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5/10/2023

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – SECOND SESSION - 2023

DEPARTMENTAL COMMITTEE ON EDUCATION

REPORT ON

THE INQUIRY INTO THE ALLEGED EXAMINATION MALPRACTICES IN THE YEAR TWO
THOUSAND AND TWENTY-TWO (2022) KENYA CERTIFICATE OF SECONDARY
EDUCATION (KCSE) EXAMINATION

THE NATIONAL ASSEMBLY PAPER 11/11/12	
DATE	05 OCT 2023 Thursday 05/10/2023
TABLED BY	Hon Julius Nelly, MP Chairperson, Education Committee
WITNESSED BY	A. Shubuko

Published by:

Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

OCTOBER 2023

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ACRONYMS

BOM	-	Boards of Management
CBC	-	Competency Based Curriculum
CDACC	-	Curriculum Development, Assessment and Certification Council
CLE	-	Council of Legal Education
DCI	-	Directorate of Criminal Investigation
EACC	-	Ethics and Anti-Corruption Commission
HRMPEB	-	Human Resource Management Professionals Examination Board
ICPAK	-	Institute of Certified Public Accountants of Kenya
IEBC	-	Independent Electoral and Boundaries Commission
KASNEB	-	Kenya Accountants and Secretaries National Examinations Board
KATTI	-	Kenya Association of Technical Training Institutes,
KCCB	-	The Kenya Conference of Catholic Bishops (Catholic Church)
KCPE	-	Kenya Certificate of Primary Education
KCSE	-	Kenya Certificate of Secondary Education
KEMI	-	Kenya Education Management Institute
KEPSHA	-	Kenya Primary School Heads Association
KESSHA	-	Kenya Secondary School Heads Association
KIM	-	Kenya Institute of Management
KISE	-	Kenya Institute of Special Education
KISEB	-	Kenya Institute of Supplies Examination Board
KNEC	-	Kenya National Examinations Council
KNPA	-	Kenya National Parents Association
KNUT	-	The Kenya National Union of Teachers
KRA	-	Kenya Revenue Authority
KUPPET	-	The Kenya Union of Post Primary Education Teachers
MoE	-	Ministry of Education,
NCCK	-	National Council of Churches of Kenya
NHIF	-	National Health Insurance Fund
NIS	-	National Intelligence Service
NSSF	-	National Social Security Fund

ODPP	-	Office of the Director of Public Prosecutions
PTA	-	Parents Teachers Associations
SUPKEM-		Supreme Council of Kenya Muslims
TSC	-	Teachers Service Commission
TVET	-	Technical and Vocational Education and Training

CHAIRPERSON'S FOREWORD

The release of the Kenya Certificate of Secondary Education (KCSE) examinations on Friday, 20th January, 2023 was followed by an outcry from the general public on the allegations of cheating in the examinations.

In view of the foregoing, the Departmental Committee on Education, in its own motion during a Sitting held on Friday, 27th January, 2023, resolved to carry out an inquiry into the allegations of cheating and examination malpractices in the 2022 KCSE examinations in accordance to the provisions of the National Assembly Standing Orders 216(5)(e) which mandates the Departmental Committees to investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House.

In conducting the inquiry, the Committee set out to investigate nine (9) Terms of Reference in order to determine whether the allegations on examination cheating and malpractices were justifiable.

The Committee considered written and oral submissions from memoranda, public hearings carried out in ten (10) counties and meetings with the Ministry of Education, government agencies, the Judiciary and experts from the education sector.

In analysing the submissions received, the Committee sought to respond to the issues of determination, arising from the Terms of Reference of the inquiry, justifying their validity and further made findings and recommendations.

The Committee made the following recommendations, among others: -

1. Parliament reviews the current legal framework to among others:-
 - a. Review penalties provided for examination offences to provide for stiffer penalties to ensure deterrence;
 - b. Provide for new offences arising from malpractices relating to Information Communication and Technology and use of social media platforms;
 - c. Provide for the establishment of the Kenya National Assessment Council given the various reforms in the education sector;
2. Commencing the 2024/2025 examination cycle, the Teacher Service Commission (TSC) should include other parameters such as discipline, infrastructural development, co-curriculum activities, and teacher's personal development as part of the teachers' promotion requirement;
3. The National Assembly should increase funding to KNEC in the year 2024/2025 and subsequent years to adequately finance its activities and operations such as competitive and timely remuneration of examiners, transport of examination materials and personnel, provision of decent accommodation for the examiners at the marking centres.

4. To ensure compliance with national examination administering guidelines, KNEC should receive additional funding from the government for the digitalization of the examination processes and for additional personnel to ensure adequate monitoring, efficiency and effectiveness during the examination management and administration.
5. KNEC should conduct national examinations at different times of the year for effective and efficient management. In 2022, the council administered three national examinations (KPSEA, KCPE and KCSE) within one month straining the personnel;

The Departmental Committee on Education wishes to thank the Office of the Clerk of the National Assembly for the support extended to the Committee in the execution of its mandate and the Secretariat for supporting the Committee.

The Committee also extends its appreciation to the government agencies, experts in the education sector and members of the general public that appeared before the Committee in meetings and public hearings or presented or submitted written memoranda on their views.

It is now my pleasant duty and privilege, on behalf of the Departmental Committee on Education pursuant to Standing Order No. 199(6) of the National Assembly Standing Orders, to present this Report to the National Assembly.

Hon. Julius Melly
Chairperson, Departmental Committee on Education

EXECUTIVE SUMMARY

This is a Report on the Inquiry into the alleged malpractices in the 2022 Kenya Certificate of Secondary Education (KCSE) examination carried out by the Departmental Committee on Education.

The primary objective of the Committee's inquiry was to ascertain the presence or absence of cheating or any other forms of examination malpractices in the 2022 KCSE examination. In order to arrive at its conclusions, the Committee diligently examined both oral and written evidence, as well as testimonies. These comprehensive assessments formed the basis upon which the Committee determined the existence or absence of cheating and examination malpractices in the 2022 KCSE examination.

The report is structured into seven distinct sections, each addressing specific aspects of the inquiry's findings and conclusions. In **Part One**, the Preface outlines the establishment of the Committee, the mandate of the Committee, Committee membership and the Committee secretariat.

Part Two introduces the background of the inquiry detailing the genesis of the inquiry, the terms of reference of the inquiry, how the public hearings were carried out, the legal framework and the expected outcomes of the inquiry.

Part Three gives an account of the written submissions of memoranda from the public. The Committee invited the general public to make submissions in regards to examination cheating and malpractices and the Committee received a total of twelve (12) submissions.

Part Four gives a detailed account of all the oral and written submissions from the public hearings that the Committee carried out in ten (10) counties with different stakeholders. In addition, it gives an account of all the meetings held by the Committee with different government agencies and experts in the education sector in regards to the Inquiry.

Part Five responds to the Terms of Reference that were used as a roadmap to determine whether there was cheating and examination malpractices in the 2022 KCSE examinations. This section attempts to determine whether the Terms of Reference were justifiable resulting in an outcome.

Part Six provides for the Committee findings resulting from the submissions received from the memoranda, the public hearings and the meetings with different stakeholders.

Part Seven finally culminates with the policy, financial and legal recommendations of the Committee as a way forward in policy changes and amendments to laws in regards to examination cheating and malpractices.

PART ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216 (1). The Committee is mandated, among others, to:-
 - a. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;
 - b. Study the programme and policy objectives of Ministries and Departments and the effectiveness of the implementation on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
 - c. Study and review all legislation referred to it;
 - d. Study, access and analyze the relative success of the Ministries and Departments by the results obtained as compared with their stated objectives;
 - e. Investigate and inquire into all matters relating to the assigned Ministries and Departments as it may deem necessary, and as may be referred to it by the House;
 - f. Vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments); examine treaties, agreements and conventions;
 - g. Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - h. Consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
 - i. Examine any questions raised by Members on a matter within its mandate.
2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider Education, Training and Research. In executing its mandate, the Committee oversees the following: -
 - a. The State Department for Basic Education
 - b. The State Department for TVET
 - c. The State Department for Higher Learning and Research
 - d. The Teachers Service Commission

1.3. Committee Membership

3. The Committee comprises of the following Members of Parliament: -

1. Hon. Julius Kibiwott Melly, MP
Chairperson
Tinderet Constituency
UDA

2. Hon. Moses Malulu Injendi, MP
Vice Chairperson
Malava Constituency
ANC

3.Hon. Dr. Christine Oduor Ombaka, MP
Siaya County
ODM

4.Hon. Eve Akinyi Obara, MP
Kabondo Kasipul Constituency
ODM

5.Hon. Jerusha Mongina Momanyi, MP
Nyamira County
JP

6.Hon. Abdul Ebrahim Haro, MP
Mandera South Constituency
UDM

7. Hon. Anne Muratha, MP
Kiambu County
UDA

8.Hon. Clive Gisairo, MP
Kitutu Masaba, Constituency
ODM

9.Hon. Dick Oyugi Maungu, MP
Luanda Constituency
DAP-K

10.Hon Julius Taitumu M'Anaiba, MP
Igembe North Constituency
UDA

11.Hon. Nabii Nabwera Daraja, MP
Lugari Constituency
ODM

12.Hon. Peter Ochieng Orero, MP
Kibra Constituency
ODM

13. Hon. (Prof.) Phylis Jepkemoi Bartoo
Moiben Constituency
UDA

14. Hon. Rebecca Noonaishi Tonkei, MP
Narok County
UDA

15. Hon. Timothy Toroitich, MP
Marakwet West Constituency,
IND

1.4. Committee Secretariat

4. The Committee comprises of the following secretariat: -

Ms. Grace Wahu
Clerk Assistant
Lead Clerk

Ms. Natecho Kisiang'ani
Clerk Assistant

Ms. Colleta Sigilai
Senior Legal Counsel

Mr. Eric Kanyi
Fiscal Analyst

Ms. Winnie Kulei
Research Officer

Dr. Mburu Maina
Research Officer

Mr. Paul Kashane
Serjeant-at-Arms

Ms. Roselyn Ndeg
Serjeant-at-Arms

Mr. Nimrod Ochieng
Audio Recording Officer

Mr. Daniel Psirmoi
Media Relations Officer

Ms. Mary Kamande
Protocol Officer

Ms. Josephine Osiba
Hansard Reporter

PART TWO

2.0. BACKGROUND

2.1. Introduction

5. The role of education in a country's development, particularly in providing a skilled workforce, cannot be overstated.
6. The knowledge and skills acquired through education play a crucial role in supplying the necessary workforce capabilities that support production across various sectors, thereby contributing to the economic growth of the nation. Consequently, the assessment of candidates and the certification of their qualifications acquired through the Kenyan education system hold paramount importance.
7. The integrity and credibility of examinations conducted by the Kenya National Examinations Council (KNEC), as well as the certificates issued, are of utmost significance on the global stage. These factors essentially subject the country to scrutiny in terms of the administration and management of its examination system.
8. In light of the release of the 2022 Kenya Certificate of Secondary Education (KCSE) results on Friday, January 20th, 2023, concerns arose regarding allegations of examination malpractices within the country. The Committee on its own motion and guided Article 95(2) of the Constitution of Kenya, initiated an inquiry to ascertain the veracity of the claims of examination malpractices during the 2022 KCSE examinations.

2.2 Terms of Reference

9. In coming up with the roadmap to the inquiry, the Committee developed the following terms of reference:-
 - a. To establish the trend and commence a comparative analysis of 2022 KCSE examination performance vis-a-vis KCSE performance in the preceding years (2019-2022);
 - b. To determine whether there were incidents of cheating or other examination malpractices in the 2022 examination;
 - c. To determine how in cases of cheating or other malpractice were orchestrated, who the players were and who bears the ultimate responsibility;

- d. To determine whether there were adequate measures taken by the Ministry of Education and KNEC to curb cheating and other malpractices, and how adequately KNEC was prepared to administer the examination;
- e. To determine the effectiveness of the KNEC guidelines and rules in curbing examination malpractices;
- f. To determine whether examination marking stations were adequately prepared with regard to the marking schemes, integrity of markers, award of marks and the moderation process;
- g. To determine the efficiency, effectiveness and integrity of the Examination Management Officers from KNEC headquarters deployed to schools;
- h. To carry out a comprehensive audit on KNEC's Examination Management Systems including examination setting, printing, transportation, storage and marking; and
- i. To determine whether there is need to review penalties on examination malpractices in order to enhance deterrence.

2.3. Methodology of the Inquiry

10. In conducting the Inquiry, the Committee employed the following methodology; requested written submissions from the public; conducted research and analysis of the various submissions made; held meetings with various government agencies and institutions; held meetings with education stakeholders including education experts and held public hearings in selected Counties.
11. The Committee on Education, in compliance with Article 118(1) (b) of the Constitution through advertisements in The Standard Newspaper and The Daily Nation of 9th March, 2023, invited the public to appear and submit written memoranda and oral views on the identified terms of reference of the inquiry from Monday, 20th March, 2023 to Monday, 27th March, 2023 in eleven (11) counties.
12. To ensure that the inquiry reflected the face of the country, the Committee resolved to visit selected representative counties covering the former Provincial Administrations units. Members of public were invited to the hearings as per the schedule below:-

No.	DATE	COUNTY	VENUE	TIME
1.	20 th March, 2023	Nakuru	Rift Valley Regional Commissioner's Plenary Hall	10.00am- 2.00pm
2.	20 th March, 2023	Nyeri	Nyeri Youth Empowerment Centre, Ruring'u	10.00am- 2.00pm
3.	21 st March, 2023	Eldoret	Uasin Gishu County Multi-Purpose Hall	10.00am- 2.00pm
4.	21 st March, 2023	Embu	Kenya School of Government	10.00am- 2.00pm
5.	22 nd March, 2023	Kakamega	Masinde Muliro University Hall	10.00am- 2.00pm
6.	22 nd March, 2023	Machakos	Machakos Youth Centre	10.00am- 2.00pm
7.	23 rd March, 2023	Nyamira	CDF Hall	10.00am- 2.00pm
8.	23 rd March, 2023	Mombasa	Kenya Coast National Polytechnic Hall	10.00am- 2.00pm
9.	24 th March, 2023	Kisumu	Grace Ogot Hall	10.00am- 2.00pm
10.	28 th March, 2023	Wajir	ICT Hall	10.00am- 2.00pm
11.	31 st March, 2023	Nairobi	Mini Chamber, County Hall, Parliament Buildings	10.00am- 2.00pm

13. The Committee also wrote to the Ministry of Education, the Teachers Service Commission and other key stakeholders in the education sector, requesting them to send representatives to the public hearings in the eleven (11) counties. The following key stakeholders were invited:

- a. The Cabinet Secretary for Education
- b. The Chairperson and Chief Executive Secretary, Kenya National Examination Council (KNEC)
- c. The Kenya National Union of Teachers (KNUT)
- d. The Kenya Union of Post Primary Education Teachers (KUPPET)
- e. The Kenya Conference of Catholic Bishops (Catholic Church)
- f. Kenya Secondary School Heads Association (KESSHA)
- g. Kenya Primary School Heads Association (KEPSHA)
- h. Kenya National Parents Association (KNPA)
- i. National Council of Churches of Kenya (NCCCK)
- j. Supreme Council of Kenya Muslims (SUPKEM)

2.4 Legal Framework for National Examinations

Introduction

14. The role of Education in the development of a country cannot be over emphasized. The knowledge and skills gained through education help in boosting economic growth. The integrity and credibility of Kenyan examinations and certificates is therefore of uttermost importance to the entire nation. This section sets out the laws governing examination management in Kenya.

a. The Constitution

15. Article 53 (1) (b) state that every child has a right to free and compulsory basic education and Article 55 (a) the State shall take measures, including affirmative action programmes, to ensure that the youth access relevant education and training.

b. Kenya National Examination Council Act

16. To implement Article 53 (1) (b) and Article 55 (a) Parliament enacted the KNEC Act, of 2012. This is an Act of Parliament to provide for the establishment, powers and functions of the Kenya National Examinations Council and the conduct of examinations. It also served to repeal of the Kenya National Examinations Council Act, Chapter 225A of 1980.
17. The Kenya National Examinations Council (KNEC) plays a critical role in the assessment of candidates and certification as proof of qualifications attained by individuals who have gone through the Kenyan education system.
18. Part II of the Act provides for the establishment, Powers and functions of the Council. Section 10 of the KNEC Act provides for the functions of the Council to be—
 - i. set and maintain examination standards, conduct public academic, technical and other national examinations within Kenya at basic and tertiary levels;
 - ii. award certificates or diplomas to candidates in such examinations; such certificates or diplomas, shall not be withheld from the candidate by any person or institution;
 - iii. confirm authenticity of certificates or diplomas issued by the Council upon request by the government, public institutions, learning institutions, employers and other interested parties;
 - iv. undertake research on educational assessment;
 - v. advise any public institution on the development and use of any system of assessment when requested to do so, and in accordance with such terms and conditions as shall be mutually agreed between the Council and the public institution;
 - vi. promote the international recognition of qualifications conferred by the Council;

- vii. advise the Government on any policy decision that is relevant to, or has implications on, the functions of the Council or the administration of examinations in Kenya;
- viii. do anything incidental or conducive to the performance of any of the preceding functions.

