amendment aligns with the Constitution by ensuring that education governance structures remain accessible to the public and responsive to grassroots input.

The proposal that Sub-County Education Boards **consult County Education Boards** rather than operate under them strikes a good balance between coordination and autonomy.

3. KEY OBSERVATIONS FROM PRACTICAL EXPERIENCE

From my professional engagement in school laboratories and technical training environments, I have observed that:

- Many secondary schools operate laboratories **without trained laboratory personnel**, posing risks to learners and teachers.
- Laboratory equipment procurement, maintenance, and safety oversight are often **poorly monitored** due to limited sub-county authority.
- Science practical performance in national examinations is directly affected by **weak laboratory management structures**.

These challenges justify the need for stronger, empowered Sub-County Education Boards that can supervise, recommend, and act promptly.

4. MY SPECIFIC REQUESTS

In addition to supporting the Bill, I respectfully request that the Senate and the Standing Committee on Education consider the following recommendations during implementation or further amendments:

1. **Formal recognition of laboratory technologists in basic education**
   Sub-County Education Boards should be mandated to oversee the deployment and utilization of trained laboratory technicians in secondary schools.
2. **Inclusion of technical professionals in sub-county education governance**
   Membership or advisory roles within Sub-County Education Boards should include professionals with science and technical backgrounds to strengthen decision-making.
3. **Strengthening laboratory safety and standards**
   The Boards should be empowered to enforce minimum laboratory safety standards, equipment maintenance schedules, and compliance inspections.
4. **Support for skills-based and STEM education**
   Sub-county structures should actively support practical learning, innovation projects, science fairs, and technical skills development aligned with national goals.

5. CONCLUSION

The Basic Education (Amendment) Bill, 2023 is timely and necessary. It addresses long-standing gaps in education governance by empowering sub-county structures that are closer to learners and institutions. I fully support its passage and urge the Senate to consider the practical recommendations raised in this memorandum to strengthen science education and laboratory management in Kenya.

I thank the Senate and the Standing Committee on Education for providing the public with an opportunity to participate in this important legislative process.

Submitted by:
Murithi Samuel
Laboratory Technology Practitioner & Education Stakeholder
Email: murithisamuel002@gmail.com
Phone: 0743831833

Subject Memorandum in Support of Administrative Autonomy for Junior Secondary Schools (JSS)

From mathew kiprotich <kiprotichmathew26@gmail.com>

To clerk senate <clerk.senate@parliament.go.ke>

Cc educationcommittee senate <educationcommittee.senate@parliament.go.ke>

Date Tuesday February 24, 2026 17:28:47

The Clerk of the Senate
The Senate of the Republic of Kenya
Parliament Buildings
Nairobi, Kenya

RE: MEMORANDUM IN SUPPORT OF ADMINISTRATIVE AUTONOMY FOR JUNIOR SECONDARY SCHOOLS (JSS)

Dear Sir/Madam,

I respectfully submit this memorandum to the Senate during the public participation process concerning reforms under the Basic ation framework.

I wish to strongly support the granting of structured administrative, financial, and institutional autonomy to Junior Secondary Schools (JSS).

The introduction of JSS under the Competency-Based Curriculum marked a transformative shift in Kenya's education system. However, the current arrangement—where JSS operates under primary school administration—has created structural and professional inconsistencies that hinder effective governance, accountability, and curriculum delivery.

Granting autonomy to JSS would achieve the following:

1. Establish clear leadership and reporting structures, eliminating administrative ambiguity between primary and junior secondary levels.
2. Align institutional governance with the professional training and deployment structure of teachers under the Teachers Service Commission (TSC).
3. Improve financial transparency through dedicated budgeting and targeted infrastructure development.
4. Strengthen accountability in line with Article 10 of the Constitution of Kenya, 2010, which upholds good governance, transparency, and accountability.
5 Enhance the quality of curriculum implementation by allowing focused academic planning and subject specialization.

Junior Secondary is structurally aligned closer to secondary education due to subject specialization, laboratory requirements, and preparation for senior school pathways. For governance structures to remain under primary administration creates misalignment between policy design and operational reality.

While I acknowledge concerns regarding cost and implementation logistics, these can be effectively addressed through phased implementation, flexible models for low-enrollment areas, and clear transitional guidelines issued by the Ministry of Education.

Autonomy for JSS should not be viewed as institutional duplication, but as necessary structural alignment to ensure the success of the Competency-Based Curriculum.

I therefore urge the Honourable Senate to consider and adopt provisions that formally recognize Junior Secondary Schools as distinct administrative units with appropriate leadership, governance, and financial frameworks.

Thank you for the opportunity to participate in strengthening Kenya's education system.

Yours faithfully,

Mathew Kiprotich
Teacher

National School Uniform Fund (NSUF)

Policy Concept

Author: Ramadhan Abduu
National ID Number: 35714030

& Mohamed Kalil Mahmoud of ID Number34122791

Date: January 2026

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1. Introduction

Education is a fundamental right in Kenya, guaranteed under the Constitution, and a driver of social equity, economic development, and national cohesion. While Kenya has made progress through free basic education policies and capitation grants, **school uniforms remain a barrier**, particularly for learners from low-income households.

Recent directives allowing learners transitioning to Grade 10 to report without uniforms or fees highlight a policy gap: **uniform requirements exist without a permanent, systemic support framework**. Temporary exemptions, while progressive, do not fully solve the problem.

The **National School Uniform Fund (NSUF)** is proposed as a **policy concept** to ensure **all learners can access uniforms**, while creating **jobs for young tailors and textile artisans**, linking education access with youth economic empowerment.

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2. Policy Context and Justification

Uniforms promote equality, discipline, and identity within schools. However, uniform costs can lead to:

- Delayed school reporting
- Absenteeism and dropouts
- Stigmatization of learners from low-income households

Transition periods (Grade 6 and Grade 9 → Grade 10) are particularly vulnerable. At the same time, youth tailors and TVET graduates face underemployment despite having skills.

The NSUF concept addresses **both education access and youth employment**, providing a systemic and sustainable solution.

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3. Policy Goal

To establish a **National School Uniform Fund** that guarantees **timely, dignified access to school uniforms** and leverages uniform production and distribution to **create employment for young tailors and artisans** across Kenya.