19. The Kenya National Examinations Council (KNEC) undertakes all the procedures for the management of examinations from the test development, administration, marking and processing of the National examinations.

20. Part IV provides for the Oath of secrecy, Offences and Penalties arising during the administration of examinations. The offences include:-

- i. Contravention of the oath of secrecy under Section 26(2);
- ii. Unauthorized possession of an examination paper or any part thereof, or any material purporting to relate to the contents of any paper or materials for an examination under Section 27(1);
- iii. Negligently or wilfully assisting or causing a candidate to obtain or gain unauthorised possession of any examination paper, material or information or any part thereof under Section 27(3);
- iv. Giving an examination paper or material to a candidate or another person without lawful authority before or during an examination under section 28 (a);
- v. Disclosing the contents of an examination paper or material to a candidate or another person without lawful authority under Section 28(b);
- vi. Making a change in the original answer script of a candidate under Section 28 (c);
- vii. Fraudulently replacing the original answer script of a candidate under Section 28(d);
- viii. Fraudulently altering the results, work or marks of a candidate under Section 28 (e);
- ix. Fraudulently altering the examination number, photograph or other identification of a candidate under Section 28 (f);
- x. Altering the records of the Council with regard to an examination or examination results in relation to a candidate without lawful authority under Section 28 (g);
- xi. Negligently or wilfully losing any examination paper, material or any other information relating thereto or using such information in a manner prejudicial to the fair conduct of any examination by a person who has in his or her possession or under his or her control any examination paper, material or any other information relating thereto under Section 29;
- xii. Wilful and malicious damage to examination materials or facilities under Section 30;

- xiii. Possession of any offensive weapon or other material or use of any offensive weapon or other material on any other person or acting or inciting any other person to act in a disorderly manner for the purpose of disrupting the conduct of an examination or of harming, intimidating, assaulting or obstructing a candidate or any other person involved in the conduct of the examination. under Section 33;
 - xiv. Presenting a forged certificate or diploma, results slip or statement of results or presenting someone else's certificate or diploma, results slip or statement of results purporting it to be theirs to a prospective employer, institution of learning with intent to gain employment or admission under Section 34;
 - xv. Counterfeiting for commercial purposes a certificate or diploma issued by the Council under Section 35;
 - xvi. Direct or indirect interest of a KNEC member of staff or Contracted Professional in a private capacity in an examination or in any examination paper or information relating thereto or if the spouse, child or parent of such a person is a candidate in such examination and the person has not disclosed such interest to the Council or its nominee as soon as practicable before the commencement of his or her duties in respect to such an examination under Section 36.
21. Part IVA of the Act provides for the National Examination Appeals Tribunal. Section 40B provides for the establishment of the Tribunal. Under section 40H, the Tribunal considers all appeals made against a decision of the Council to withhold, nullify or cancel examinations prepared and administered by the Council.
 22. Under section 44, the Council may require the Teachers Service Commission to provide such services of persons employed or registered as teachers by the Commission as may be necessary to assist in the administration of examinations on temporary basis.
 23. Where such assistance is required, the Council and the Teachers Service Commission shall develop a common code of conduct to regulate the conduct of persons employed and in case of any infringement of the code of conduct it shall be punishable by the Teachers Service Commission.

c. User-Guide for the Management of Examinations Kenya Certificate of Secondary Education

24. In discharging its mandate KNEC seeks to ensure that all its stakeholders including candidates, Heads of Institutions, all Field Officers(Agents), Parents and all other partners involved in the management and administration of examinations are well guided and informed. The Council has therefore come up with Guidelines for the Management of KCSE Examinations which provide an all-inclusive reference with information on the management and administration of KCSE examination.

25. The guidelines provides Supervisors, Invigilators and field officers with step-by-step guidelines on all activities related to the KCSE examination. It further provides information on KNEC activities, services, and career progression to the Candidates, Parents, and other stakeholders. The manual is divided into five parts; Part One provides background information about KNEC; Part Two provides information on the registration of examination centres, distribution centres and KCSE candidates; Part Three gives information on the conduct of the KCSE examination; Part Four provides information on other services offered by KNEC and Part Five provides the summary the list of Sub Counties within the country.

26. In relation to the Inquiry, the guidelines provide guidelines on guarding against cheating, use of mobile phones and handling of spare question papers. The guidelines sets out a summary of the various forms of examination malpractices which include:-

- i. Collusion which involves a group of candidates producing identical responses on an examination;
- ii. Possession of electronic communication devices in the examination centre. This involves candidates having in their possession electronic communication devices in the examination room or centre during the examination period;
- iii. Impersonation. This occurs when a person: i) who is not registered to take a particular examination presents or attempts to present himself or herself to take the part of a candidate; ii) registers for the examination using a false name or identity; iii) falsely uses a certificate, testimonial, signature, photograph or a document of some other person to represent that other person;
- iv. Smuggling of written unauthorized information into the examination room. This happens when a candidate takes unauthorized information into an examination room with the aim of using the information to respond to questions in the examination;
- v. Presentation of two or more answer scripts / sheets by one candidate. This happens when a candidate submits two or more answer sheets / scripts for the same examination paper to KNEC for marking;
- vi. Presentation of an answer script with different handwritings. This occurs when a candidate presents an answer script that has two or more distinct hand writings which when examined by experts is found to have originated from different persons. The different handwritings in the various papers indicate that some of the candidate's papers were done by a third party;
- vii. Prior knowledge of contents of examination papers. This occurs when candidates are exposed to contents of question papers a few hours before the time scheduled for the paper on the timetable;
- viii. Leakage. This refers to making the contents of a question paper known to candidates more than a day in advance of the date scheduled for the paper;

- ix. Plagiarism. This involves the unacknowledged use by candidates of someone else's work without acknowledging the same and passing it as if it were their own work;
 - x. Disruptive behaviour in the examination room or centre. This encompasses any behaviour that disrupts the administration of scheduled examinations in an examination room or centre; and
 - xi. Inclusion of inappropriate, offensive or obscene materials in the answer scripts or course work. This happens when candidates include inappropriate, offensive or obscene materials / writings / drawings in their answer scripts;
27. The Guidelines further provide that, any case detected or reported of cheating should be investigated by KNEC and concerned agents. If it is established that cheating took place, the affected candidates are penalized and Heads of institutions are informed of the action taken through their Sub - County Directors of education.

2.5. Expected Outcomes of the Inquiry

28. The following were the expected outcomes of the inquiry.

- a. Ascertaining whether there was examination cheating and other malpractices during the 2022 KCSE examination.
- b. Identifying legislative and policy gaps in the management of National Examinations.
- c. Examining the integrity of the marking process of national examinations.
- d. Determining the best way forward in addressing cheating and malpractices in national examinations.
- e. Drafting a report recommending possible areas of improvement in Kenya National Examinations Management.

PART THREE

3.0. SUBMISSIONS OF MEMORANDA FROM THE PUBLIC

3.1. Introduction

29. In conducting the inquiry on the allegations of cheating and other malpractices in the year 2022 KCSE examinations, the Departmental Committee on Education invited the public to submit written Memoranda through advertisements in The Standard Newspaper and The Daily Nation of 2nd February 2023. At the close of the submission deadline on Tuesday, 14th February, 2023, the Committee had received a total of twelve (12) written Memoranda from the public.
30. This Chapter of the report elaborates the written submissions of Memoranda from the public categorised into the following issues: -
- a. Early exposure;
 - b. Teacher promotions;
 - c. Compromising of the examination management process;
 - d. Administration and management of the examinations;
 - e. Use of ICT in facilitating examination malpractices;
 - f. Bureaucracy in reporting examination malpractices; and
 - g. Recruitment and capacity building of contractual staff for examination management

3.2 Early Exposure

31. Early exposure of examinations was strongly brought out with one of the respondents submitting that the issue of concern was the early exposure of examination materials by head teachers, supervisors and invigilators and not leakages.
32. It was argued that difficulties in accessing remote areas of the country created circumstances conducive to the early exposure of exams, offering supervisors and invigilators opportunities to engage in malpractices.
33. Similarly, it was also alleged that the afternoon examination paper was easily accessed by various schools and learners and answers were prepared by teachers and given to students. As a result, the performance in papers done during the second session was very high compared to the first paper done in the morning.
34. Moreover, the respondents submitted that there were instances during the marking of examinations where some schools had learners choosing the same questions in some sections of the examination papers and providing similar wrong responses and spelling mistakes.

35. According to the respondents, the mid-morning papers should be discontinued as is currently the practice in Post-Secondary School Examinations. This, they observed, would mean extending the examination period as the mid-morning papers are the ones mostly affected by examination malpractices. The respondent, however, noted that the cost of administering exams will be high.
36. Despite sections of the KNEC Act, 2012 clearly stipulating that a person found guilty of offenses related to examination irregularities shall be liable to either imprisonment for a certain term or a fine, this has not deterred persons from carrying out examination malpractices due to the lenient nature of the penalty.
37. The respondents therefore suggested that those who are found cheating or aiding the vice should be handed severe punishment to deter others and that universities introduce faculty entry examinations to ensure that the students being admitted, genuinely acquired the examination results.

3.3 Teacher Promotions

38. According to respondents, the award of the Head of State Commendations and TSC promotions being pegged on the academic performance of schools, leads to teachers using other means to ensure a high performance from their students. There were complaints that it is only in the teaching profession where promotions are pegged on the last three years' school mean.
39. The respondents alleged that TSC had denied promotions to some teachers since there was no improvement in the results of their schools.
40. It was further alleged that there is a huge disadvantage for school principals whose schools do not register a positive mean grade. School principals' contributions in schools such as numerous buildings, buying land and stabilizing unsteady schools does not matter when it comes to promotions. It is for this reason that the desire for promotions contributes to exam malpractice since it ignites competition.
41. In this regard, in order to curb examination malpractices by teachers and Principals, the respondents suggested that the employer should task interviewees with the responsibility of providing evidence on value addition in their term of employment when they approve the application for an interview for promotion instead of judging their performance on the three years school mean score.

3.4 Compromising of the examination management process

42. The respondents alleged that examination cheating and malpractices is driven by the desire for success by parents, teachers, candidates, principals, Boards of Management (BOM) and education officers. The respondent alleged that in some schools, parents are convinced to contribute money to compromise the security officers, supervisors and invigilators.
43. According to the respondents, it was alleged that many secondary schools, especially the well performing ones, charge levies for uplifting academic results. Parents do not condemn the levies so long as they are assured their children will pass the examinations highly.
44. In addition, the respondents submitted that principals should not manage exams in their schools but should be transferred to different examination stations to manage exams in other schools for the three weeks the examinations period. During this period, the Deputy Principal is in charge of the school's logistical issues and identification of candidates.
45. In this regard, the respondents suggested the exchange of head teachers as a full proof way to prevent the head teachers from colluding with other officers in regards to examination malpractices. Further, the respondents suggested the exchange of security officers daily at the schools to avoid any colluding in propagating examination malpractices and the DCI and NIS officers be fully mobilized and sent to all schools to monitor examination administration to ensure that papers are not opened before time.

3.5 Bureaucracy in reporting examination malpractices

46. According to the respondents, they alleged that chief examiners and assistant chief examiners thwart efforts aimed at unearthing examination irregularities. Many examiners detect cheating cases during marking of examinations but ignore it. Upon identifying the irregularities, the examiners discourage reporting of cases because report writing takes time while others continue with marking. Others even admonish their juniors who raise genuine concerns.
47. They also submitted that the bureaucracy examiners have to go through after identifying cheating discourages them from reporting irregularities to the senior examiners for action and therefore, examiners mark exams for money only.
48. According to a respondent, culprits of examination cheating should be incarcerated where evidence is watertight and proven beyond any reasonable doubt that cheating occurred and KNEC should give incentives to examiners who blow the whistle.
49. Moreover, according to the respondents, the oath of secrecy and official secrets are binding individuals and this discourages them from speaking out even when things go wrong. The respondent alleged that on many occasions, irregularities were noticed but they were not

reported to avoid risking arrests and dismissals. Therefore, the respondent suggested that Parliament should come up with mechanisms aimed at protecting individuals who blow the whistle.

50. The respondents suggested that examiners should be encouraged to report cases of cheating and examination malpractices detected during marking by paying them well for reporting rather than leaving them to carry such burdens themselves.

3.6 Recruitment and capacity building of contractual staff for examination management

51. According to the respondents, KNEC contracted employees entrusted with the supervision of examinations on many occasions get compromised and, in most cases, do not perform as expected. Many contracted employees work under the banner of KNEC, therefore, when compromised, members of the public resort to blanket accusations that KNEC officers are compromised.
52. In addition, the respondents submitted that there is a drive to review the KNEC Act of 2012. However, they suggested that without a change of attitude, a review of the Act is a waste of time and public money. There are enough laws, which if properly implemented, cheating and examination malpractices can be inhibited.

3.7 Use of ICT in propagating examination malpractices

53. The respondents submitted that some Centre Managers receive examination questions early via telegram.
54. According to the respondents, they suggested that KNEC can invest in moveable cameras to be put within the containers, examination premises and examination rooms and video clips of the examination be provided to KNEC. They further suggested that any school that does not submit the video clips should be reprimanded.

3.8 Administration and management of the examinations

55. According to respondents, KNEC is currently grossly underfunded. They stated that in the past when KNEC was charging examination fee per candidate per subject, the Council raised enough money for its operations. However, the government does not pay examination fees per candidate per subject and the lack of enough funds was partly why examinations are not monitored as they ought to be.
56. The respondents therefore recommended that the government eliminate the deficit by funding KNEC adequately. This will in turn enable the deployment of more security officers and remuneration for supervisors and invigilators paid on time. They also added that supervisors and invigilators should be well paid in order for them not to be compromised.

57. In addition, one of the respondents submitted that KNEC should be entrenched in the Constitution like other independent Commissions such as the IEBC and TSC. Presently, the Council is subject to manipulation from individuals with vested interests.
58. Moreover, the respondents submitted that the examiners were under intense pressure from KNEC to complete the marking of scripts within the shortest time possible. Marking was from 7:00 am. to 7:00 pm with occasional ten to fifteen minutes for breaks.