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4. Policy Objectives

1. Eliminate uniform-related barriers to school admission and retention
2. Support smooth and dignified school transitions
3. Reduce stigma and inequality within schools
4. Strengthen free basic education policies
5. Create sustainable employment for young tailors and artisans
6. Promote local manufacturing and MSMEs
7. Mobilize partnerships with CSR actors, education champions, and textile industries
8. Align education spending with youth empowerment and economic transformation agendas

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5. Scope and Target Beneficiaries

Learners:

- Public primary, junior, and senior secondary schools
- Priority to transition classes, vulnerable households, orphans, and learners in informal settlements or marginalized regions

Economic Beneficiaries:

- Youth tailors and dressmakers (18–35 years)
- TVET graduates in garment and fashion courses
- Jua Kali tailoring groups and cooperatives
- MSMEs in the textile and tailoring sector

Partner Beneficiaries:

- Corporate Social Responsibility (CSR) programs supporting education and youth employment
- Education champions and philanthropists promoting equity and learning outcomes
- Textile industry players providing fabric, materials, or technical support
- Development partners contributing technical expertise or funding

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6. Implementation Framework

Institutional Structure:

- Ministry of Education: policy oversight and coordination
- Uniform Support Unit: coordination, monitoring, and quality control
- Sub-County Education Offices: decentralized implementation
- Schools: identification, verification, and distribution

Uniform Provision Models:

1. **Central Standards with Local Production:** Ministry sets standards; uniforms produced by accredited youth tailors; contracts issued at county or constituency level
2. **Voucher System:** Learners redeem vouchers at approved youth tailors; tailors reimbursed through the Fund

This hybrid model ensures dignity, quality, **nationwide youth employment**, and allows partners to contribute resources, technical guidance, and materials.

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7. Youth Employment and Skills Development

- Youth tailors accredited through TVET institutions, county youth offices, and Jua Kali associations
- Minimum 60% of uniform contracts reserved for youth-owned enterprises
- Tailors linked to upskilling programs in mass production, quality control, and business management
- Cooperative models encouraged for scale and sustainability

Partner Engagement:

- CSR actors, textile companies, and education champions provide technical guidance, resources, and capacity building for tailors
- Textile industries can supply quality fabrics at subsidized or corporate rates
- Education champions support awareness campaigns, learner identification, and community engagement

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8. Financing and Sustainability

Potential Funding Sources:

- National Treasury and Ministry of Education budgets
- County government contributions
- CSR and private sector partnerships
- Textile industry support

- Development partner contributions
- AGPO-linked procurement allocations

Accountability:

- Funds ring-fenced, audited annually, with transparent tracking of suppliers, learners, and resources
- Partner contributions tracked and integrated into reporting

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9. Monitoring and Evaluation

Key indicators include:

- Transition and enrolment rates
- Uniform-related absenteeism and dropouts
- Number of youth tailors engaged
- Jobs created and income generated
- Partner engagement and contributions
- Timeliness and quality of uniform delivery

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10. Legal and Policy Alignment

- Constitution of Kenya (Articles 43 & 53)
- Basic Education Act, 2013 (Sections 28–31)
- Kenya Vision 2030
- Youth Development Policy
- AGPO Framework
- SDG 4: Quality Education
- Bottom-Up Economic Transformation Agenda (BETA)

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11. Expected Outcomes

- Elimination of learner exclusion due to uniforms
- Improved enrolment, retention, and transition rates
- Enhanced learner dignity and equality
- Thousands of youth tailoring jobs nationwide
- Growth of local textile and tailoring MSMEs
- Strong multi-stakeholder partnerships supporting education and youth employment

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12. Concept Ownership, Consultancy, and Compensation

This concept is an original policy idea developed by:

Name: Ramadhan Abdul
National ID Number: 35714030

& Mohamed Kalil Mohamud of ID Number 34122791

As the independent author and policy analyst:

1. Retains full authorship and intellectual rights over the NSUF concept.
2. May be **engaged as a consultant by the Ministry of Education, counties, or other relevant authorities** to support the design, operationalization, and technical implementation of the Fund.
3. Is **eligible to receive consultancy compensation**, which may include **a percentage of project-related fees or a professional consultancy honorarium**, in accordance with government consultancy procedures and mutually agreed terms.

Any reference, adaptation, or use of this concept must **acknowledge the author** and respect these consultancy arrangements.

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13. Strategic Policy Statement

"The National School Uniform Fund ensures that no child is denied education due to lack of uniforms, while creating sustainable employment opportunities for young Kenyans. Its success depends on collaborative contributions from CSR actors, education champions, and the textile industry. The author, as the originator, may be formally engaged for consultancy support and is entitled to fair compensation if the concept is adopted."

MEMORANDUM ON THE BASIC EDUCATION (AMENDMENT) BILL, 2023
Submitted to the Standing Committee on Education
The Senate of the Republic of Kenya

Submitted by:
Synthia Mideva Asienwa
Education Policy Advocate, Quality Education Advocate & Publishing Professional
Nairobi, Kenya
Date: 25th February, 2026

1. Introduction

I respectfully submit this memorandum pursuant to Article 118 of the Constitution and Standing Order 145(5) of the Senate Standing Orders. I commend the Senate for facilitating public participation on the Basic Education (Amendment) Bill, 2023.

As an education professional deeply invested in governance integrity, learner protection and institutional accountability, I offer the following observations and recommendations to strengthen the Bill.

2. General Position

While I acknowledge the intention to restructure the establishment and operational relationship of Sub-County Education Boards, governance reforms must:

- Strengthen accountability

- Prevent administrative duplication
- Enhance learner protection
- Improve financial transparency
- Address systemic inefficiencies such as inflated learner data

Any amendment to the Basic Education Act must demonstrably improve service delivery at the grassroots level.

3. Specific Observations and Recommendations

A. Governance & Appointment Transparency

The deletion of provisions allowing County Education Boards to appoint Sub-County Boards raises important oversight considerations.

Recommendations:

- Clear statutory criteria for appointment of Sub-County Board members.
- Mandatory public advertisement of vacancies.
- Vetting framework ensuring integrity compliance under Chapter Six of the Constitution.
- Fixed term limits with performance review mechanisms.
- Public disclosure of board membership and qualifications.

Without transparent appointment procedures, decentralization risks weakening accountability rather than strengthening it.

B. **Financial Accountability & Learner Data Integrity**

Kenya has faced significant challenges regarding capitation management and accuracy of learner registration data.

Governance restructuring presents an opportunity to strengthen safeguards.

Recommendations:

- Mandatory quarterly reconciliation of learner enrollment data at Sub-County level.
- Independent audits of capitation allocations and beneficiary schools.
- Public disclosure of enrollment statistics per institution.
- Integration and mandatory compliance with NEMIS verification systems.
- Legal sanctions for deliberate inflation of learner data.

Any structural reform must directly address financial leakages and systemic data manipulation.

C. **Prevention of Bureaucratic Duplication**

The Bill must clearly define the relationship between County and Sub-County Boards to avoid overlap and operational inefficiencies.

Recommendations:

- A clearly codified division of functions.
- Written conflict resolution mechanisms.
- Performance benchmarks for both County and Sub-County Boards.
- Annual reporting requirements tabled before the County Education Board and accessible to the public.

Efficiency must remain a guiding principle.

D. **Gender, Youth & Inclusive Representation**

Education governance structures must reflect constitutional values of inclusivity.

Recommendations:

- A minimum 50% gender representation threshold.
- Mandatory youth representation.
- Inclusion of a child protection or safeguarding expert.
- Representation of persons with disabilities.

Inclusive governance strengthens responsiveness and legitimacy.

E. **Teacher Welfare & Psychosocial Support Oversight**

Teacher performance and learner outcomes are directly linked to educator well-being.

Recommendations:

- Mandate Sub-County Boards to monitor teacher workload and staffing ratios.
- Establish reporting mechanisms for teacher welfare concerns.
- Require annual reporting on teacher-student ratios.
- Provide whistleblower protection for educators reporting corruption or maladministration.

Strengthening oversight at sub-county level must improve working conditions, not merely administrative structures.

F. **Child Protection & Learner Safeguarding**

Any education governance reform must prioritize child rights and safety.

Recommendations:

- Mandatory safeguarding compliance audits at Sub-County level.
- Clear escalation protocols for cases of abuse, exploitation, or neglect.
- Monitoring of school infrastructure safety standards.
- Annual safeguarding compliance reports.

Education reform must center the learner.

4. **Conclusion**

The proposed amendments present an opportunity to strengthen grassroots education governance.

However, structural change without accountability safeguards risks compounding existing systemic weaknesses.

I urge the Senate to incorporate clear accountability mechanisms, inclusive representation requirements, financial transparency safeguards and learner-centered protections into the Bill before passage.

Respectfully submitted,

Synthia Mideva Asienwa
Nairobi, Kenya

Phone Number: 0792977705

Email: synthiamideva@gmail.com

Subject The Basic Education (Amendment) bill, 2023

From Augusta Mukul <augustinemuulu89@gmail.com>

To Clerk Senate <Clerk.Senate@parliament.go.ke>

Cc educationcommittee senate <educationcommittee.senate@parliament.go.ke>

Date Friday February 20, 2026 23:58:05

My ammendments proposals;
WHEREAS;
(b) Section 18 (1)(f) of the basic education Act (2013) mandate the County Education Board to collaborate with the school board of management, the principal, headteacher and other authorities in the management of senior schools
(c) Section 18 (1)(n) requires the County Education Board to perform any other functions as may be necessary for the better carrying out of the functions of the CEB under the Act or any other written law
(d) Section 79(1) requires the County Education Board to establish and maintain a data base of All ;
(b) Teachers in the County .
We propose inclusion of non teaching staff.
(e) Section 95(2)(o) -REGULATIONS - require the Cabinet Secretary responsible for Education to make and gazette regulations to provide prescribe such other matters as the Cabinet Secretary may consider necessary or desirable to provide for or to prescribe

WE PROPOSE;
1. Ammendment to section 59(p) of the basic education Act 2013 to allow the employment and management of non teaching staff through the county education board.
2. Composition of the sub -county education board (board members under sub section (1) to include;
(g) Two persons nominated by non teaching staff trade union

FURTHER RECOMMENDATIONS.
1. Expand the mandate of the County Education Board under section 18(1)(n) so as to include the management of senior schools non teaching staff and provide for transfer of the staff within the county.
2. Expand the responsibility of the County Education Board under section 79(1)(b) to require the board to establish and maintain data for all teachers and non teaching staff engaged in all senior schools within the county
3. Make regulations under section 95(2)(b) so as to include incentives to the learners, teachers and non teaching staff.
4. Make regulations under section 95 (2)(0) to provide for recruitment, training and transfer of non teaching staff within the county.

MEMORANDUM ON

THE BASIC EDUCATION (AMENDMENT) BILL, 2025

SUBMITTED TO SENATE EDUCATION COMMITEE

Through

THE CLERK OF THE SENATE

By

UNITED DISABLED PERSONS OF KENYA (UDPK)

March 2026

Nairobi, Kenya

INTRODUCTION

Collaborating Parties

This memorandum is prepared by **United Disabled Persons of Kenya (UDPK)**, the national umbrella organization of organizations of persons with disabilities in Kenya, with the mandate to advocate for the rights of persons with disabilities and ensure their meaningful participation in all spheres of life. Currently, it comprises more than 200 organizations with active presence in all 47 counties.

THE BILL OVERVIEW

General Comments

The Basic Education (Amendment) Bill, 2025 proposes to amend the Basic Education Act, 2013 (No. 14 of 2013) with the principal objective of ensuring that Alternative Provision for Basic Education and Training (APBET) schools fall under the definition of basic education and to provide for the mapping, recognition, registration, and provision of equivalent benefits to APBET schools.

The Bill seeks to mainstream APBET institutions including Adult and Continuing Education centres, Non-Formal Education Learning Centres, Mobile Schools, Night Schools, and Home Schools—into the formal education structures or system.

We acknowledge and commend the Bill's objective to expand access to basic education for learners in informal settlements and through alternative learning pathways. The proposed reforms are responsive to the needs of a significant segment of the Kenyan population that has historically been excluded from formal education structures.

However, while these provisions reflect a progressive shift toward inclusion of marginalized learners into the national education framework, the Bill does not sufficiently address the unique realities and systemic barriers faced by learners with disabilities within APBET institutions and the broader basic education system.

We are concerned that, in its current form, the Bill may unintentionally exclude learners with disabilities whose access to education is shaped by the need for reasonable accommodation, accessible infrastructure, adapted curriculum, and inclusive teaching methodologies. The

absence of provisions for reasonable accommodation, accessible assessment formats, and inclusive mechanisms risks undermining the Bill's intended objective of equitable access to basic education for all learners.

As **Organizations of Persons with Disabilities (OPDs)** , we submit this memorandum to recommend targeted amendments that will ensure the Bill's alignment with:

- The Constitution of Kenya, 2010 (Articles 27, 53, 54, and 55);
- The United Nations Convention on the Rights of Persons with Disabilities (CRPD);
- The Persons with Disabilities Act, 2025;

Kenya's commitments to inclusive education under Sustainable Development Goal 4; and

Best practices in inclusive basic education globally.

IDENTIFIED GAPS IN THE BILL

Absence of Explicit Recognition of Learners with Disabilities

The Bill does not mention or recognize learners with disabilities as a target group, despite their well-documented marginalization in access to basic education, particularly in informal settlements and alternative learning programmes. By failing to name persons with disabilities in its intent or operational clauses, the Bill overlooks the specific needs and structural barriers faced by this population.

This omission is inconsistent with:

- **Article 53(1)(b) of the Constitution of Kenya**, which guarantees every child the right to free and compulsory basic education;
- **Article 54(1)(b) of the Constitution**, which requires that persons with disabilities be entitled to access educational institutions and facilities integrated into society; and
- **Article 24 of the CRPD**, which recognizes the right of persons with disabilities to education without discrimination and on the basis of equal opportunity.

Lack of Provision for Reasonable Accommodation and Accessibility

The Bill lacks safeguards to ensure that learners with disabilities can meaningfully participate in APBET institutions and other basic education programmes. Specifically, it does not mandate:

- Accessible physical infrastructure for APBET schools and learning centres;
- Provision of reasonable accommodation (e.g., assistive devices, support services) during learning and assessment;
- Accessible communication formats such as braille, Kenyan Sign Language, audio materials, or easy-to-read formats;
- Adaptation of accelerated and self-directed learning programmes for learners with different types of disabilities.