PART FOUR

4.0 WITNESS SUBMISSIONS AND MEETINGS WITH STAKEHOLDERS

4.1 Submissions from Public Hearings in Nakuru County

59. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE Examinations in Nakuru County on Monday, 20th March 2023.
60. The key stakeholders in Nakuru County included:
 - a. The County Commissioners' Office
 - b. Kenya Secondary Schools Heads Association (KESSHA) Representatives
 - c. Kenya Primary School Head Teachers Association (KEPSHA) Representatives
 - d. The general Public
61. The following issues emerged from the public hearing in Nakuru County:
 - a. National examination administration and Management**
62. The County Commissioner's office indicated there is a need for improvement in the preparation and quality management of the examination cycle. Planning, implementation, monitoring and evaluation of examination processes and activities are key in the successful administration of examinations; an activity that is often at the tail end of the cycle but impacts on lives, careers and generations to come.
63. Considering the fact that examinations are done once a year, and whose management and administration impacts and alters lives forever, there should never be a chance to compromise any process or stage, thus, it must be done with utmost integrity, efficiency, effectiveness and in a timely manner to avoid the tendency of cheating.
64. The public emphasised the need to have a good working environment for teachers and school principals from the onset. They indicated that in most cases the Heads of schools are usually under immense pressure to perform exceptionally well without the consideration that each class and school has its own unique challenges. This gives them the unnecessary pressure to bribe invigilators and security personnel to carry out examination malpractices in favour of their schools with the quest of posting better results.
65. In further submissions, the general public indicated that KNEC should often exchange security personnel, Centre Managers, supervisors and invigilators during subsequent examination periods to curb the possibilities of colluding in cases and areas of familiarity.

66. The respondents also stated that there was a huge gap in examination monitoring and supervision. They indicated that in most cases examination supervisors and monitors never attend to the needs of schools found in far flung regions or with poor geography, instead they monitor schools concentrated on highways and in towns.

b. Teacher promotions

67. The Committee was informed that pressure is exerted on the teachers from their employer, the TSC. According to the TSC guidelines, teacher promotion is pegged on good performance for three consecutive years. The respondents decried that this is motivation for malpractices to achieve a mean score that would earn teachers and head teachers' promotions.

c. Finality of the KCSE examination

68. The respondents stated that using KCSE examinations as a finality to determine one's future is an injustice. They requested the Committee to relook into laws governing examinations and grading. They suggested there should be further joint university entry examinations which will serve to reduce pressure and the stakes placed on KCSE examinations.

d. Early Exposure

69. The respondents stated that there were lapses in collection and protection of examinations that are usually administered in the afternoon. They indicated that afternoon exams are prone to exposure leading to cheating through impersonation or sharing through the social media platforms like WhatsApp and telegram.

e. Amendment of KNEC laws

70. The respondents further stated that there should be punitive laws with hefty penalties to those found practicing examination malpractices. In addition, the procedure of reporting examination malpractices should be simplified and well outlined. They stated that the current bureaucratic processes discourage people from reporting

f. The recruitment process and Capacity building of KNEC contractual staff

71. According to the respondents, KNEC should pay attention to the calibre of professionals they recruit on contract to administer and supervise examinations. They indicated that contracted employees should be of high integrity and have the requisite competence and capacity to administer and supervise examinations.

g. Use of ICT to facilitate examination malpractices

72. According to the respondents, the government should support digitalising examination paper handling to minimize human contact and interaction so as to curb early exposure.

h. Marking and Grading

73. Various respondents stated that examiners should be given enough time to mark exams. The respondents stated that markers of examinations deserved a dignified marking environment through adequate funding of KNEC. They also submitted that a competitive pay, paid in a timely manner, should be offered to the markers and invigilators as their right as well as source of motivation. They stated that pressure should not be exerted on the markers to mark from 7:00 am to 10:00pm, making it extremely exhausting to concentrate and susceptible to bribery.

i. Bribery Allegations

74. The respondents made submissions that ranking of schools brought about unhealthy competition thus requesting that ranking of schools be abolished. This is because competition and the quest to excel for promotional purposes are the main reasons most head teachers indulge in bribery and other examination malpractices.

4.2 Submissions from Public Hearings in Uasin Gishu County

75. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Uasin Gishu County on Tuesday, 21st March, 2023 at the Uasin Gishu County Governor's Hall.

76. The key stakeholders in Uasin Gishu County included:
- a. The County Commissioner's Office
 - b. The County Executive Committee (CEC) Member for Education
 - c. The general public

77. The following issues emerged from the public hearing in Uasin Gishu County:-

a. Grading

78. The members of Uasin Gishu County asserted that summative evaluation was not the best way to grade children because it led to cheating in national examinations. It was observed that the Competency-Based-Curriculum (CBC) has its focus on formative evaluation.
79. The stakeholders further suggested that refresher courses from the TSC were needed to remind teachers of the need for integrity and professionalism in examination handling. They expressed the concern that some CBC learners were already aware of cheating tools such as 'Mwakenya', unauthorized written materials, at very early ages. They also indicated that children need guidance on integrity and the value of hard work.

b. The use of ICT to facilitate examination malpractices

80. It was submitted that technology had highly triggered malpractices through the use of mobile phones and social media platforms. The Committee was informed that some examination setters had leaked questions to candidates in advance through untraceable platforms like WhatsApp and Telegram. Further, the Committee was informed that there was need to enact laws on the use and abuse of ICT in tandem with emerging trends.

c. Bribery

81. The respondents stated that schools charged levies on parents that were often used to bribe officials in KNEC to aid cheating. The respondent also stated that teachers often complained of low remuneration for marking thus prone to the temptations of bribery.

d. Finality of the KCSE examination.

82. Respondents raised concerns that some students were unable to pursue courses that they had been invited to pursue raising the concern on KCSE grades to determine the future of students. They suggested that other joint examinations should be used for university entry.

e. Bureaucracy in reporting examination malpractices.

83. The Committee was further informed that invigilators fear reporting anomalies noted in examinations because of the investigation they are taken through. The respondents therefore recommended that those who report anomalies should be well protected.

f. National examination administration and Management

84. The respondents also informed the Committee that adequate preparation in the management of examinations should be considered so that they are not affected by sudden changes such as natural disasters, the election cycles among other challenges. The Committee was further informed that markers were poorly paid and often worked under undignified and high-pressure conditions.
85. Additionally, the need for thorough training in examination management for teachers was stressed. The Committee learned about challenges in monitoring national exams, citing a lack of resources like vehicles and fuel. Respondents alleged some KNEC officials engaged in examination malpractices, raising concerns about the integrity of the examination system.

g. Early Exposure

86. The respondents observed that there should be an overhaul of examination setters, stating that mock examinations and internal examinations for some schools resemble the KCSE examination papers. The Committee was informed that private schools may be more prone to exam leakage because of commercialization of education and the need for good results for

marketing purposes. The Committee was informed that KNEC should continually safeguard examinations from the containers to the examination centers.

h. Teacher Promotions

87. The respondents indicated that the promotions of principals should not be pegged on mean grades to prevent cheating and they emphasized timely payment for the 2022 KCSE national examiners to boost motivation.

4.3 Submissions from Public Hearings in Kakamega County

88. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE Examinations in Kakamega County on Wednesday, 22nd March, 2023.

89. The key stakeholders in Kakamega County included:

- a. The County Commissioner's Office
- b. The Deputy Governor's Office
- c. The County Executive Committee (CEC) Member for Education
- d. The Kenya National Union of Teachers (KNUT) Representatives
- e. The Vice Chancellor, Masinde Muliro University
- f. The County Executive Member (CEC) of Education
- g. The general public

90. The following issues emerged in the public hearing in Kakamega County:

a. Reporting irregularities

91. The County Executive Committee Member of Education in Kakamega County indicated that some examiners who identify cases of examination irregularities fear to report because of the bureaucracy involved and fear of victimization by the Ministry of Education officials.

b. Administration and management of examinations

92. Kakamega's County Commissioner informed the Committee that examination container keys are always in the custody of Deputy County Commissioners and the Sub-County Directors of Education for the sake of accountability. He added that when opening the container, principals who double up as Centre Managers are also present to witness.
93. The County Commissioner indicated that enough officers, vehicles and fuel should be provided to help the multi-agency officers in carrying out proper monitoring of national examinations.
94. A respondent from the public informed the Committee that there is need to pay markers well and in good time and have them accommodated in dignified rooms for motivation during the marking period. She further expressed that KNEC should be adequately funded so that it can

manage national examinations properly to curb cases of cheating and examination malpractices.

95. It was raised with concern that sick and pregnant candidates should not sit for examinations but should instead be given a supplementary examination later and the abolishment of ranking of candidates and schools was proposed because it served as a recipe for engagement in examination malpractices.

96. Further, a respondent from the public indicated that examiners are engaged in marking for many hours in a day which leads to exhaustion and illness. Moreover, the respondent informed the Committee that the markers are accommodated in deplorable conditions while in the marking centres.

c. Early exposure

97. KNUT Kakamega indicated that students and KNEC contracted professionals who receive the examination papers early share them using social media platforms.

d. The use of ICT to facilitate examination malpractices

98. The Vice Chancellor of Masinde Muliro University pointed out that the gains of technology are irreversible but there is need to ensure that it is not used in perpetrating examination malpractices.

e. Compromise of examination process

99. The Vice Chancellor of Masinde Muliro University suggested to the Committee that there should be a university entry examination to avoid overreliance of KCSE results therefore reducing cases of cheating.

100. A respondent from the public expressed that sick candidates sitting examinations in hospitals are rarely monitored and some of them therefore also engage in examination malpractices.

101. It was suggested that data entry clerks be vetted before being engaged in the exercise and that KNEC should rely on formative evaluation rather than summative evaluation only to curb cases of examination malpractices.

f. Promotions

102. Several respondents from the general public informed the Committee that TSC should not base promotions on KCSE mean grades but should also use other parameters such as value addition, discipline and improvement in school infrastructure.

4.4 Submissions from Public Hearings in Nyamira County

103. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE Examinations in Nyamira County on Thursday, 23rd March 2023.
104. The key stakeholders in Nyamira County included:
 - a. The County Commissioner's Office
 - b. The County Director of Education, Ministry of Education
 - c. The Kenya National Union of Teachers (KNUT) Representatives
 - d. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
 - e. The general public
105. The following issues emerged in the public hearing in Nyamira County:
 - a. **Trend analysis**
106. Nyamira County Director of Education submitted that Nyamira County had recorded improved performance between the year 2019 and 2022 with positive deviations ranging from 0.8673 and 0.7912. Among the top 50 schools in the 2022 KCSE examinations, he stated that eight schools registered negative deviation index. It was noted that the top ten schools in the county had a constant improvement index except four schools which registered a positive deviation ranging from 2.763 to 3.970. The Committee was informed that 36 schools that presented candidates in the 2022 KCSE examinations registered a negative deviation index.
 - b. **Management and administration of national examinations**
107. Nyamira County TSC Director indicated that there should be enough personnel, fuel and vehicles to assist in monitoring and curb cheating and examination malpractices. He further informed the Committee that KNEC had prepared guidelines for effective administration and management of examinations including frisking of learners, prohibition of mobile phones in schools, escorting of examinations by security officers among other measures.
108. The County Director of Education recommended that invigilators and supervisors should serve only once in a centre, only one examination be administered per day and the need for a continuous review of examination guidelines since the society is dynamic and new cheating methods arise.
109. Nyamira's KNUT Executive Secretary indicated that there was a multi-agency approach towards the examinations consisting of Ministry of Education, the TSC, County Commissioner, National Intelligence Services (NIS) and religious leaders.

110. KUPPET Nyamira informed the Committee that KNEC contracted professionals should be well remunerated and their dues be paid on time so as to motivate them.

c. Reporting of malpractices

111. A respondent from the general public informed the Committee that markers refuse to report examination malpractices detected during marking due to bureaucracies in reporting.

d. Teacher Promotions

112. The Nyamira TSC County Director stated that the promotion of principals should not be based on mean grades alone since this has a probability of propagating examination malpractices.

4.5 Submissions from Public Hearings in Kisumu County

113. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE Examinations in Kisumu County on Thursday, 23rd March 2023.

114. The key stakeholders in Kisumu County included:

- a. The County Commissioner's Office
- b. The County Director of Education, Ministry of Education
- c. The Kenya National Union of Teachers (KNUT) Representatives
- d. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
- e. The Kenya Secondary School Heads Association (KESSHA) Representatives
- f. The Kenya Primary School Head Teacher Association (KEPSHA) Representatives
- g. Kenya Private Schools Alliance
- h. The general public

115. The following issues emerged from the public hearing in Kisumu County:

a. Trend analysis

116. The County Director of Education (CDE), Kisumu, informed the Committee that from the year 2019 to the year 2022, the County had recorded minimum deviations. In the year 2022, he stated that a mean of 4.287 was recorded compared to a mean of 4.325 recorded in the year 2021, indicating a mean deviation of 0.502. He however indicated that there is a need for comparing abnormal performances in national examinations against the entry behaviour of candidates.
117. The Committee was informed that the highest deviations came from Sub-County schools despite lacking sufficient infrastructure. The CDE explained that this was because Sub-

County schools admit students who perform well but are unable to pay fees required in national schools.

118. The TSC County Director informed the Committee that there was no significant improvement across the Sub-Counties in Kisumu between the year 2020 and the year 2022. He expressed that the schools' mean grade deviations were between 1 and 3 and no school recorded an abnormal improvement in performance.

b. Compromise of examination management process

119. The County Director of Education (CDE) indicated there are cases of students who drop out of school after examination registration only to reappear for examinations. The CDE suggested that such students should be deregistered and not allowed to sit the national examinations since they are alleged to highly perpetrate examination malpractices.
120. The KNUT representative from Kisumu suggested that the country should adopt formative evaluation of students and desist from summative evaluation since the former leads to cheating and examination malpractices.
121. Kenya Private Schools Association (KEPSA) Kisumu recommended that the penalties for those found guilty of engaging in examination malpractices be enhanced to deter the practice.

c. Examination administration and management

122. The TSC County Director informed the Committee that a multi-agency team comprised of the Ministry of Interior, Ministry of Education and the TSC and that examination materials were secured well in the eight containers, manned by the Kenya Police Service at all times.
123. A parent from the general public suggested that there should be periodic audits after release of national examinations results to identify any gaps in examination administration and management.

d. Teacher Promotion

124. The KNUT representative from Kisumu indicated that rewarding principals and teachers whose candidates perform well is a recipe for encouraging malpractices in examinations therefore co-curricular activities and views from Boards of Management and communities may also be used in teacher promotions.
125. The Committee was also informed that parents pressure principals to have their students perform well which encourages them to commit malpractices.

e. The Use of ICT to facilitate examination malpractices

126. The KESSHA representative from the Nyanza region reported that Telegram is the social media platform mostly used to leak examinations since tracking it is very difficult.

4.6 Submissions from Public Hearings In Nyeri

127. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Nyeri County on Monday, 20th March, 2023.

128. The key stakeholders in the public hearings in Nyeri County included:

- a. The County Commissioner's Office
- b. The County Executive Committee Member (CEC) for Education
- c. The County Director of Education, Ministry of Education
- d. The Kenya National Union of Teachers (KNUT) Representatives
- e. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
- f. The general public

129. The following issues emerged from the public hearing in Nyeri County:

a. Recruitment of contracted professionals

130. The County Executive Committee Member of Education informed the Committee that supervisors and invigilators were recruited from the same area and in order to curb examination cheating, it is important that they be recruited and attached to different parts of the country.

b. Compromise of examination process

131. A former KASNEB official indicated that principals pay examiners who position themselves as motivational speakers to guide candidates on answering questions.

c. Administration and management of examinations

132. A former examiner informed the Committee that the areas identified as marking centres for exams were in deplorable condition and the teachers involved were poorly paid and the payments were delayed. He also informed the Committee that teachers were marking exams from 4:00 am. to 11:00 p.m. leading to instances of illness and exhaustion. The marking period is short compared to the volumes of papers the teachers are assigned to mark and the pressure towards this has allegedly caused some deaths in the marking centres.

133. The Area chief suggested that KNEC should serialize their examination papers to enable tracking of any missing examination papers.

d. Bureaucracy in reporting examination malpractices

134. A former examiner informed the Committee that most examiners do not report malpractices as the process is bureaucratic and teachers are subjected to writing many reports to explain the malpractice.

e. The use of ICT to facilitate examination malpractices

135. A KUPPET representative indicated that Telegram is a social media application that is being used to leak examinations to teachers and students and is preferred because the source of the information is not traceable. A respondent from the public recommended that examination papers should be sealed in such a way the evidence of opening of the examination packages is visible.

f. Teacher Promotions

136. Some of the respondents asserted that examination cheating happens because the promotion of teachers and principals is based on the registered mean grade. They informed the Committee that promotions should be based on value addition.

4.7 Submissions from Public Hearings in Embu County

137. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Embu County on Tuesday, 21st March, 2023.

138. The key stakeholders in the public hearing in Embu County included:

- a. The County Commissioner's Office
- b. The Office of the Governor
- c. The County Director of Education, Ministry of Education
- d. The County Director of Education, Teachers Service Commission
- e. The Kenya National Union of Teachers (KNUT) Representatives
- f. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
- g. The general public

139. The following issues emerged from the public hearing in Embu County:

a. Trend analysis

140. The County Director of Education indicated that Embu recorded slight deviations in performance compared to the previous years.

b. Administration and management of examinations

141. The County Commissioner stated that it is important to adequately fund KNEC because without funding, the multi-agencies are not able to operate efficiently and effectively. She

further indicated that examiners are accommodated in deplorable conditions and they are also poorly paid which leads to demotivation.

142. The County Commissioner further expressed that there is bureaucracy in reporting of examination malpractices which discourages examiners. She further expressed that markers fear that they may be victimized by senior officials.
143. The County Director of Education informed the Committee that KNEC issued examination policy guidelines and circulars promptly to all players, adequately sensitized examination stakeholders at all levels and regularly monitored examination administration.
144. Embu University's Chair of Education Department pointed out that there is need to abolish ranking of schools which he said leads to cheating and malpractice cases in national examinations.

c. The use of ICT to facilitate examination malpractices

145. The County Director of Education indicated that CCTV installations should be done for surveillance of examination centres. Moreover, the Chair of Education Department, Embu University indicated that social media platforms such as Telegram are used in propagating examination malpractices.

d. Compromise of examination management process

146. The County Commissioner informed the Committee that in the year 2022 KCSE examinations, there was a case of attempted examination cheating whereby two Chemistry teachers and a school secretary were interdicted. She stated that the principal was also interdicted due to negligence while the deputy principal was transferred.
147. The County Director of Education informed the Committee that the two chemistry teachers who were involved in cheating, were arraigned in Embu Law courts and are currently on interdiction. The CDE further told the Committee that the Centre Manager, the supervisor and invigilators were relieved of their duties of managing the 2022 KCSE examination for the remaining examination period since they had failed to perform their duties as required.
148. She further informed the Committee that there is need to review the penalties for examination malpractices as stated in the KNEC Act, 2012 so as to set more harsh penalties with hefty fines to enhance deterrence.
149. Embu University's Chair of Education Department expressed that KCSE is a high-stake examination and there is pressure from parents, teachers and peers to pass which leads to malpractices. The Committee was further informed that practical sessions experience early

exposure whereby the students who perform the experiment in the first session participate in guiding the subsequent sessions.

4.8 Submissions from Public Hearings in Machakos County

150. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Machakos County on Wednesday, 22nd March, 2023.

151. The key stakeholders in Machakos County included:-

- a. The County Commissioner
- b. The County Director of Education, Ministry of Education
- c. The County Director of Education, Teachers Service Commission
- d. Machakos Youth, County Assembly of Machakos
- e. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
- f. The Kenya Primary School Head Teachers Association (KEPSHA) Representatives
- g. The general public

152. The following issues emerged from the public hearing in Machakos County:-

a. Trend analysis

153. According to a respondent from the general public, there were students who had joined secondary school with 200 marks and yet scored an A grade in the 2022 KCSE examinations. He attributed this occurrence to examination cheating.

154. In addition, a retired principal stated that the 2022 KCSE examination results were not normal as there were ninety (90) A Plains and Eighty (80) A Minus, resulting in an abnormal curve. He stated that a lot of students drop out of universities because they entered wrongly and are not able to cope with the courses they are admitted into.

b. Monitoring and Administration of examinations

155. According to one of the respondents from the general public, the Committee on Education should amend the penalties for examination cheating and there should be a common examination from the Commission for University Education (CUE) to evaluate students before they join universities. He suggested that KNEC should have offices around the country to be able to deal with complaints of examination cheating instead of making all reports of cheating and malpractices to the agency's headquarters in Nairobi. Moreover, he recommended that KNEC should change examiners regularly, preferably after every two (2) years.

c. Underfunding of KNEC

156. Respondents in the public hearing also informed the Committee that KNEC is underfunded with most of its employees on contract terms. They said that this may therefore be a loophole that may be used to cause examination malpractices.

d. The use of ICT in facilitating examination malpractices

157. According to respondents in the general public, in regards to cheating through Social Media, there should be cyber police in place to find out the origin of examination cheating. It was reported that students use applications such as Telegram, Snapchat and Signal to distribute examination papers and answers without detection.

e. Recruitment and capacity building for KNEC contracted employees

158. An education officer from Kathiani sub-county informed the Committee that they had been assigned roles and that KNEC officials had organised an induction programme for them and the security team on examination monitoring and management concentrating on the distribution containers.

4.9 Submissions from Public Hearings in Mombasa County

159. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Mombasa County on Thursday, 23rd March, 2023.

160. The key stakeholders in Mombasa County included:

- a. The County Director of Education, Teachers Service Commission
- b. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
- c. The general public

161. The following issues emerged from the public hearing in Mombasa County:

a. Trend analysis

162. KUPPET Mombasa informed the Committee that the 2022 KCSE examination was administered to 881,416 students out of whom 1146 scored straight As. Overall, 173,345 learners scored C Plus and above compared to 145,145 students in 2021. Further, while improvement in examinations is expected, the results posted by some schools in the examinations raised eyebrows owing to spontaneous improvement.
163. The Union representative alleged that the 2022 KCSE results analysis did not reveal a normal curve or distribution, with some schools achieving a 100 percent direct entry to universities yet they had average mean scores in year 2021. According to the respondent, glaringly missing in the 2022 KCSE results was the comparison between each candidate's KCPE entry marks with their KCSE grades to establish whether there was significant and consistent value addition.

164. She observed that the purpose of examination analysis is to enable policy makers to formulate strategies for continuous improvement in performance as monitoring goes on. She further observed that in the year 2022 examination 489,081 learners scored D Plus and below and there is need to consider them.

b. Management and administration of examinations

165. KUPPET Mombasa stated that delayed payment of subsistence allowances to contracted professionals involved in the exercise of supervision, invigilation and marking creates apathy and low morale. Additionally, she stated that the low amount of money paid to markers per script is not commensurate with the work done during marking, not forgetting that marking centres are unfavourable for the rigorous exercise that takes two to three weeks.
166. A respondent from the general public expressed their concern over examiners being accommodated in deplorable conditions and overworked for very many hours leading to exhaustion. The KUPPET representative suggested that the national examination marking centres should be hosted in institutions such as the Kenya Institute of Curriculum Development (KICD) and the Kenya School of Government (KSG) Nairobi.
167. In addition, it was submitted that KNEC should partner with the Kenya Institute for Curriculum Development (KICD) in setting and managing examinations. In addition, KNEC should be given constitutional powers to discharge their mandate as required.

c. Compromise of examination management process

168. The KUPPET representative in Mombasa informed the Committee that sections of the KNEC Act, 2012 speak on examination offences and they should be reviewed and made more punitive. In addition, the fines should be increased from KShs.5, 000 and the number of months of imprisonment be enhanced from twelve (12). She suggested that a clause should be added that bars the perpetrator, if found guilty, from holding any public office. The offences should also capture a clause on cancellation of certificates for the students who cheat in examinations.
169. The Committee was informed that the Kenya Universities and Colleges Central Placement Services (KUCCPS) relies on KCSE results to place learners in universities and other institutions of learning with an intent of producing productive graduates and therefore examination malpractices may compromise the quality of professionals produced.

d. Capacity building for KNEC contracted employees

170. The TSC County Director stated that presently KNEC gives booklets that outline guidelines to examination management but interpretation may be different from one person to another. It was recommended that KNEC collaborates with the Ministry of Education for proper training of examiners and markers of examinations.

e. Use of ICT to facilitate examination malpractices

171. The respondents alleged that the 2022 KCSE examinations were marred with malpractices that saw examination papers and marking schemes circulating on social media before the examination period started.

f. Teacher Promotions

172. The KUPPET representative alleged that the second tier of examination malpractices is at the school level where principals and teachers are driven by a desire to make it to the headlines as giants in examinations. She stated that this is occasioned by pressure from TSC on principals and teachers to register improvement in the school mean scores in order to get promotions. He observed that attaching performance on KCSE results is the driving force of all kinds of malpractices in examinations, therefore TSC should consider other parameters or indicators of performance for promotion of teachers and principals.
173. A teacher from the general public informed the Committee that teachers are harassed to produce good results, which are used as a basis for promotions. The teacher expressed that TSC requires teachers to bring results of the past three years during promotion interviews. He recommended that TSC should stop considering students' grades to offer promotions.

4.10 Submissions from Public Hearings in Wajir County

174. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Wajir County on Tuesday, 28th March, 2023.
175. The key stakeholders in Wajir County included:
- a. The County Director, Teachers Service Commission
 - b. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
 - c. The Kenya Secondary School Heads Association (KESSHA) Representatives
 - d. The general public

176. The following issues emerged from the public hearing in Wajir County:

a. Trend analysis

177. The TSC Director informed the Committee that there had been a positive index in the past five years in KCSE examinations and that the deviations observed in the year 2020 (2.0265) and the year 2022 (1.24) show that the county had bigger and positive deviation margins in the year 2020 as compared to the year 2022.
178. The KEPSHA representative submitted that the results from Wajir County produced a normal curve. In the year 2022, the mean grade was 6.44 and he alleged that the candidates were being under marked by examination centers. He stated that they have not produced an A grade for many years but received 1st Class Honors in university studies.

b. Administration, Monitoring and Marking of examinations

179. The TSC County Director informed the Committee that two officials from KNEC gave their support in briefing examination officials at the Sub-County levels before the national examinations began to prevent any examination malpractices. The Ministry of Education and top officials from KNEC also briefed examination officers to ensure that the highest levels of integrity were achieved in the year 2022 KCSE examinations.
180. In addition, KNEC monitors made field visits during every examination season to provide support and as well as offer assistance in providing oversight. However, the monitors were few compared to the area they had to cover and the number of schools in the area.
181. The TSC representative informed the Committee that examination materials were supplied on time in the entire county and that helicopters were used to transport some examination materials as well as personnel to areas that were not easily accessible. Examination materials were stored in containers with police escort provided wherever the papers were distributed.
182. According to a respondent from the general public, some teachers could not report cases of cheating noted during marking due to the bureaucracies involved as they are required to do a report and submit to KNEC officers. He submitted that they are requested to return after schools open and provide evidence to the KNEC panel before action is taken against the perpetrators. In regards to this, the respondent made a prayer that teachers be allowed to report cases of cheating in exams during marking by presenting evidence before leaving the marking centres.
183. The KUPPET representative submitted that Wajir did not report any cases of examination cheating. However, KNEC had failed to efficiently remunerate teachers engaged in the examination process.

184. According to respondents from the general public, the Committee was informed that the multi-agency approach had made a lot of improvement in curbing examination cheating and malpractices in the country and that the main cause of examination cheating was poor preparedness of the candidates. Respondents proposed that there should be a deliberate effort in regulating staffing levels, provision of facilities and equipment across the board to win the confidence of the society and to bring about the desired shift in examination malpractices.

c. Use of ICT to facilitate examination cheating and malpractices

185. The TSC County Director informed the Committee that there were no cases of malpractices reported in the 2022 KCSE examinations, although some candidates were found with mobile phones during frisking before the examination started.

d. Recruitment and capacity building of KNEC contracted employees

186. The TSC Director informed the Committee that supervisors and invigilators were vetted before they were appointed based on their experience, honesty and integrity. The examination centres were changed every year to avoid familiarity and that Centre Managers were the only ones who remained in their respective schools. He suggested that Centre Managers should be changed to handle centres away from their schools.

187. A respondent from the public submitted that the majority of KNEC monitors are people of high integrity, however, they should be provided with vehicles to enable them reach all sampled examination centres and that the number of monitors should also be increased.

e. Poor living conditions and remuneration for examination markers

188. The TSC County Director submitted that markers have always complained of poor working conditions as well as terms of service. Examiners have always been hosted in secondary schools, some of which are below the standards.

189. In regards to the remuneration of markers, the Committee was informed that payments for examiners should be fast-tracked to avoid unnecessary delays which discourage the markers. There is a need to revise the payment rates due to inflation, which has been on the rise in recent times. He added that time given to teachers for marking was short causing a lot of undue pressure in the marking of examinations.

4.11 Submissions in Public Hearings in Nairobi County

190. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Nairobi County on Friday, 31st March, 2023.