This gap contravenes:

- **CRPD Articles 9 (Accessibility)** and **24 (Education)** , which obligate States to ensure access to inclusive education at all levels;

- **Article 54(1)(c) of the Kenyan Constitution**, which requires reasonable access to all places, public transport, and information for persons with disabilities.

No Representation of Persons with Disabilities in Education Governance

While the Bill proposes to add the National Chairperson of APBET Schools to the National Education Board (Clause 3) and two representatives of APBET schools to the County Education Board (Clause 5), it does not strengthen or guarantee representation of persons with disabilities in these governance structures.

The current Section 20(1)(i) provides for only one representative of persons with disability on the County Education Board, with no guarantee of meaningful participation or gender balance. This falls short of the "nothing about us without us" principle enshrined in the CRPD.

No Data and Reporting on Disability Inclusion

The Bill is silent on the need to collect disaggregated data on access to and outcomes from basic education for learners with disabilities, including within APBET institutions. Without disability-disaggregated data, it will be difficult to:

- Track disparities in enrollment, retention, and completion;
- Identify gaps in service delivery; and
- Ensure accountability and continuous improvement.

This oversight undermines **Article 31 of the CRPD**, which requires that data collection be disaggregated and used to inform policies that promote the rights of persons with disabilities.

No Mechanism for Inclusive Policy Development or Monitoring

There is no requirement in the Bill for involving Organizations of Persons with Disabilities (OPDs) in the development, implementation, or monitoring of policies affecting learners with disabilities in APBET institutions or the broader basic education system.

This lack of engagement runs contrary to:

- **Article 4(3) of the CRPD**, which requires that persons with disabilities, through their representative organizations, be closely consulted and actively involved in legislative processes affecting them.

No Provision for Accessible Infrastructure Financing

While Clause 7 proposes to add the function of advising the national government on financing infrastructure development in APBET schools, **there is no specific provision requiring that such infrastructure be accessible** to learners with disabilities or that funds be allocated for reasonable accommodation.

PROPOSED AMENDMENTS AND RATIONALE

PROPOSED AMENDMENT NO. 1:

Amendment of Section 2 of the Basic Education Act (Interpretation)

Proposed Amendment:

Insert the following new definitions in proper alphabetic sequence under Section 2:

"disability" means a physical, sensory, mental, intellectual, psychosocial, or other impairment, whether temporary or permanent, which results from the interaction between a person and physical, social, cultural, economic, or attitudinal barriers that hinder full and effective participation in society on an equal basis with others;

"inclusive education" means an approach to education whereby learners with disabilities learn alongside their non-disabled peers in mainstream schools, including Alternative Provision of Basic Education and Training schools, with appropriate support services, accessible infrastructure, adapted curriculum, and reasonable accommodation;

"reasonable accommodation" means necessary and appropriate modifications and adjustments, not imposing a disproportionate or undue burden, where needed in a particular case, to ensure that learners with disabilities can enjoy or exercise on an equal basis with others all rights and freedoms in the educational context, including in admission, learning, assessment, and participation in co-curricular activities;

Rationale

The current Act and the proposed amendments do not define disability, inclusive education, or reasonable accommodation. Including definitions harmonized with the Persons with Disabilities Act, 2025, Article 260 of the Constitution of Kenya (2010) , and Article 2 of the CRPD is essential to anchor future references to persons with disabilities within the legislation.

Defining disability through the social model shifts focus from impairment to the disabling environment, thereby promoting inclusive design and systemic accommodations.

Defining reasonable accommodation clarifies the legal obligations of duty-bearers (schools, boards, government agencies) in ensuring equitable access to education for learners with

disabilities. This definition is drawn directly from the CRPD, ensuring alignment with international standards.

Defining inclusive education establishes a clear vision and standard for what learners with disabilities should expect in Kenyan schools.

PROPOSED AMENDMENT NO. 2:

Amendment of Section 7 of the Basic Education Act (Composition of National Education Board)

Proposed Amendment:

Insert new subsections after proposed subsection (1A):

(1B) In appointing members under subsection (1), the Cabinet Secretary shall ensure that at least one member is a person with a disability nominated by organizations of persons with disabilities.

(1C) The National Education Board shall establish a technical committee on inclusive education to advise on matters relating to accessibility, reasonable accommodation, and the educational needs of learners with disabilities, which committee shall include representatives of organizations of persons with disabilities.

Rationale:

Sustainable and effective inclusion is not possible without meaningful participation. Persons with disabilities are experts in their own experiences and can inform the development of relevant, practical, and non-discriminatory policies for inclusive education.

This amendment ensures that persons with disabilities participate in policy-making at the highest level, fulfilling the "nothing about us without us" principle enshrined in Article 4(3) of the CRPD.

The technical committee on inclusive education creates an institutional mechanism to address disability issues systematically.

PROPOSED AMENDMENT NO. 3:

Amendment of Section 20 of the Basic Education Act (Composition of County Education Boards)

Proposed Amendment:

Amend Section 20(1)(i) by adding to the existing text

(i) two representatives of persons with disabilities, one of whom shall be a woman with a disability, nominated by organizations of persons with disabilities in the county;

Insert new subsection after Section 20(3):

(4) Every County Education Board shall designate an officer responsible for coordinating reasonable accommodation requests and ensuring compliance with accessibility standards in all schools within the county, including Alternative Provision of Basic Education and Training schools.

Rationale

The current provision for only one representative of persons with disabilities is inadequate to ensure meaningful representation. This amendment strengthens representation by:

- Increasing the number to two representatives;
- Ensuring gender balance by requiring one woman with a disability;
- Mandating nomination by organizations of persons with disabilities to ensure authentic representation.

The designation of a reasonable accommodation officer at county level ensures that counties have dedicated personnel to handle accommodation requests, monitor compliance, and provide support to schools and learners.

PROPOSED AMENDMENT NO. 4:

Amendment of Section 39 of the Basic Education Act (Responsibility of the Government)

Proposed Amendment:

Insert the following new paragraphs after proposed paragraph (l):

(m) ensure that all schools, including Alternative Provision of Basic Education and Training schools, provide reasonable accommodation to learners with disabilities, including—
(i) modification of classroom environments and teaching methodologies;
(ii) provision of assistive devices and learning materials in accessible formats such as braille, large print, audio, and easy-to-read versions;
(iii) curriculum adaptation and assessment modifications including extended time, scribe services, and sign language interpretation;
(iv) support services including sign language interpretation, personal assistance, and mobility training where needed;
(v) accessible information and communication throughout the educational process;

(n) develop and disseminate public awareness materials in accessible formats to inform the public, including persons with disabilities and their families, about the right to basic education and the availability of reasonable accommodation;

(o) in advising the national government on financing of infrastructure development under paragraph (k), specifically recommend allocation of funds for accessibility modifications and reasonable accommodation in Alternative Provision of Basic Education and Training schools;

Rationale:

This amendment transforms the Cabinet Secretary's responsibilities from general obligations to specific, enforceable duties regarding disability inclusion and reasonable accommodation.

Paragraph (m) provides a comprehensive list of what reasonable accommodation entails in the education context, giving practical guidance to implementers.

Paragraph (n) addresses the critical barrier of lack of awareness among persons with disabilities and their families about their educational rights, particularly those in remote, rural, or informal settings.

Paragraph (o) links infrastructure financing to accessibility, ensuring that new or improved facilities are accessible to all learners.

PROPOSED AMENDMENT NO. 5:

Amendment of Section 41 of the Basic Education Act (Promotion of Education)

Proposed Amendment:

Amend Section 41 by inserting after proposed paragraph (e):

(f) inclusive education across all categories of schools and institutions, including Alternative Provision of Basic Education and Training schools;

Rationale:

Elevating inclusive education as a distinct area requiring promotion signals its importance within the education system and creates a mandate for the Cabinet Secretary to actively promote inclusive practices across all school categories.

PROPOSED AMENDMENT NO. 6:

Amendment of Section 43 of the Basic Education Act (Categories of Schools)

Proposed Amendment:

Insert new subsections after Section 43(2):

(3) All categories of schools under subsection (1), including Alternative Provision of Basic Education and Training schools, shall have a duty to provide reasonable accommodation to learners with disabilities, and failure to do so shall constitute discrimination under this Act.

(4) The Cabinet Secretary shall, within six months of the commencement of this Act, issue guidelines on reasonable accommodation in educational settings, including procedures for requesting, assessing, and providing accommodations.

Rationale:

This amendment makes reasonable accommodation a legal duty across all school categories and creates implementing guidelines.

Subsection (3) explicitly states that denial of reasonable accommodation constitutes discrimination, aligning with Article 2 of the CRPD which defines discrimination on the basis of disability as including denial of reasonable accommodation.

Subsection (4) mandates the development of practical guidelines to ensure consistent implementation across all schools.

PROPOSED AMENDMENT NO. 7:

Amendment of Part VIIA (Alternative Provision of Basic Education, Training and Continuing Adult Education)

Proposed Amendment:

Insert the following new sections after proposed Section 52G:

52GA. Reasonable accommodation in APBET institutions

(1) Institutions to which this Part applies shall provide reasonable accommodation to learners with disabilities to ensure their full participation in educational programmes, including accelerated and self-directed learning programmes under Section 52F.

(2) Reasonable accommodation under this section shall include—
(a) provision of learning materials in accessible formats such as braille, large print, audio, or electronic formats;
(b) assistive technology and devices appropriate to the learner's needs;
(c) flexible scheduling and extended time for completing programmes and assessments;
(d) support from trained personnel including sign language interpreters, scribes, and personal assistants;
(e) modification of assessment methods to measure knowledge and competencies rather than disability;
(f) accessible physical infrastructure including ramps, accessible sanitary facilities, and appropriate classroom layouts.

(3) The Cabinet Secretary shall allocate specific funds from the infrastructure improvement grants under Section 52H for the purpose of providing reasonable accommodation in APBET institutions.

52GB. Duty to assess and provide accommodation in APBET institutions

(1) Upon admission of a learner with a disability to an institution to which this Part applies, the institution shall conduct an assessment of the learner's reasonable accommodation needs in consultation with the learner, their parents or guardians, and where appropriate, disability specialists and organizations of persons with disabilities.

(2) The institution shall develop an individual education plan for the learner specifying the reasonable accommodations to be provided, which plan shall be reviewed at least annually.

(3) Where an institution fails to provide the reasonable accommodations specified in the individual education plan, the learner or their parent or guardian may lodge a complaint with the County Education Board.

52GC. Accessibility standards for APBET institutions

(1) All institutions to which this Part applies shall ensure that their physical infrastructure, learning materials, teaching methodologies, and assessment procedures are accessible to learners with disabilities.

(2) The Cabinet Secretary shall, in consultation with the National Council for Persons with Disabilities and organizations of persons with disabilities, issue guidelines on minimum accessibility standards for APBET institutions within six months of the commencement of this Act.

(3) No institution to which this Part applies shall be registered unless it meets the minimum accessibility standards prescribed under subsection (2).

Rationale:

These new sections create a comprehensive framework for disability inclusion specifically tailored to APBET institutions, recognizing that these schools often operate in informal settlements with limited resources but must nonetheless be accessible.

Section 52GA explicitly requires reasonable accommodation in APBET institutions and provides detailed examples of what this means in practice, including for accelerated and self-directed learning programmes which may otherwise exclude learners with certain disabilities.

Section 52GB creates a rights-based process for identifying and providing accommodations through individual education plans, with a complaint mechanism for non-compliance.

Section 52GC makes accessibility a precondition for registration, preventing the establishment of new inaccessible APBET schools and requiring existing ones to upgrade.

PROPOSED AMENDMENT NO. 8

Amendment of Section 76 of the Basic Education Act (Licensing, Registration and Accreditation)

Proposed Amendment:

Insert new subsection after Section 76(4):

(5) The County Education Board shall not register an institution of basic education, including an Alternative Provision of Basic Education and Training school, unless the applicant demonstrates capacity to provide reasonable accommodation to learners with disabilities, including through:

accessible physical infrastructure;

plans for providing accommodations based on learner needs;

budget allocation for assistive devices and accessible materials;
staff trained or to be trained on inclusive education practices and reasonable accommodation.

Rationale:

This amendment makes capacity to provide reasonable accommodation a precondition for registration of all schools, including APBET institutions. It ensures that accessibility and inclusion are considered from the outset, rather than as an afterthought.

PROPOSED AMENDMENT NO. 9:

Amendment of Section 79 of the Basic Education Act (County Education Board to maintain a databank)

Proposed Amendment:

Amend Section 79(1) by adding after proposed paragraph (d):

(e) learners with disabilities in all categories of schools within the county, including Alternative Provision of Basic Education and Training schools, disaggregated by type of disability, age, gender, and educational level;

Rationale:

Inclusive policies require reliable, disaggregated data to identify who is benefiting and who is being left behind. Currently, there is a major data gap on the participation of learners with disabilities in basic education, particularly in APBET institutions.

Collecting and publishing such data would support:

- Performance tracking against inclusion targets;
- Equity-based resource allocation;
- Evidence-based decision making and policy refinement;
- Identification of gaps in service delivery.

This aligns with Article 31 of the CRPD, which obliges States to collect appropriate information to support the implementation of the Convention and promote policy accountability.

PROPOSED AMENDMENT NO. 10:

Amendment of Section 82 of the Basic Education Act (Licensing of an institution of basic education and training)

Proposed Amendment:

Amend Section 82(2) by inserting a new paragraph:

(f) the institution has demonstrated capacity to provide reasonable accommodation to learners with disabilities, including accessible facilities, adapted teaching and learning materials, trained personnel, and where applicable, specialized support services;

Rationale:

This amendment adds reasonable accommodation capacity as a licensing condition, ensuring that all licensed schools, including APBET institutions, are equipped to include learners with disabilities.