191. The key stakeholders in Nairobi County included:-

- a. The County Director, Ministry of Education
- b. The County Director, Teachers Service Commission
- c. The Nairobi City County Assembly
- d. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
- e. The Kenya Secondary School Heads Association (KESSHA) Representatives
- f. The National Parents Association
- g. The general public

192. The following issues emerged from the public hearing in Nairobi County:

a. Trend analysis

193. The County Director of Education (CDE) informed the Committee that in the year 2022, Nairobi County presented 30,118 (14,787 boys and 15,331 girls) candidates for 2022 KCSE examination in 333 examination centres. Out of these centres, 174 centres (52.25 percent) were said to have posted positive deviations ranging from 0.01 to +3.524. Ashrafia Girls in Starehe Sub-County was reported to have posted the highest deviation of +3.524 followed by Rabani Education Centre in Kamukunji Sub-County with a deviation of +2.194 and New River Star in Embakasi Sub-County with +1.98.
194. It was reported that the County performance in 2021 KCSE was 3.96 while in 2022 it was 4.23, with a positive improvement index of 0.27. The Director reported that the two most improved schools (Ashrafia Girls and Rabanni Education Centre) were considered outliers in comparison to the improvement index of the County and the rest of the schools.
195. On comparative analysis of 2022 KCSE exams with the previous period (2019-2022), KUPPET indicated that the number of candidates who sat for the 2022 KCSE examinations were 881,416 compared to 826,807 in the year 2021. They disclosed that the number of students who scored A Plain in 2021 KCSE was 1,138 compared to 1,146 in 2022, showing an increase by 8 students. The Secretary General informed the Committee that the number of students scoring a mean grade of D Plus and above was 522,588 (59 percent) compared to 442,251 (53 percent) in the year 2021. He added that students scoring below D Minus totalled 359,828 in the 2022 KCSE examinations compared to 384,556 in 2021 KCSE, showing a slight improvement. The Union indicated that statistically, the performance in 2022 KCSE showed skewed distribution where very few students performed exemplary well while a large group of students performed poorly.

b. Early exposure

196. KUPPET Nairobi County indicated that there were cases of early exposure whereby the afternoon paper was accessed early and shared through ICT platforms.

c. Marking and grading

197. KNUT Nairobi informed the Committee that national examinations should not be marked in a hurry and therefore the examiners should be given more time.

d. Reporting of malpractices

198. KUPPET informed the Committee that the process of reporting examination irregularities is bureaucratic which makes examiners avoid reporting cases. The respondent expressed that many contracted professionals do not report cases of examination irregularities because the procedure is very tedious.

e. Promotions

199. It was noted with concern that attaching promotions of principals on mean grades results in cheating and malpractices in national examinations.

f. Compromise of the examination management process

200. The Committee was informed that some mobile phones were sneaked into the examination centres and rooms as a result of negligence during frisking of candidates. KESSHA indicated that the penalties for those found engaging in examination cheating and irregularities should be enhanced so as to deter persons from the malpractice.

g. The use of ICT to facilitate examination malpractices

201. It was alleged that most of the phones seized contained 2022 KCSE examination related content which was accessed through social media platforms such as Telegram and WhatsApp groups.

h. Possession of unauthorized materials

202. The County Director of Education (CDE) informed the Committee that in some centres, unauthorized written materials (Mwakenya) and textbooks were found in the examination rooms, laboratories and in the sanitation facilities, for example, malfunctioned cisterns.

i. Examination administration and management

203. The CDE indicated that all officers involved in the administration and management of 2022 KCSE examinations were sensitized and that all Centre Managers transported the examination materials using pool transport to curb any form of cheating and malpractices between the containers and examination centres. The Committee was further informed that after dispatch of examination materials, multi-agency teams that included Ministry of Interior and Co-ordination of National Government, Ministry of Education, Teachers Service Commission, Kenya Institute of Curriculum Development and KNEC monitored the conduct of the examination.

204. Moreover, KNEC may have been overwhelmed due to the administration and management of three (3) national examinations (2022 KPSEA, KCPE and KCSE) in a span of one month noting that KNEC personnel were involved in the administration and management of Business and Technical examinations in November, 2022. It was suggested that the examinations be done at different times of the year to ensure adequate personnel to administer them.
205. The Committee was further informed that the current KNEC rules and guidelines do not address emerging issues and trends such as sophisticated electronic devices and applications that are used in cheating and examination malpractices.

4.12. Experts Submissions on Alleged Cheating and Examination Malpractices in the 2022 KCSE Examinations

Introduction

206. The National Assembly Committee on Education, investigating allegations of cheating in the 2022 KCSE examination, sought expert opinions on the matter. On April 20th, 2023, the Committee convened a meeting with representatives from the Kenya University Quality Assurance Network (KuQAn), Mr. Amos Kaburu (Chief Counsel of Opticum), and Dr. Nicholas Letting (Chief Executive Officer of KASNEB). The experts presented their views as follows: -

4.12.1 Submission by the Kenya Universities Quality Assurance Network (KuQAn)

207. The Kenya Universities Quality Assurance network commenced its presentation by clarifying that it is an association of Quality Assurance Experts and Practitioners in the university education sector in Kenya. Registered under the Registration of Business Names Act (Cap 499, Section 14), they provided the Committee with insights into the functions of the network, which include:
- a. Development of quality assurance tools and techniques.
 - b. Multiplication of quality assurance activities through training, dissemination of innovative quality assurance practices and networking.
 - c. Mobilization of resources for quality enhancement and improvement.
 - d. Conduct of research to enhance quality and scholarship in university education.
 - e. Partnership with regulatory bodies nationally and internationally in enhancing the quality of university education.
 - f. A repository for quality assurance information.
208. They elaborated the three functions of National Examinations as, selection (balancing demand and supply and setting cut-off marks), certification (a measure of competency) and as an instrument for maintaining standards in education. They stated that the two key

elements of credible examinations are validity and reliability and that for an examination to attain them, it must be free and fair and devoid of cheating and examination malpractice.

209. KuQAn stated that globally, the steps employed in the conduct of national examinations are preparation, production and security, administration, processing (marking/grading), compilation of results, verification of results, and maintenance of high standards of operations and reporting of results.
210. They expressed the need to interrogate the following:-
- Whether there are policies and procedures guiding each of these steps. If yes, how regularly are they reviewed?
 - How the stakeholders are involved in each of these stages.
 - How tight the mechanisms for rewarding and punishing are.
 - If there is a periodic audit of the examination process for quality assurance and enhancement.
211. The network further stated that integrity in setting, printing, administration, marking and scoring of candidates in KCSE Examination is very important. They emphasized that the efficiency and effectiveness of the entire process of management and administration of KCSE Examinations should be ensured. They suggested to the Committee that the setting of examinations should be done by regularly trained experts in respective areas, following the curriculum and examinations to cover both hard and soft skills and to be more practical or entail case studies with minimal recall questions.
212. The Committee was informed that the printing of examinations is one of the most important and expensive activities of an examination because printing confidential material is of high risk and this requires secure monitoring. Therefore, they said that this process requires regular review and enhancement.
213. According to the network, the administration of examinations involves a number of key stakeholders and therefore it is important that they are well managed and competitively remunerated. KuQAn thus suggested the increase of the number of picking and dropping points of examinations papers, preferably at the Ward level. They were of the view that the morning and afternoon examination papers should be picked in their respective timings.
214. The Committee was further informed that marking and scoring of examinations is useful as it allows students to earn points that demonstrate mastery of given standards. They noted that marks or scores attained by a learner determine their next transition. KuQAn proposed that the process be done in a conducive environment. They further advised that KNEC should give adequate and sufficient time for the exercise.

215. On the need for university entry examinations, the Committee was informed that the Commission on University Education (CUE) has been given the mandate by the Universities Act to set the university entry requirements and that the introduction of entry exams would be going against the Universities Act.
216. According to KuQAn, KCSE is a high-stake examination as it is used for admissions to post-secondary institutions. They suggested that there is need to remove emphasis from selection and have the examination serve the purpose of certification by getting schools to deal with imparting skills only.
217. On whether the problem is with KNEC or the society, KuQAn posited that the problem is with the Kenyan society, where even money to bribe examination officials comes from the parents. They added that there is need to instil values in children right from childhood.
218. On universities acting as a checkmate for KNEC, the Committee was informed that each institution has its own mandate which should not be overstepped. KuQAn Chairperson however recommended interconnectedness between institutions in order to benefit from each other.
219. KuQAn stated that there were reported cases of students dropping out of prestigious courses they were admitted into after realizing how demanding the courses are.
220. In order to tackle cheating and exam malpractices, KuQAn gave their recommendations as follows:-
- a. The number of stakeholders involved in the administration of examinations should be increased as the process progresses to the distribution centres. KuQAn proposed that KNEC should adopt a devolved model structure similar to the one adopted by the TSC to empower officials at the grassroots.
 - b. There should be regular review of KNEC training manuals for the different categories of staff that handle national examinations. This will assist KNEC to deal with the emerging issues on examination management.
 - c. KNEC should provide a conducive working environment for markers and examiners during the process of examination marking. They advised there was need to strengthen and tighten the examination procedures to curb examination malpractices and to administer tougher penalties to offenders including learners, teachers, schools and individuals found to have been involved.
 - d. KNEC should institute an independent and periodic audit of the whole examination process for continuous improvement and as a quality assurance mechanism. After every

two years, the network suggested that independent auditors from KNEC should audit the process. The report produced can be tabled before the Committee on Education for purposes of making sure that KNEC delivers on its mandate. KuQAn indicated that this has worked well in Kenyan universities and whenever reports are done, they are submitted all the way to the university council.

- e. The government should allocate adequate resources to cover for the proposed reforms and to allow KNEC to dispense its duties of examinations management effectively.
- f. There should be enhancement of security personnel and the use of CCTV during the examination period to arrest any case of examination cheating and irregularities.
- g. There should be deferment by pregnant and sick candidates from sitting for examinations until they are fit and able to undertake the examinations. This will help to avoid unnecessary pressure on them which sometimes may lead to massive cases of cheating.
- h. There is need to have empowered KNEC officials at the lower levels since the production and the security of examinations is the greatest problem upon papers leaving KNEC. They stated that KNEC can borrow from TSC, which has officers up to the level of the Sub-County to take care of the examinations.
- i. KNEC should use non-practicing teachers in setting the examinations since using classroom teachers lures them into leaking examination questions to their candidates.

4.12.2 Submission by Mr. Amos Kaburu, Chief Counsel of Opticum

221. Mr. Amos Kaburu, Chief Counsel of Opticum made the following submissions before the Committee: -

222. KNEC has been a pace setter in the region and across the continent in upholding the standards of setting and administering examinations.

223. Cheating in examinations is an inexcusable crime that should attract the highest penalty in the penal code and the associated sanctions for crimes similar to crimes against humanity in the sense that examination cheating hinders the country of its future.

224. He further stated that he holds no tangible evidence that would seek to put culpability on any individual and that instead he wanted to share his reflections based on his work and interactions with fellow practitioners from across the globe on how to strengthen our assessment systems to retain their integrity and maintaining confidence in an assessment system and its infrastructure.

225. According to the presenter, KNEC relies on teachers to set, moderate, invigilate, mark and enter examination scores into the system for processing. The fact that the National Treasury allocates examination grants to candidates is a systemic challenge that delays payment to those who mark exams and that demotivates the teachers. The Committee was informed that without the requisite allocations, KNEC will be unable to remunerate examiners, supervisors and invigilators well.
226. Further, the presenter stated that children from schools where the syllabus is not fully covered and lack access to national examiners, will always score lower in KCSE examinations than their peers who hail from well-equipped schools. Therefore, relying on national examinations to make decisions such as placement into institutions, is pushing the utility of the assessment too far. Strathmore School and University has their internal entry examinations that go beyond the results from the national examinations. The student's score in the final examination plays a role but the role is limited, therefore, overreliance on national assessment results by the Ministry of Education to place students in Form one is erroneous and the use of KCSE examination results by KUCCPS to place students in colleges and universities may be misleading.
227. The Committee was informed that there is a need to borrow a leaf from the Kenya Accountants and Secretaries National Examination Board (KASNEB), the Human Resource Management Professionals Examination Board (HRMPEB), the Kenya Institute of Management (KIM), the Kenya Institute of Supplies Examination Board (KISEB) and the Council of Legal Education (CLE).
228. Moreover, KASNEB has separated teaching, test development, administration and marking. Examination centres are a matter of preference to a candidate, invigilators are sourced countrywide and are not to be known by the branch where the students studied.

4.12.3 Submission by Dr. Nicholas Letting, Chief Executive Officer, Kenya Accountants and Secretaries National Examinations Board (KASNEB)

229. Dr. Nicholas Letting, the CEO, KASNEB submitted that KASNEB does the following in ensuring that it curbs cheating and irregularities in the administration of their examinations:-
- a. It has three to five setters per question and three sets of questions moderated by internal officers to help take care of any suspected leaked paper.

- b. It subjects its officials to vetting by the Kenya National Intelligence Service to make sure that they are all of high integrity.
 - c. There is an oath of secrecy signed by every KASNEB official including the Chief Executive Officer, not to disclose any confidential information including examination questions.
 - d. It has an arrangement with the Kenya Commercial Bank, which stores examination papers for them at a fee, in order to keep them watertight and free from early exposure.
 - e. It does serialization of examination papers for traceability in case of a leakage or early exposure.
 - f. It does the mapping of cheating-prone areas, where surveillance is enhanced. They also ensure that there are enough personnel employed.
 - g. By using biometric, KASNEB uses fingerprints in order to identify a candidate like the Independent Electoral and Boundaries Commission (IEBC) works when people go to vote. He stated that this helps in curbing impersonation.
 - h. He stated that KNEC may also adopt proctoring technology such that if a candidate attempts to wink at a colleague in the room, the system can detect body movement and switch off the computer. In addition, the marking of examinations may be done electronically and the candidates receive their results in real time.
230. Dr. Leting proposed the following policy interventions to help KNEC deal with cheating and examination irregularities: -
- a. Mobile networks be disabled in cheating-prone areas to reduce the leakage of examinations through mobile phones.
 - b. Proper co-ordination between Ministry of Education and curriculum developers to ensure that the syllabus is covered in time and the examinations are set within the syllabus.
 - c. Benchmarking with other examination bodies that have done well in examination management such as KASNEB and HRMPEB.
 - d. Blacklisting of all the students found impersonating others to deter the practice in future.
 - e. Discouraging students from writing on the question papers since candidates may share question papers during examination sittings.

- f. Bringing NIS officers on board to operate covertly and sometimes pose as candidates to identify cases of examination irregularities and cheating.
- g. KNEC like KASNEB, should pay a higher amount for marking per script and pay in a timely manner in order to motivate the examiners.
- h. There is need to automate examinations in future by embracing computer-based examinations which also provide for marking in real time.
- i. KNEC should bring on board NIS officers to vet examiners before employing them as this will ensure that only examiners with high level of integrity are engaged in marking examinations.

4.13 Submissions from the Ministry of Education (MoE)

Introduction

231. The Cabinet Secretary, Ministry of Education, Principal Secretary in charge of Basic Education, the Chairperson and Chief Executive Officer of the Kenya National Examinations Council appeared before the Committee and responded to the terms of reference as follows:-

a. A comparative analysis of 2022 KCSE examination results performance vis a vis performance of the preceding years (2019-2022)

232. The following responses were given on comparative analysis of the 2022 KCSE Examination results performance with the Performance of the preceding years of 2019 to 2022: -

233. The grade counts across the years from 2019 to 2022 are comparable. The highest cumulative percentages of grades A and A- were achieved in the year 2020, with 0.97 percent of the candidates attaining the grades. The 2022 KCSE examinations had the lowest percentage at 0.85 percent in the four-year period.

234. Regarding candidates scoring C Plus and above, the year 2022 had 19.62 percent. The Committee was informed that this is comparable with the last three years, which have percentages between 17 percent and 19 percent. The number of candidates obtaining grade A compared to the previous years, the 2022 KCSE examinations had the lowest deviation of 8 from the previous year, compared to 245 in 2021 and 266 in 2020.

235. The Committee was informed that the candidates who sat the 2022 KCSE examination did their KCPE in 2018. Candidates scoring 400 marks and above obtained a distinction grade in KCPE examination, which is equivalent to attaining an overall mean grade of A. They

stated that as per the policy of the Ministry regarding placement and transition to secondary schools, all the candidates who attained 400 marks and above in the 2018, 2017 and 2016 KCPE examinations were considered for placement in National Schools.