PROPOSED AMENDMENT NO. 11:

Amendment of Section 86 of the Basic Education Act (Financing of basic education)

Proposed Amendment:

Amend Section 86 by adding new subsections:

(3) The funds under this section shall specifically provide for reasonable accommodation for learners with disabilities in all schools, including public, private, and Alternative Provision of Basic Education and Training schools, including—

(a) **procurement of assistive devices and technology;**
(b) **production of learning materials in accessible formats;**
(c) **training of teachers and education officials on providing reasonable accommodation and inclusive education;**
(d) **modification of school infrastructure for accessibility;**
(e) hiring of support staff including sign language interpreters, braillists, and special needs education assistants.

(4) The Cabinet Secretary shall ensure that capitation grants to schools include a specific component for reasonable accommodation calculated based on the number of learners with disabilities enrolled.

(5) The Cabinet Secretary shall, in consultation with the National Treasury and the National Council for Persons with Disabilities, develop guidelines for the disbursement and utilization of funds for reasonable accommodation under this section.

Rationale:

Inclusion requires dedicated resources. This amendment ensures that funding mechanisms explicitly address disability-inclusive education by:

- Creating a specific budget line for reasonable accommodation;
- Linking funding to actual numbers of learners with disabilities enrolled;
- Providing detailed categories of what funds may be used for;
- Mandating guidelines for transparent and accountable use of funds.

PROPOSED AMENDMENT NO. 12:

Amendment of Section 86 of the Basic Education Act (Use of existing facilities)

Proposed Amendment:

Amend Section 52A (Use of existing facilities) by adding new subsection:

(2) Where institutions of Alternative Basic Education, Training and Continuing Adult Education utilize facilities of existing institutions under subsection (1), they shall ensure that such facilities are accessible to learners with disabilities or shall make modifications to ensure accessibility.

Rationale:

This amendment ensures that when APBET institutions share facilities with other schools, accessibility is not compromised and modifications are made where necessary.

PROPOSED AMENDMENT NO. 13:

Amendment of Section 86 of the Basic Education Act (Placement of learners)

Proposed Amendment:

Amend Section 52E (Placement of learners) by adding new subsection:

(2) In determining the placement of a learner with a disability under subsection (1), the institution shall consider the learner's reasonable accommodation needs and shall not place the learner at a level that fails to provide appropriate support services.

Rationale:

This amendment ensures that the flexibility in placement for APBET learners is applied without discrimination to learners with disabilities and that their accommodation needs are considered in placement decisions.

PROPOSED AMENDMENT NO. 14:

Amendment of Section 86 of the Basic Education Act (Conduct of programmes)

Proposed Amendment:

Amend Section 52F (Conduct of programmes) by adding new subsection:

(2) Institutions offering accelerated and self-directed learning programmes under subsection (1) shall ensure that such programmes are accessible to learners with disabilities through appropriate modifications, including extended time, accessible materials, and assistive technology.

Rationale:

This amendment ensures that the accelerated and self-directed learning models promoted for APBET institutions do not inadvertently exclude learners with disabilities who may require additional time or modified approaches.

PROPOSED AMENDMENT NO. 15:

Insertion of New Part - Enforcement of Reasonable Accommodation Obligations

Proposed Amendment:

Insert a new Part after Part IX:

PART IXA - ENFORCEMENT OF REASONABLE ACCOMMODATION IN BASIC EDUCATION

92A. Right to request reasonable accommodation

(1) A learner with a disability, or their parent or guardian, may request reasonable accommodation from the institution of basic education in which the learner is enrolled or seeks enrollment.

(2) The request under subsection (1) shall be made in writing to the headteacher, principal, or manager of the institution, or orally where the learner or parent is unable to write, in which case the institution shall assist in documenting the request.

(3) The institution shall respond to the request in writing within fourteen days, indicating—
(a) the accommodation to be provided and the timeline for provision; or
(b) if the request is refused, the reasons for refusal in writing.

92B. Appeal against refusal of reasonable accommodation

(1) A learner with a disability, or their parent or guardian, may appeal a refusal to provide reasonable accommodation to the County Education Board within thirty days of the refusal.

(2) The County Education Board shall determine the appeal within thirty days and may—
(a) uphold the institution's decision;
(b) direct the institution to provide specified reasonable accommodation within a stated timeline;
(c) refer the matter to the Education Appeals Tribunal for further hearing.

(3) The County Education Board shall, in determining an appeal under this section, seek input from organizations of persons with disabilities or disability specialists where appropriate.

92C. Prohibition of discrimination through denial of reasonable accommodation

(1) Denial of reasonable accommodation to a learner with a disability shall constitute discrimination on the basis of disability and shall be an offence under this Act.

(2) A person convicted of an offence under subsection (1) shall be liable to a fine not exceeding five hundred thousand shillings, or to imprisonment for a term not exceeding one year, or to both.

92D. Annual reporting on reasonable accommodation

(1) The Cabinet Secretary shall, through the National Education Board and in consultation with County Education Boards, publish an annual report on the provision of reasonable accommodation in basic education institutions, including Alternative Provision of Basic Education and Training schools.

(2) The report under subsection (1) shall include—

(a) the number of requests for reasonable accommodation received, disaggregated by county and type of school;
(b) the types of accommodation provided;
(c) the number of requests refused and reasons for refusal;
(d) the number of appeals and their outcomes;
(e) expenditure on reasonable accommodation from national and county education budgets;
(f) challenges encountered in providing reasonable accommodation and recommendations for improvement.

(3) The report under subsection (1) shall be submitted to the National Assembly and the Senate and shall be made publicly available in accessible formats.

Rationale:

This new Part creates comprehensive enforcement mechanisms for reasonable accommodation obligations, including:

- A clear right to request accommodation;
- Timelines for response;
- An appeal process to the County Education Board;
- Penalties for discrimination through denial of reasonable accommodation;
- Annual reporting requirements for transparency and accountability.

This ensures that the rights created elsewhere in the Act are enforceable in practice, not merely aspirational.

SUMMARY OF PROPOSED AMENDMENTS

No.	Section Affected	Proposed Amendment
1	Section 2	Add definitions of "disability", "inclusive education", and "reasonable accommodation"
2	Section 7	Add representation of persons with disabilities on National Education Board and establish technical committee on inclusive education
3	Section 20	Strengthen representation of persons with disabilities on County Education Boards and designate reasonable accommodation officer
4	Section 39	Add specific duties regarding reasonable accommodation, accessible information, and accessibility financing
5	Section 41	Add inclusive education as area for promotion
6	Section 43	Make reasonable accommodation a legal duty across all school categories and require guidelines
7	Part VIIA (New Sections 52GA, 52GB, 52GC)	Create comprehensive framework for reasonable accommodation, individual education plans, and accessibility standards in APBET institutions
8	Section 76	Make capacity to provide reasonable accommodation a precondition for registration
9	Section 79	Require collection of disability-disaggregated data in county databanks
10	Section 82	Add reasonable accommodation capacity as licensing condition
11	Section 86	Create dedicated funding for reasonable accommodation and link capitation to numbers of learners with disabilities
12	Section 52A	Require accessibility when using shared facilities
13	Section 52E	Require consideration of accommodation needs in placement

14	Section 52F	Ensure accelerated learning programmes are accessible to learners with disabilities
15	New Part IXA (Sections 92A-92D)	Create enforcement mechanisms including right to request, appeal process, penalties, and annual reporting

CONCLUSION AND CALL TO ACTION

The Basic Education (Amendment) Bill, 2025 presents a valuable opportunity for Kenya to expand access to basic education for learners in informal settlements and through alternative learning pathways. By recognizing and mainstreaming Alternative Provision of Basic Education and Training (APBET) schools, the Bill takes an important step toward fulfilling the constitutional promise of education for all.

However, without deliberate and explicit measures to ensure disability inclusion, the Bill risks reinforcing the very inequalities it seeks to redress.

Persons with disabilities—particularly children with disabilities in informal settlements—continue to face disproportionate barriers to education due to inaccessible infrastructure, lack of reasonable accommodation, discriminatory practices, and exclusion from policy-making processes. As currently drafted, the Bill does not guarantee their meaningful participation or equitable access to the educational opportunities it seeks to expand.

This omission not only contravenes Kenya's constitutional obligations under Articles 53 and 54 but also violates the standards of the Convention on the Rights of Persons with Disabilities (CRPD), to which Kenya is a State Party. It also undermines Kenya's commitments under Sustainable Development Goal 4 to ensure inclusive and equitable quality education for all.

The proposed amendments in this memorandum are designed to transform the Bill from one that is silent on disability to one that is explicitly inclusive—recognizing learners with disabilities, mandating reasonable accommodation, ensuring representation in governance, requiring accessible infrastructure, creating enforcement mechanisms, and providing dedicated resources.

These amendments are not only constitutionally and internationally mandated but are also essential for achieving an inclusive society where every Kenyan child's right to education is realized, regardless of disability.

Call to Action

In view of the above, we respectfully call upon to:

1. Provide opportunity for organizations of persons with disabilities, led by the United Disabled Persons of Kenya (UDPK), to make direct presentations and submissions to the relevant parliamentary committees, particularly the Departmental Committee on Education.

2. Undertake a comprehensive review of the Bill through a disability lens, guided by the principles of equality, non-discrimination, and reasonable accommodation as enshrined in the Constitution and the CRPD.

3. Amend the Bill to incorporate the proposed clauses ensuring the full participation of learners with disabilities in basic education, including within APBET institutions.

4. Facilitate inclusive public participation by ensuring that future consultations on the Bill are accessible (e.g., sign language interpretation, accessible venues, materials in alternative formats) and that organizations of persons with disabilities (OPDs) are adequately represented.

5. Collaborate with the National Council for Persons with Disabilities (NCPWD), the Ministry of Education, the Kenya Institute of Curriculum Development, organizations of persons with disabilities, and civil society organizations to develop accessible guidelines and regulations once the Bill is enacted.

We reaffirm our commitment as **UDPK** and **Organizations of Persons with Disabilities (OPDs)** to work in partnership with Parliament, state agencies, and stakeholders to ensure that national laws and policies are fully inclusive and responsive to the needs of every person, including learners with disabilities.

FOR AND ON BEHALF OF THE UNITED DISABLED PERSONS OF KENYA [UDPK] AND THE ORGANIZATIONS OF PERSONS WITH DISABILITIES [OPDs]

Sally Nduta Ng'ang'a

Chief Executive Officer

United Disabled Persons of Kenya (UDPK)

Dated at NAIROBI, Kenya this 5th day of March, 2026

KUPPET

KENYA UNION OF POST PRIMARY EDUCATION TEACHERS-KUPPET NYAMIRA BRANCH

WRITTEN MEMORANDUM ON THE PROPOSED AMENDMENT TO THE TSC ACT. (AMENDMENT) BILL, 2024

SUBMITTED TO:

The Secretary Teachers Service Commission.
P.O BOX PRIVATE BAG 00100,
NAIROBI, KENYA
info@tsc.go.ke
SUBMITTED BY: KUPPET NYAMIRA

(AYIEKO G. MOGAKA)

Date of Submission: 15th February 2024

WRITTEN MEMORANDUM ON THE PROPOSED AMENDMENT TO THE TSC ACT (AMENDMENT) BILL, 2024

SUBMITTED BY AYIEKO GEORGE MOGAKA

(ASSISTANT EXECUTIVE SECRETARY-KUPPET NYAMIRA)

TEACHERS SERVICE COMMISSION (AMENDMENT) BILL, 2024

SECTIONS	PROPOSED AMENDMENTS	RATIONALE/ JUSTIFICATION
Amendment of section 2 of no. 20 of 2012	Section 2 a paragraph one Of the proposed amendment bill is amended by deleting the comma immediately after junior and inserting the word secondary immediately after the word senior. " Basic education institution include primary, junior secondary, senior secondary schools and teacher training institutions; The proposed amendment is amended by deleting paragraph 2 (b), and subsequently delete section 35 (2 to 4 (b)) in the proposed amendment bill.	_ Teacher registration certificate issued by commission as prescribed in the proposed amendment bill is a sufficient and necessary document that is mandatory to any person intending practice as a teacher in Kenya. Issuing a teaching or practicing certificate is duplication and adds no value to the teaching profession as only professionally trained teachers can be registered under this act and other laws.
Amendment of section 13 of no. 20	Section 13 of the principal act shall **not** be amended as proposed. Sections 5 to 7 should remain as in the principal act i.e.	Section 5 and 6(g) allows the commission to negotiate with trade unions representing teachers and other major stakeholders in the education

of 2012	(5) In addition to the Committees established under subsection (1), the Commission shall constitute a consultative committee **on the terms and conditions of service of registered teachers.** (6) The committee constituted under subsection (5) shall consist of— (*a*) a chairperson who shall be an experienced educationist appointed by the Commission; (*b*) a member of the Commission; (*c*) the Secretary to the Commission; (*d*) a representative of the Principal Secretary in the Ministry responsible for education; (*e*) a representative of the Principal Secretary in the Ministry responsible for finance; (*f*) a representative of the Principal Secretary in the Ministry responsible for public service;	sector and government on terms and conditions of service of registered teachers. Without this provision in the TSC ACT, TSC may unilaterally alter the terms and conditions of service of registered teachers to the disadvantage of the teachers and the teaching profession.