236. The Ministry pointed out that in 2018, 2017 and 2016 KCPE examinations, a total of 12,205 (1.16 percent), 9,846 (0.99 percent) and 5,143 (0.54 percent) candidates respectively scored distinctions and transited to secondary school. Correspondingly, in the 2022, 2021 and 2020 KCSE examinations, 7,553 (0.85 percent), 7,111 (0.86 percent) and 7,313 (0.97 percent) candidates scored distinctions (A & A- grades).
237. The Ministry expressed that except in the 2020 KCSE examination, there is a number of students scoring quality grades in KCPE and not matching the performance in KCSE. In 2018 in particular, 1.16 percent of the KCPE candidates attained a distinction. However, when this cohort sat for KCSE in 2022, only 0.85 percent attained a distinction, that is A- (minus) and above. The expressed that the key question that should concern stakeholders is how wastage of the best students in secondary schools can be mitigated as is evident from performance trends.
238. The Ministry expressed that in order to provide a better appreciation of the trends in the KCSE performance over the years; it had provided a summary of the performance trends since the start of KCSE in 1989. The Committee was invited to note that only one candidate attained a mean grade of A Plain in the 1989 KCSE examination and no candidate attained A (plain) in 1990. However, the number of candidates attaining A plain began increasing as teachers and candidates became more accustomed to the 8-4-4 syllabus.
239. The percentage of candidates scoring distinction A Minus and above had been below one percent from 1989 to 2001, which is similar to the performance for the years 2016 to 2022, when reforms were done to the examination management system. The Committee was informed that similarly, the percentage of candidates scoring C Plus and above was consistently 20 percent and below between 1989 and 1999, which is the same case with the performance between 2016 and 2022.
240. The Ministry pointed out that deviation in the percentage of candidates scoring C Plus and above from one year to another lay between -3 percent and +3 percent from 1990 to 2015, except for outliers in 1993 and 2000. They stated that the percentages of candidates attaining D Plus and above had drastically improved from 48.2790 percent in 2016 to 59.6121 percent in 2022, approaching the stabilised percentage of above 60 percent that has been the norm since the early years of KCSE examinations.

241. The Ministry indicated that it had also taken the liberty of providing a comparative analysis of candidates' performance before the 8.4.4 system was introduced. Notably, the proportion of candidates in the 7.4.2.3 system in the years between 1983 and 1986 who attained Division III and above lay between 37.13 percent and 48.88 percent. This proportion, when compared with the candidates in the 2022 KCSE who scored C Plus and above (19.62 percent), is significantly higher.
242. The Committee was informed that it is therefore not unusual or strange to have a high proportion of candidates excelling in examinations. They stated that it is clear from the comparison that the current performance of candidates is far below the standards that existed in the 7.4.3.2 system.
243. It was indicated that a comparison of performance in equivalent examinations in neighbouring countries had been undertaken and that compared to neighbouring countries, the pass rate in 2022 KCSE examinations was much lower. The Committee was informed that the 2022 KCSE examination recorded a quality pass rate of 19.62 percent (C Plus and above). For equivalent examinations, the pass rate in Uganda's Certificate of Education was 61.36 percent; Tanzania had 36.95 percent in its Tanzania Certificate of Secondary Education while Zambia had 69.31 percent in the Zambia School Certificate (Grade 12).
244. The Committee was informed that there had been a portrayal in the mainstream and social media that schools from certain counties achieved extraordinary scores. They stated that the intended narrative in this portrayal had been that these counties were accorded an undue advantage for reasons that have never been stated. They stated that Kisii and Nyamira counties had been targeted and that one common allegation was that out of the 1.1 percent of Grade As, 946 were from Kisii.
245. The Ministry informed the Committee that Kisii and Nyamira counties actually had the least number of Grade As in the Nyanza region. They revealed that Siaya County had the highest number of As in Nyanza Region, with 72; while Kisumu had 59. They reported that Kisii was the second-last County in the region, with 51 As followed by Homa Bay and Migori that had 62 and Nyamira was the last county with 30 As. Kiambu topped with 226As.
246. The Committee was invited to note that the improvement of a school's mean score by +2 deviation and above is not unique to the year 2022. They stated that there were similar cases recorded in the previous years. For instance, they noted that in 2017, Sing'ore Girls from Elgeyo Marakwet County recorded a deviation of +5.32, in 2019, Kapkenda Girls, also in Elgeyo Marakwet County recorded a deviation of +4.15, while in 2021, St. Joseph's Girls High School, Kitale recorded a deviation of + 3.04.

247. The Ministry submitted that among the schools that were singled out for the narrative was Nyambaria High School which had 28 As. In terms of the number of A grades nationally, the school was said to have been position thirteen (13). It was pointed out that as a National School, Nyambaria High School admits students from the same pool as other national schools such as Alliance High School, Starehe Boys Centre and Mang'u High School and should therefore be expected that the school's candidates will compete favourably with their peers from other national schools.
248. The Ministry stated that since 2018, the school had been recording improvement in its performance. In 2019, they said the school had a mean score of 7.96 which grew to 8.75 in 2020. In 2021, the Ministry disclosed that it recorded a mean score of 8.24. They stated that the school's principal had been transferred from Maranda High School in 2018, where he recorded a mean score of 11.3 in the 2011 KCSE.
249. The Cabinet Secretary indicated that on measures employed to curb cheating, the Ministry adopted a multi-agency approach involving the Ministry of Interior and National Administration and the Communications Authority (CA), such that with the intervention of CA, some fake papers were found and the culprits taken to court. He reported that the Ministry had established measures to improve processes where accountability will be at a personal level.
250. On schools and students previously performing dismally suddenly posting very high grades, the Cabinet Secretary submitted that it is doable and went ahead to quote a case of a school he headed as the Chairperson of the Board of Management (BOM). He stated that the school recorded massive improvement upon changing the students' entry behaviour. He gave a case of a candidate in the 2022 KCSE examination who got an A despite scoring 175 marks in KCPE. On the converse, he said some students who got very high marks in KCPE performed dismally in KCSE Examinations.
251. On cases of teachers storming out of marking centres due to low pay, the Cabinet Secretary indicated that this was true but quoted only one case of a Christian Religious Paper (CRE) Paper One that was being marked at a certain High School. He explained that the issue at hand was that the examiners were rooting for Shs. 70/= per script but the Cabinet Secretary indicated to them that the contract signed read Shs. 55/= per script. He however assured the Committee that moving forward, the Ministry would consider raising the pay per script and also improve the working environment for markers, acknowledging that they have for a long time worked under deplorable conditions.

252. On reasons for the Kenya Primary School Education Assessment (KPSEA) examinations release not having a lot of attention as the case was with KCSE results, the Cabinet Secretary indicated that it is because CBC employs formative evaluation where continuous assessment tests also count for the final grade.
253. The Principal Secretary for Basic Education stated that in the year 2022, 354,000 candidates who scored D Minus and below did not raise concerns whereas concern was raised on the 174,000 candidates who scored between A plain and C+.
254. On the issue of a normal curve, the Chief Executive Officer (CEO), KNEC, indicated that a normal curve can only be a characteristic of KCPE examination since students sitting it are not subjected to pre-selection. After KCPE examinations, there is placement of schools in National, Extra-County, County and Sub-County schools, based on the marks scored.
255. The CEO also submitted that national examinations administration in Kenya observes the internationally accepted standards of fairness, reliability and validity, with fairness being the most important.
256. On some candidates interacting with marking schemes, the CEO indicated that it was incorrect since marking schemes as per the system established in 2016, are prepared after the paper is done. He stated that an examination paper comprises both open-ended and closed questions and that giving the similar answer by students in an open-ended question should not point to access to a marking scheme.
257. On why no student in Wajir County scored grade A, the CEO reported that the role of KNEC is to mark examination scripts as attempted by the candidates.
258. On about 30 percent of students invited to pursue lucrative courses dropping out, the Cabinet Secretary attributed this to parents who many a times push their children to pursue courses that are not of their choice.

b. Whether there were Incidences of cheating or other Examination Malpractices in the 2022 Examination

259. The Cabinet Secretary, Ministry of Education defined the various forms and terms of malpractices as defined in the Guidelines on handling Examination Irregularities and the Guidelines on scrutiny of marked scripts for evidence of irregularities as follows:-

a. Leakage

260. They stated this is where candidates have unauthorized prior access to the content of examination question papers before the scheduled day of examination. This may lead to the candidates having advantage over the other candidates who had no prior information.

b. Early Exposure

261. The Ministry explained that this is where candidates have unauthorized prior access to the content of examination papers before the set time of the examination on the material day of the examination. In this instance, the examination package is opened after being picked from the distribution centre and then the question papers and possible answers are shared with the candidates or on social media sometimes at a fee.

c. Examination Irregularities/ Examination Malpractice (Cheating)

262. The Ministry explained that this means any action which contravenes the set rules and regulations for the conduct of examinations as per the KNEC Rules of 2015 (Handling of Examination Irregularities). This includes:

- i. Possession of unauthorized material (written notes and electronic devices) in an examination
- ii. Collusion between candidates or with teachers
- iii. Unauthorized possession of examination materials
- iv. Fraudulently altering candidates' script or information
- v. Impersonation

d. Impersonation:

263. It was explained that impersonation is where a person, who is not registered to sit an examination, presents him/herself as a candidate in the examination or registers for the examination using a false identity to sit the examination.

264. The Ministry informed the Committee that before and during the administration of 2022 KCSE examination, KNEC received several reports from concerned citizens, whistleblowers and education stakeholders on alleged planned cheating in the examination. The Cabinet Secretary stated that similar reports had been received in previous exam cycles.

265. According to the Cabinet Secretary, the common types of alleged examination irregularity reports received by KNEC are:

- i. Possession of unauthorized materials in examination centre;
- ii. Possession of mobile phones in examination centres;
- iii. Impersonation;
- iv. Collusion; and
- v. Early exposure of examination material.

266. In response, he submitted that KNEC sent officers to the centres that were alleged to have planned for examination malpractices to monitor the conduct of examination. He explained that the exercise was done through a multi-agency approach involving the Ministry of Education and security agencies as has been the practice in the previous years. In addition, examination centres that were categorized as high risk were assigned a regular monitor throughout the examination period. At the beginning of the 2022 KCSE examination, over 200 centres had been identified as high-risk. According to the Cabinet Secretary, the information received is always shared with the security team on a regular basis.
267. Security measures that were implemented during the administration and management of the examination and the attempted cases of malpractice were dealt with timely and appropriately. He disclosed that one of the incidents involved a school in Garissa with over 100 candidates where 29 mobile phones were intercepted by security and examination officials. According to the Cabinet Secretary, the case was handed over to the Directorate of Criminal Investigations for further investigation and possible prosecution. However, the candidates' results were not cancelled because the mobile phones were confiscated before the examination.
268. The Cabinet Secretary further informed the Committee that KNEC also received reports of suspected collusion cases during marking by the examiners. They informed the Committee that KNEC conducted investigations to determine whether the reported candidates colluded in the examination. However, the investigation indicated that evidence provided did not meet the threshold for the cancellation of the examination results as per KNEC rules and regulations.
269. He submitted that all the 128 cases of alleged examination malpractices that KNEC received were processed in accordance with the procedure for handling reports. The cases were reviewed and found not to meet the threshold for cancelling results.
270. He informed the Committee that KNEC processes allegations of examination malpractices in accordance with globally accepted principles of fairness in examination and assessment of learners and that a candidate is always accorded the benefit of doubt when the evidence available is not sufficient to warrant the cancellation of examination results. Consequently, KNEC does not act on the basis of hearsay or unfounded allegations that have no supporting proof.
271. The Committee was informed that KNEC is a member of the International Association for Educational Assessment and the Association for Educational Assessment in Africa. KNEC's membership, to such educational assessment association enables sharing of experiences and best practices through benchmarking meetings. In relation to the 2022

KCSE examinations, the Committee was informed that KNEC invited five examination Boards who are members of the Association for Educational Assessment in Africa as observers. These observers approved the examination processes as having met the global standards.

c. In case there was cheating and other malpractices in the examination, how were they orchestrated, who were the players and who bears the ultimate responsibility?

272. The Ministry indicated that KNEC received reports of alleged cases of cheating and other malpractices during the 2022 KCSE examination. However, they stated that these cases were dealt with appropriately and did not result in the cancellation of results. They presented some of the reported irregularities as follows:

i. Collusion:

273. There were 20 suspected cases reported during marking by the examiners. It was alleged that candidates presented similar and identical responses. The suspected cases were further investigated and the evidence did not meet the threshold that warrants the cancellation of candidates' examination results as per KNEC guidelines.

ii. Possession of Unauthorised material:

274. This was detected during frisking of the candidates before the start of examination sessions. The guidelines on supervision and invigilation stipulate that candidates should be frisked before entering examination rooms to curb any case of examination malpractices. Materials that are intercepted by the invigilators and supervisors during frisking are not used to penalise candidates.

iii. Possession of Mobile Phones:

275. Some centres reported candidates to have attempted to sneak mobile phones in the examination centres during examination sessions. The phones were confiscated and handed over to DCI for further investigations.

iv. Unauthorised Possession of Examination Materials:

276. There were thirteen (13) cases of early exposure where centre managers or supervisors opened the question papers early and attempted to share the same on social media. These centres were identified and the perpetrators arrested and arraigned in court. An investigation of the affected centres during marking did not indicate any advantage gained by the candidates in these centres nor any evidence of collusion.

v. Impersonation:

277. There were three (3) cases of attempted impersonation. The imposters were arrested and charged in court.

278. KNEC through the TSC and the National Police Service replaced about 300 contracted professionals in instances where it was found that the personnel were not performing their roles as per the examination rules and guidelines.

d. What measures were taken by the Ministry of Education and KNEC to curb examination cheating and other malpractices and how adequate was KNEC generally prepared to administer the examination

279. The Ministry submitted that the process of ensuring the integrity and credibility of the KCSE examination involves measures that are implemented as key stages of the examination cycle. These stages and safeguards implemented in each of these stages were explained as follows:

i. Registration of candidates and examination centres

280. The examination cycle begins with the registration of new examination centres and registration of candidates. Candidates are registered either as school or private candidates. Private candidates register for examination at the Sub-County headquarters and are hosted in examination centres identified by the Sub-County Directors of Education.

281. Registration is a rigorous online process entailing the capture of accurate candidates' biodata and verification that the applicants meet qualifications to sit the KCSE examination. The subjects for which one is registered are also captured according to defined clusters and a photo of the candidate is uploaded. The photo is used to generate a photo album for identification of candidates during administration of examinations. This is helpful in preventing impersonation. The photo is also embossed on the KCSE certificates as proof of the candidate's identity.

282. The Ministry expressed that the KCSE candidature increased from 577,249 in 2016 to 884,122 in the year 2022 a percentage increase of 53.16 percent. The candidates were examined in thirty (30) subjects using seventy-four (74) papers. Candidates were required to sit for a minimum of seven and a maximum of nine subjects.

ii. Development of Test Items

283. The Ministry submitted that this is a confidential exercise that is undertaken as soon as the candidature for the examination is determined. KNEC has embraced a continuous improvement approach on the test development processes.

284. They submitted that test papers are normally developed, moderated, typeset and proof-read and once the test papers are ready, they are added to the KNEC's huge item bank for the selecting of the papers to be done in a particular year. This ensures the availability of an

adequate and secure pool of test items that can be combined to generate test papers and KNEC officers are not involved in the generation of test papers.

285. The Committee was informed that the security of the test items has further been enhanced by procuring a confidential security printer to print all the basic education test papers for KNEC with minimal human interaction to eliminate the risk leakage.

iii. Field administration of the examination

286. The Committee was informed that from the year 2016, KNEC departed from the use of police armouries for the storage of examination papers to containers located at the Sub-County headquarters. As a result, there is increased accountability in the storage and administration of examinations with the adoption of the multi-agency approach involving the Ministry of Interior and Administration of National Government and Ministry of Education. The officers take full responsibility for the security and distribution of examination materials at the KNEC containers. The Committee was informed that geographically vast sub-counties have additional containers to enable the far-flung examination centres get their examination in time.
287. In addition, Centre Managers are charged with the responsibility of collecting the examination materials for their respective examination centres. Before the year 2016, this was the responsibility of supervisors. Each manager is accompanied by two security personnel to their examination centre and the examination material is handed over to the supervisor in an examination room, witnessed by security personnel. At the end of the examination day, the supervisor is required to hand over sealed candidates' answer script packets to the centre manager who in turn returns them to the distribution centre for safe keeping as they await transportation back to KNEC. Centre managers are escorted to the distribution centre by armed security personnel.
288. The Cabinet Secretary indicated that going forward, they will increase the number of containers to ensure proximity to each examination centre. Centre managers will also be required to collect examination papers just before examination time both in the morning and in the afternoon eliminating the risk of early exposure.
289. Further, the 2022 KCSE examination papers were administered from Monday, 21st November to Friday, 23rd December, 2022. The Council engaged the services of an estimated 96,331 contracted professionals. The professionals included 9,172 supervisors, 49,131 invigilators, 10,561 Centre Managers, 21,078 security officers, 2,319 drivers, 3,273 examination management directors, 356 data capturers and 586 clerks. This was to ensure that the administration of the examination was undertaken in accordance with KNEC rules and regulations.