	(*g*) five persons nominated by each trade union representing the interests of registered teachers; and (*h*) a certified public secretary of good professional standing appointed by the Commission, who shall be the secretary and an *ex-officio* member of the committee. (7) The chairperson, members and secretary appointed under subsection 6 (*g*) and (*h*) shall serve for a term of three years renewable for one further term.		
Insertion of new sections 23A and 23B into No. 20 of 2012	**<u>23A.</u>** Delete proposed subsection 1 d and substitute thereof the following new section. (d.)Prescribe and fully sponsor short professional courses/seminars /workshops and in-service training geared towards addressing identifiable gaps and emerging contemporary issues in the teaching & learning process and curriculum change.		Any professional development program should be tailored to meet specific objectives aimed at improving the quality of education. And the cost for such training shall be met by the employer.
Amendment of section 35 of no.20 of 2012	24. The principal act is amended by deleting section 35 and inserting the following new sections.		
	The proposed amendment sub-heading is amended as herein; Teaching standards,	35 (1) Add the following words immediately after teaching standards in section 35 (1), "are highly motivated, encouraged to further their studies and undertake research in education." 2. The proposed amendment is amended by deleting section 35 (subsection 2b to subsection 4b) and inserting the following new subsections. 2.....	Pre-service training for teachers in Kenya is of a very high quality and standards. Teachers trained in Kenya are globally competitive and therefore the proposed amorphous continuous professional development is unnecessary. What is needed is a clear policy frame work that shall guide teachers in public service advance their academic qualification and research at masters

	career & professional training and advancement	(a). require that every person engaged as a teacher/tutor in both public and private basic education institutions and colleges meets the minimum academic qualification and registered as a teacher in accordance with the regulations prescribed under this act. (b). require that before one is engaged as a teacher she/he must produce teacher registration certificate. 3. The commission in consultation with trade unions representing teachers shall develop a policy framework guidelines detailing relevant postgraduate professional and academic disciplines to be pursued by career teachers at masters and PhD level. 4. pursuant to article 232 (1) (i) of the constitution and subject to the regulations made under this Act, the commission may:- a). equitably over postgraduate scholarships to outstanding teachers in the public service and bond them for a period of at most 5 years upon graduation. b). may enter into agreements with institution of higher learning, schools of education to offer postgraduate training/ education to teachers at subsidized rates.	and PhD level. Any professional training should be as proposed in section 23A (d).

	This sub-heading is amended to read "**Promotion of teachers and deployment to administrative position**"	_Section 35C of the proposed amendment is amended by deleting some section 35C and inserting the following new sections- **35C** (1) Pursuant to article 232 (1) (g) of the constitution and subject to the regulations made under this Act, the commission shall competitively promote teachers in its service based on: **a.** . Merit and ability as reflected in the teacher's work and results. **b.** Seniority and experience **c.** Academic and professional qualification **d.** Any other criteria the commission my consider relevant 2. the commission shall develop a career progression framework , that shall ensure that no teacher in the public service shall be subjected to job stagnation in the same grade for more than 5 years. 3. the commission shall competitively deploy school administrators from a pool of qualified teachers at grade D1 and above based on. i. Merit and ability to serve as school administrator. ii. Seniority and experience iii. Existence of a vacancy	The commission to amend the 2017 career progression guidelines by i. Deleting grade C4 and C5 from the CPG, so that a teacher at grade C3 shall competitively be promoted to D1, thus easy career progression for teachers. ii. Add an extra grade (D6) Immediately after D5 iii. Delinking promotion from category of school one is posted to teach (promotion be based on the 4 criteria identified in the Act). iv. The commission to allow classroom teachers to rise in the career ladder up to grade D6 (do away with administrator vs classroom teacher dichotomy when it comes to promotion above C3) v. The commission to develop scheme of service for post graduate teachers with relevant masters and PhD degrees.(this shall retain highly qualified professional teachers and researchers within its service

KENYA CONFERENCE OF CATHOLIC BISHOPS

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Our Ref:

Your Ref: KCCB/CERE/MOE/2026/3

4th March 2026

Clerk of the Senate
P.O Box 41842 – 00100
NAIROBI

Dear Sir/Madam,

RE: SUBMISSION OF MEMORANDA – THE BASIC EDUCATION (AMENDMENT) BILL 2023 (NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)

Greetings from the Kenya Conference of Catholic Bishops – General Secretariat.

The Catholic Church in Kenya through the Kenya Conference of Catholic Bishops extend its sincere gratitude for the opportunity to contribute our perspectives on the proposed reforms to the Education statute in Kenya.

We appreciate the invitation for the submission of Memoranda and Public Hearing on The Basic Education (Amendment) Bill 2023 (National Assembly Bills No. 59 Of 2023),

Enclosed herein, please find our recommendations. The Catholic Church is willing and looking forward to more discussions on the same.

While appreciating the continued collaboration between the Catholic Church and the Government in matters of education, I remain,

Yours in Christ Jesus,

Very Rev. Fr. James Waweru Mwaura
GENERAL SECRETARY

Encl.

CC Mr. Nicholas Muasya
National Executive Secretary
COMMISSION FOR EDUCATION AND RELIGIOUS EDUCATION

Cabinet Secretary
Ministry of Education
P.O Box 9583 00200
NAIROBI

MEMORANDUM ON BASIC EDUCATION BILL, 2023

Sections of the Bill	Provision	Issues with the Section	Proposed Amendment/ Recommendation	New Section/provision where Applicable
S.18 C	18C. (1) Every Sub-county Education Board shall consist of a Chairperson and six other members appointed by the Cabinet Secretary. (2) The Board members under subsection (l) shall include- (a) the Sub- County Director of Education or a designate of the Sub- County Director of Education; (b) the County Executive in charge of Education or a designate of the County Executive in charge of Education; (c) one person designated by the Teachers Service Commission; (d) two persons nominated by the Teachers Trade Union; (e) two persons who are professionals with at least five years of experience based in the Sub- County, nominated by the Parents Teachers Association in the Sub-County; and			
	(f) two persons nominated by one of the following religious organizations that has the highest number of members registered in the sub-county – (i) a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya; (ii)the Kenya Episcopal Conference; or	(f) The religious organizations are three. Representation should be from the three organizations (ii)The current name is the Kenya Conference of Catholic Bishops	*(f) Amend the section* *(ii) Rectify the name*	**(f) Three persons nominated by each of the following religious organizations that have members registered in the sub-county –** **(i) a joint forum of the National Council of**

Sections of the Bill	Provision	Issues with the Section	Proposed Amendment/ Recommendation	New Section/provision where Applicable
	(iii)the Muslim Education Council.			**Churches of Kenya and the Evangelical Fellowship of Kenya; (ii) the Kenya Conference of Catholic Bishops; and (iii)the Muslim Education Council.**
S.18D.	The Chairperson and members of a Sub-county Education Board shall be appointed for a term of five years and shall be eligible for re-appointment for one further term.	The nominations under 18 C(2)(f) (ii) are based on office tenure. As such, this person should not be limited to several terms.	*18D. Amend the section*	**18.D. (2) Members appointed under section 18 C (2) (f) (ii) shall hold office for the duration of their tenure, at the discretion of the Appointing Authority, contingent upon satisfactory performance.**