290. The Ministry admitted that there has been a significant increase in the number of contracted professionals from 74,810 in 2016 to 96,331 in 2022 which is an increase of 28.77 percent. This has ensured that there are adequate professionals to support the efficient administration of the examination.

iv. Monitoring of the field administration of the examination

291. The Ministry of Education stated that the monitoring of the field administration of the 2022 KCSE examination took place between 21st November, 2022 and 23rd December, 2022, covering all the Counties. The officers involved in the monitoring of the 2022 KCSE examination were drawn from the Ministry of Education, Ministry of Interior and National Administration, the Teachers Service Commission, the National Parents Association, the Kenya Private Schools and Teachers' unions.

292. In addition, the Committee was informed that senior government officials from various Ministries, Departments and Agencies also participated in the exercise under a whole-of-government approach. The officers who participated in the monitoring exercise submitted their reports in form of duly filled monitoring questionnaires and where there were emerging issues, separate detailed reports were prepared. KNEC also operated a call centre and provided guidelines for submitting written reports and evidence concerning any malpractices in the examination.

v. Marking of the Examination

293. The Cabinet Secretary submitted that the marking of the 2022 KCSE examination began with coordination of Chief Examiners and examiners in charge on 21st December, 2022. Other examiners reported from 2nd January, 2023 and marking was finalised on 18th January, 2023. The examiners were taken through the relevant guidelines. Each examiner signed a form committing to high standards of professionalism and integrity. A similar form was signed by the security personnel deployed during the administration of the examination.
294. The total number of examiners involved in the 2022 KCSE examination marking exercise were 30,592 in thirty-five (35) marking centres, compared to 29,116 examiners involved in 2021, representing an increase of 1,476 (5.07 percent) examiners. He informed the Committee that KNEC examiners are invited online through the contracted professional (CP2) portal and are required to read and understand the instructions on marking which form the basis of the contract between the examiner and KNEC. The examiners who accept the conditions voluntarily sign the contract and report to the various marking centres on the scheduled date after clearance by TSC.
295. The list of selected examiners is sent to TSC for vetting before they are invited for the marking exercise. Since 2016, KNEC has installed a secure virtual private network

connecting all the marking centres to the central server. This ensures that the captured marks are relayed to a central server in real time during the data entry of marks.

296. It was also disclosed that adequate security measures have been taken at the KNEC warehouse and the marking centres. These include installation of CCTV cameras, use of multi-agency security teams and vetting of persons allowed to handle the candidates answer scripts throughout the period. Tight security is also put in place during the transfer of candidates' answer scripts from the warehouse to the marking centres and back.
297. The Committee was informed that each examination paper is marked at a marking centre by different examiners. Papers with a large candidature were marked in more than one marking centre and the marking activities were coordinated and closely monitored by a multi-agency security team. The team is coordinated at the command-and-control centre and operated on a 24-hour basis.
298. Further, the Committee was informed that KNEC marking schemes are securely developed a day after each examination paper is sat by the candidates. It was reported that the marking schemes are securely stored by KNEC. During the co-ordination exercise, examiners interpret the marking schemes and agree with the chief examiners through free discussions on the marking standards.
299. In the administration of examinations, the Committee was informed that KNEC allocates random numbers to each school. This is to conceal the identity of candidates' scripts from examiners during marking. The Cabinet Secretary stated that during the packing of answer scripts for marking, KNEC further mixes different schools' packets from different sub-counties in a box. The boxes are stored in a script room installed with CCTV cameras and manned by KNEC officers at each marking centre. The officers issue boxes to different teams for marking in a random manner and only one box is issued to a team at any given time.
300. Further, the Committee was informed that before the commencement of live marking, examiners are coordinated and taken through briefing during which marking instructions, regulations, discipline, promotion and all other issues concerning marking and assessment are discussed. Once this is done, examiners are grouped into teams guided by the KNEC criteria that take into consideration gender, regional and experience balance. This is to ensure that examiners from one region do not form a team and that those experienced and those recently trained are mixed in a team.
301. The Cabinet Secretary explained that KCSE candidates' answer scripts are marked through a conveyor belt system. The conveyor belt system is a method of marking that is practised

globally to improve reliability in the scoring process not only to enhance the standards but also ensure that integrity is maintained. It is said to enhance objectivity and fairness in examiners at all levels. The belts or teams created during coordination may remain or be re-formed depending on the level of ability of examiners. The Committee was informed that each team leader is allocated boxes of live scripts in which he/she is supposed to pick and sign for packets of the centres contained in the boxes. The team leader also issues the packets one after another to members of his/her team as the marking continues.

302. Further, it was reported that senior examiners randomly sample and mark a portion of marked candidates' scripts for quality assurance in the marking process. Every year since 2020, KNEC convenes a three-day post-mortem retreat with Chief Examiners to carry out an evaluation of the marking exercise to develop corrective actions and to improve the next marking exercise.
303. As part of the processing of the examination results, there was a meeting of the KCSE examination awards Committee for grade setting and standards fixing on 18th January, 2023. In order to ensure that the process meets internationally acceptable standards, representatives from examination boards from Zambia, Uganda, Tanzania, South Sudan and Lesotho were invited and participated in the process.
304. The Ministry confirmed to the Committee that the marking process is 99.9 percent watertight. They stated that it assures the quality and security of the scores awarded to the candidates and measures that have been put in place since 2016.
305. In addition to the foregoing measures, the Ministry also took other preventive measures to ensure that the 2022 KCSE examination was free of malpractices. They provided a comprehensive brief to County and Deputy County Commissioners and to County Security personnel on the administration and integrity of the examination. According to the Ministry, these officers did a good job in supporting the administration of the exams. Through the use of technology and social media, the Ministry was able to instantly communicate with regional and County Directors of Education on monitoring the administration of the examinations. They also requested the Communications Authority of Kenya to shut several social media platforms that were used to spread fake exam papers and defraud members of the public.

e. How effective KNEC guidelines and rules in curbing examination malpractices were

306. The Ministry submitted that the KNEC guidelines on the management and administration of KCSE provide guidance on the conduct and administration of the examination. The guidelines were distributed by KNEC and are in every examination centre in the custody of the Centre Managers for reference during examinations. The roles and responsibilities

of all persons involved in the administration and conduct of the KCSE examinations are outlined in this document as a measure to control standards and avert any attempts at examination malpractice.

307. KNEC conducted briefings and sensitization before the start of 2022 KCSE examination series to refresh all the contracted professionals on what was expected of them and the guidelines on the management and administration of KCSE. The briefings and sensitizations were conducted in all the counties in the country and the information cascaded to the Sub-County level and further to the examination centres through the Centre Managers and supervisors.

308. It was further reported that rehearsals were held in all the examination centres in November, 2022. During the rehearsals, candidates were reminded of the rules and regulations governing the conduct of examinations and further taken through the penalties of examination malpractices as stated in the Kenya National Examinations Council Act and the examination timetables for each KCSE candidate were given. In the rehearsals, the supervisors in collaboration with the Centre Managers are expected to organise the seating arrangement of the candidates to ensure adequate spacing that will prevent malpractice.

309. The Ministry confirmed that these guidelines were effective in curbing the examination malpractices in the 2022 KCSE as they provided an effective framework for sensitization and deterrence. They also enabled the identification and penalization of cases of attempted malpractices such as the confiscation of mobile phones during frisking.

f. Whether examination marking stations were adequately prepared with due regard to the marking schemes, integrity of markers, award of marks and moderation process

310. The Cabinet Secretary informed the Committee that the examination marking stations were adequately prepared for the marking exercise. KNEC only engages trained and practicing teachers in the marking of KCSE examinations and all examiners are taken through a training on marking by KNEC before their first engagement as examiners. KNEC trained new examiners for the examination papers that required additional examiners in September 2022 at various examiner training centres in Nairobi and its environs.

311. The Committee was informed that all examiners are required to declare interest before the commencement of the marking exercise. They also sign an oath of secrecy not to divulge any knowledge that they gain during the marking process in order to safeguard the confidentiality and integrity of the marking process.

312. The marking of the 2022 KCSE examination began with co-ordination of Chief Examiners and examiners in charge on 21st December, 2022. Other examiners reported from 2nd January 2023 and marking was finalized on 18th January, 2023.

313. The Committee was informed that a total of 30,592 examiners participated in the marking exercise and were accommodated in 35 marking centres. The candidates' answer scripts were marked through a conveyor-belt system similar to the previous examination cycles. This system is said to ensure that the candidates are scored fairly and that the marks are consistent and reliable.

g. How effective and efficient examination management officers from KNEC headquarters deployed to schools countrywide

314. The Ministry submitted that the monitoring and field administration of the 2022 KCSE examination took place between Monday, 21st November, 2022 and Friday, 23rd December 2022 and all counties were covered. They stated that the key objectives of the exercise were as follows:-

- i. To assure the quality of the examination administration process to ascertain that all the regulations governing the conduct of the KCSE examination were adhered to;
- ii. To deter examination malpractices to avert any threats to the credibility of the examination administration process;
- iii. To register the presence and active participation of KNEC while the KCSE examination is in progress as part of ownership of the process; and
- iv. To provide a feedback mechanism for continual improvement as the observations made during the monitoring exercise were expected to inform and guide the future conduct of the examinations.

315. The 2022 KCSE examination monitoring exercise was carried out through a multi-agency approach involving officers from among other entities, the Ministry of Education led by the Cabinet Secretary who visited a number of counties, KNEC, the TSC, the Kenya Institute of Curriculum Development, the Kenya National Union of Teachers and the Kenya Union of Post-Primary Education Teachers.

316. In addition, senior government officials from the Ministries of Interior and ICT and other government departments and agencies participated in the exercise in the multi-agency approach. Additionally, KNEC established a call centre that addressed queries and reports from the field during the administration of the examination. Prompt action was taken to cover areas or examination centres that were suspected to attempt malpractices. In some examination centres that were observed not to be adhering to the guidelines for

administration of examinations, a recommendation was made to the TSC that arranged for immediate replacement of the contracted professional.

h. Whether there is need for legislative measures, including review of penalties on examination malpractices to enhance deterrence

317. The Cabinet Secretary submitted that KNEC operates under the Kenya National Examination Act No. 29 of 2012. He stated that KNEC is in the process of reviewing the KNEC Act to update it to the current innovations and to strengthen the penalties for cheating and other malpractices. The review process began in October, 2022.
318. He informed the Committee that a key issue that has arisen over the years is the emergence of various social media platforms that has allowed for the sharing of examination materials around the country almost immediately. This is currently done through WhatsApp, Facebook and Telegram. The misuse of social media, for example by sharing fake papers and early exposure of examination material, has become a major issue given the extensive reach of these Social Media platforms.
319. He further informed the Committee that KNEC has been collecting views from the public on the possibility of inserting a new offence in Section 27 of the KNEC Act to provide as follows:-
- (4) A person who before or during an examination, negligently or wilfully, assists or causes any examination paper, material or information or any part thereof, to be shared on any digital media platform, commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding five years or a fine not exceeding five million shillings or both.*
320. The offence that currently exists under the KNEC Act provides only for the possession of unauthorized examination material and the sharing of unauthorized examination material with a candidate. The new offence as proposed will enable KNEC to engage with the security agencies and to hold to account those that share or sell fake papers or expose examination material in advance. This is expected to serve as an appropriate deterrent.
321. The Cabinet Secretary requested for the support of the Committee and the National Assembly to support the proposed review of the law to ensure that the framework governing the national examinations responds to advances in technology. In addition to the proposal for legislative changes, there is need to enhance KNEC's budget. He emphasized that while there has been an increase by over 50 percent in candidature, KNEC's budget has not grown in proportion and urged the Committee to support KNEC. He further informed the Committee the Ministry is currently reviewing the remuneration of examiners with a view of increasing the same and additional budgetary support will therefore be critical.

4.14 Meeting with the Communications Authority of Kenya (CAK) and the Directorate of Criminal Investigations (DCI)

4.14.1 Submissions by the Communication Authority of Kenya (CAK)

322. The submission by CAK was a follow-up to an earlier meeting held on 4th July, 2023 to further highlight the issues contained in the letter Ref. NA/DDC/EDUC/2023/(87), of 15th June 2023.
323. The Director of Cyber Security at the CAK appraised the Committee on the following: -
324. The internet and digital applications that ride on it are essentially borderless and global in reach, therefore affording humanity immense benefits. Social media platforms provide easy-to-use channels for online criminal activities, including the misuse and manipulation of technology to perpetrate social ills and with the rapid evolution and adoption of artificial intelligence, the afore-cited benefits and dangers increase in equal measure.
325. In order to mitigate cyber threats and foster safer Kenyan cyberspace, the Government of Kenya, through CAK, established the National Kenya Computer Incident Response Team - Coordination Centre (National KE-CIRT/CC) in 2016. The Centre has been a multi-agency collaboration framework that is responsible for the national co-ordination of cyber-security management as well as Kenya's national point of contact with cyber-security matters.
326. He stated that at the national level, collaboration is realized through the National KE-CIRT/CC Cyber-security Committee (NKCC) where KNEC is a member. This multi-stakeholder collaboration approach has enabled the National KE-CIRT/CC to support KNEC in curbing exam fraud through proactively monitoring KNEC's digital assets, facilitating the takedown of accounts impersonating the national examinations body and other related entities, as well as channels disseminating exam materials.
- a. Possible threats to the integrity of national examinations using technology**
327. The CAK stated that social media platforms are accessible globally but are not subject to local or national laws. He stated that the platform providers operate on the laws of the countries of their origin and registration. The Committee was informed that social media companies predominantly use their respective terms of service and community standards to handle cases and reports of platform abuse.
328. In Kenya, social media companies are not regulated, which means that they are not licensed and have no obligation to comply with license conditions, codes of practice or local laws. As a result, social media platform providers are not subject to regulatory actions such as fines or the suspension of services.

329. According to CAK, the widespread use of social media in Kenya presents threats to the integrity of national examinations which include:-

i. Technology and Privacy:

The strong emphasis on privacy and anonymity by social media platform providers presents challenges in combating exam malpractices. Its end-to-end encryption, self-destructing messages and anonymous registration capabilities facilitate covert communication, making it difficult to track and trace individuals involved in exam fraud.

ii. Content Challenges:

The global reach of social media platforms presents challenges related to content in the context of exam malpractices. For instance, he stated use of various local languages often compromises effective monitoring and identification of suspicious or fraudulent activities as conversations and content can be relayed in various languages, making detection and intervention efforts more challenging.

iii. Contextual Considerations:

Lack of adequate laws governing misuse of social media in Kenya further complicates the situation, making it difficult to effectively combat online exam fraud and cheating. The strong constitutional and legal provisions on privacy in Kenya also limit the level of intrusion into individual communication.

b. Whether the Authority received and investigated any reports related to malpractices with regard to national examination malpractices in year 2022 or before

330. The CAK indicated that it has in the past received and processed reports relating to examination malpractices through the National KE-CIRT/CC as shown below:

No.	Platform	No. of Reports	No. Taken Down	Active Incidents
1.	Telegram	23	9	14
2.	Facebook	26	19	7
3.	Signal	-	-	-
4.	WhatsApp	-	-	-

331. The Committee was informed that CAK has been pursuing Mutual Legal Assistance (MLA) mechanisms including help from other national CIRTs, foreign law enforcement agencies, the INTERPOL and local foreign missions of the countries where the two social media

platforms are domiciled. In order to curb cases of social media impersonation, the National KE-CIRT/CC facilitates the verification of the genuine social media accounts for public entities, as has been the case with KNEC.

c. Policy interventions

332. The CAK advised that the government should develop policy and regulatory guidelines to inform the use of ICT during the examination period. These guidelines should include clear provisions prohibiting and controlling the use of mobile devices in examination centres. Further, to effectively combat the rise of exam malpractices via social media and digital platforms, the CAK recommended the following policy and strategic interventions:

i. Strengthening Detection Mechanisms:

333. Develop robust mechanisms, including algorithms based on Artificial Intelligence (AI) and keyword monitoring, to detect and flag suspicious content related to exam malpractices across multiple languages. Overcoming language barriers and ensuring accuracy in detecting fraudulent activities present significant challenges in this regard.

ii. Collaboration with Platform providers:

334. Foster collaboration between educational institutions, examination boards, and social media platform providers to enhance monitoring capabilities, sharing of fraudulent cyber activity, and the development of tools that can proactively identify and address instances of exam fraud.

iii. International Co-operation:

335. Foster international co-operation and information sharing between jurisdictions to combat exam malpractices perpetrated via social media and digital platforms. This should include encouraging the development of protocols and agreements that facilitate collaboration in investigations and the sharing of best practices.

iv. Educational Awareness and Ethical Culture:

336. Promote educational awareness campaigns emphasizing the importance of academic integrity and ethical behaviour. Education systems should foster a culture that discourages exam malpractices and emphasises the value of genuine learning.

v. Student Assessment:

337. The government's effort towards national deployment of broadband data services and the digitization of government services will drive the widespread access to the internet and public services across the country. As a result, and as a long-term measure, the government should consider reviewing how learners are assessed, especially with the growth in the adoption of Artificial Intelligence (AI).

vi. Proposals in the Cyber Security Regulations:

338. In order to address some of these challenges and concerns, CAK submitted that the government may put in place a number of provisions in the draft cyber security regulations that are currently under development and which cover the following areas: expediting requests from government agencies, enhanced provisions for children safety, guidelines on content moderation practices, enhanced safeguards for content moderators and clarity of terms of use of digital platforms.

vii. Review of Existing Laws:

339. He stated that the government should review the Kenya Information and Communications Act (KICA) to include regulations on digital platform providers.

d. Other recommendations as per the Terms of Reference of the Inquiry

340. Beyond addressing the challenges posed by social media platforms in terms of technology, content and context, the Committee was informed that it may also consider the following:-

i. Legal and Policy Frameworks:

341. Strengthen legal and policy frameworks related to exam malpractices, ensuring they are comprehensive, enforceable and adapted to the evolving digital landscape. This should include fostering international collaborations to address cross-border exam fraud challenges effectively.

ii. Multi-agency Collaboration:

342. There is a need to enhance collaborative efforts between the Authority's National KE-CIRT/CC, KNEC, the broader education sector, JLOS and other stakeholders with a view to curbing the use of technology in exam cheating. In this regard, the existing partnership between the Authority's National KE-CIRT/CC and KNEC should be enhanced to include other relevant stakeholders.

iii. Awareness and Capacity Development:

343. The human element is the weakest link when it comes to the misuse of technology. In order to promote the level of cyber hygiene and etiquette amongst the general public, including the education ecosystem, there is a need to create awareness on the responsible use of social media and technology in general, as well as the implications of misusing technology platforms to the society.

iv. Trends and Statistics:

344. The Committee was informed that there was a need to monitor and analyse trends and statistics related to exam malpractices on social media in order to inform policy and

operational interventions. This includes collecting data on the prevalence of fraud, methods employed and the impact of interventions to drive evidence-based decision-making and continually adapt strategies.

e. Conclusion

345. The presenter submitted to the Committee that overall, addressing the challenge of examination fraud through the use of technology calls for a collaborative approach that is coupled with policy, legal and technical interventions. Given the importance of integrity of national examinations, he stated that the Authority's National KE-CIRT/CC undertakes to proactively (24/7) monitor social media and technology. He further stated the following: -

- i. The Authority continues to collaborate with KNEC and other stakeholders in the education sector to enhance the delivery of national examinations. It has facilitated KNEC mainly, through verification of social media accounts/pages to ensure authenticity and discourage misinformation.
- ii. The CAK is currently experiencing, while not an isolated case in global cyberspace, calls for a review of existing legislative frameworks and mechanisms that promote mutual legal assistance.
- iii. Moreover, the National Computer and Cybercrimes Coordination Committee (NC4) is currently in the process of developing cyber security regulations that will not only operationalize the Computer Misuse and Cybercrimes Act 2018, but also foster a safer Internet for socio-economic transformation.
- iv. The government is currently reviewing the Kenya Information and Communications Act (KICA) to include regulation on digital platform providers' regulation.

4.14.2 Submissions by the Directorate Of Criminal Investigations (DCI)

346. The Director of Criminal Investigations appraised the Committee as follows:

a. On possible threats to the Integrity of National Examination using technology

347. The DCI stated that if technology is left unchecked, the following are the likely threats:

- i. The integrity of the national examinations is likely to be compromised and therefore the certificates will not be recognized.
- ii. Parents/Guardians and owners of private schools will be victims of examination conmen.
- iii. It may create an unequal environment with those exposed to the examination papers having advantage over other students.

348. The tables below provide a summary of all the cases handled and materials used in examination malpractices: -

4.14.2.1 Summary of cases handled

S/No	Position	Number
1.	Pending under investigations	44
2.	Pending before court	17
3.	Warrant of arrest	1
4.	Finalized cases	6
	Total	68

4.14.2.2 Summary of Materials Used

s/no	Gadget	Number
1.	Use of mobile phones	47
2.	Exam materials papers i.e. written materials/tissue	12
3.	Impersonation	1
	Total	60

b. Policy Interventions

349. The DCI made the following suggestions to address the concerns raised before the Committee: -

- i. The Committee was requested to consider putting in place strict regulations/laws that provide for stern administrative and disciplinary action against all those officers found engaging or aiding in examination malpractices.
- ii. The Committee was requested to consider making laws that make the use of biometrics mandatory to prevent impersonation.
- iii. The CAK was encouraged to put in regulations that make it possible for the Authority to pull down or jam signals for any platform found promoting examination cheating in real time once misuse is detected.

- iv. There is need for the National Assembly to consider making recommendations on timelines for examination cheating and malpractice cases in courts. This will help reduce the long periods cases take before they are concluded as is the case with the presidential election petitions.
- v. There is need to consider the inclusion of CAK as part of the multi-agency team at KNEC in the handling of examination malpractices.
- vi. Diversification of communities at exam marking centres should be considered when allocating tasks.
- vii. There is need for proper briefing of all stakeholders involved during marking of examinations to avoid incidences of collusion and blowing of undercover officers deployed at the marking centres.

c. Other recommendations as per the Terms of Reference of the Inquiry

350. The DCI made the following recommendations to the Committee:

- i. Tough penalties should be recommended against those found guilty of examination cheating.
- ii. Examination officers found involved in exam cheating and malpractices should be severely punished including being discharged from their jobs.
- iii. Schools should be advised to invest in CCTV cameras especially in examination rooms.
- iv. KNEC should improve on the invigilation and supervision of examinations. They should have enough and thoroughly trained invigilators and supervisors to handle the examinations, making it difficult examination malpractices.
- v. Honesty should be a moral value emphasized and entrenched in schools from basic education up to university level.

4.15 Meeting with the Office of the Director of Public Prosecutions and the Judiciary

4.15.1 Submissions by the Office of the Director of Public Prosecutions (ODPP) on alleged cheating in the 2022 KCSE Examinations

351. The Acting Director of Public Prosecutions (DPP), Madam Dorcas Oduor appeared before the Committee on 27th July 2023 at 10.00 am and submitted as follows:-

a. Summary of Cases Relating to the Examination Cheating and Malpractices

352. The Committee was informed that Kenya has experienced several cases of examination malpractices. Over the years and more specifically since 2012, the ODPP has received and prosecuted matters relating to exam malpractices and breach of laws on examinations.

b. The threshold considered before cases on the matter under consideration are forwarded for prosecution

353. The ODPP indicated that the decision to charge is one of the most important decisions that a prosecutor makes. In making the decision to charge, the prosecutor enjoys broad discretion, weighing various factors including contextual, situational, statistical factors as well as statistical analysis and the applicability of alternatives to prosecution.
354. She stated that the ODPP is guided by the law as well as several policies and guidelines in making the decision to charge and include the National Prosecution Policy, Decision to Charge Guidelines 2019, the Diversion Guidelines and the Plea Bargain Guidelines.

c. Threshold on decision to charge

355. The Committee was informed that the standard required in making the decision to charge is whether there is a reasonable prospect of conviction. The prosecutor must ensure that the investigation file contains the key minimum requirements as outlined in the Decision to Charge Guidelines. Once the minimum requirements are present, the prosecutor considers the sufficiency of the evidence and lastly the public interest.

d. Duration it takes for a Case on the Matter under Consideration to be Filed for Hearing in Court

356. The ODPP indicated that in cases relating to examination malpractice, most of the perpetrators are minors. In dealing with children in conflict and in contact with the Law, she informed the Committee that the ODPP developed the **Prosecutors Guide to Children in the Criminal Justice System**. The Guide increases awareness and understanding of the rights of children in conflict with or in contact with the law and serve as a practical framework to guide prosecutors on how to handle cases involving children witnesses in the criminal justice system. This Guide is instrumental in informing prosecution strategies in the prosecution of child offenders as well as the handling and management of child witnesses.
357. She stated that each case is handled on its own merit. The ODPP prosecution policies advocate for diversion as the first port of call when dealing with child offenders. The diversion process is case specific and involves different players who have varying levels of influence on the matter. Hence, there is no specific time frame that can be attached from the start to completion of the process.
358. In dealing with cases for prosecution, the investigation officers are advised to present their file to the prosecution counsel for decision making **three days** before the proposed date of

arraignment. Where there is sufficiency of evidence, then the matter will be filed for plea taking and consequently prosecution within the three days.

359. However, the Committee was informed that there are instances where the prosecution counsel, upon perusal of the file and analysis of the evidence, observes there is missing information or evidential gaps that require attention. In such instances, she stated the investigation officer is advised by way of a letter to undertake further investigations and thereafter re-submit the file for further analysis. She added that there is no specific time frame for the process of undertaking further investigations up until the matter is presented for plea taking. The turn-around time for each case that falls within this category is unique based on the circumstances it presents.
360. Given the above scenarios, the ODPP pointed out that it would be proper to conclude that the normal given turnaround time is three days. However, she informed the Committee that the circumstances may vary from case to case.

e. Recommendations by the ODPP on curbing examination cheating

361. The DPP indicated that it is cognizant of the fact that the education system in Kenya is undergoing a lot of changes so as to make it more responsive to the societal and global needs of the 21st Century. She observed that the sector has faced several challenges such as the advent of technology that has resulted to different crime trends not yet fully captioned by our laws, collusion amongst proprietors of examination centres, corruption and related practices that have marred the integrity of the examinations as well as the apathy by parents who have become key players in perpetrating exam cheating and malpractices. To mitigate some of these challenges she made the following proposals:-

i. Adoption of a multi-agency approach in the handling and management of examination

362. This will result in enhanced efficiency in detection, prevention, investigation, prosecution and adjudication of complex crimes that relate to exam cheating.

ii. Increased budgetary allocation

363. This will help in ensuring capacity building for all stakeholders within the multi-agency team and proper infrastructure for the examination setting, holding centres as well as learning institutions to deter any malpractices

iii. Community outreach programs

364. The Government needs to undertake countrywide sensitization programs to create awareness among the citizenry on the ripple effect of exam cheating in society. Once the impact of these ethical values is ingrained in the citizenry, the prevalence of exam cheating shall drastically reduce.

365. The Committee noted that with the growing population in education institutions coupled with the changing society, it is important for institutions to keep an updated record of all the cases reported for exam cheating and related malpractices. Such a database will not only create a sustainable account for reference purposes but will also inform policy makers on whether or not the recommended strategies for reform are working.

4.15.2 Submissions by the Judiciary on alleged cheating in the 2022 KCSE Examinations

366. The Senior Deputy Registrar of the Judiciary appeared before the Committee on 27th July 2023 at 10.00 am and submitted as follows:-

a. List and status of pending and concluded examination related cases

367. The Committee was informed that there are 10 ongoing cases and 15 concluded cases touching on examination irregularities in the courts.

b. Case backlog on the matters under consideration by the committee

368. It was submitted that whereas there is a case backlog attributable to a number of historical challenges, the exam related cases have been processed fairly quickly due to active case management in criminal proceedings and other strategies instituted over the past decade to address case backlog. As demonstrated by the schedule, the presenter informed the Committee that many of the cases touching on examination irregularities have been concluded while others are at advanced stages of the trial process.

c. Information on specialised division that hears exam cheating cases

369. The Committee was informed that exam cheating cases are criminal proceedings that are instituted in the Magistrates' courts, which are not divided into divisions. The only exception, is the Milimani Law Courts which has a separate Magistrate's Court for Criminal, Commercial, Children's, Anti-Corruption and Traffic Cases respectively, owing to the volume of cases in Nairobi.

d. Other recommendations as per the Terms of Reference of the inquiry

370. It was noted that Part IV (a) of the KNEC Act establishes the National Examinations Appeals Tribunal to consider appeals made against a decision of the council to withhold, nullify or cancel KNEC examinations. The Chairperson and Members of the Tribunal are to be appointed by the Cabinet Secretary responsible for education. Other than the Tribunal's Chairperson being nominated by the Judicial Service Commission (JSC), it was stated that the Act places the Tribunal under the Ministry responsible for education which is empowered to deploy a Secretary and other staff of the Tribunal.
371. The Judiciary Service Commission (JSC) undertook competitive recruitment of the Chairperson and forwarded the name of a nominee for gazettelement by the Cabinet

Ssecretary, Education in May 2023, yet the Chairperson has not been appointed by the Gazette and the Tribunal is therefore not yet operational.

372. The Committee was informed that the Judiciary then proposed that the Committee initiate statutory amendments to transit the Tribunal to the Judiciary as decreed by Article 159 (1)(d) of the Constitution to secure its operational and decisional independence. She added that the operationalization of the Tribunal will give examination candidates a forum to lodge any disputes they may have with KNEC when it exercises its power to cancel results.

PART FIVE

5.0. Issues for Determination and the Committee's Outcome

373. The Committee identified the following issues for determination derived from its terms of reference for the inquiry.

- a. To examine the trend and compare the 2022 KCSE examination results with the performance in the preceding years (2019-2021);
- b. To determine whether there were instances of cheating or other forms of examination malpractice in the 2022 examination;
- c. To determine how any cheating or malpractices in the examination occurred, who was involved, and who bears the ultimate responsibility if such cases are found;
- d. To assess whether the Ministry of Education and the KNEC implemented adequate measures to prevent cheating and other malpractices. Evaluate KNEC's level of preparedness in administering the examination.
- e. To evaluate the effectiveness of KNEC's guidelines and rules in preventing examination malpractices;
- f. To examine whether the examination marking stations were adequately prepared in terms of marking schemes, marker integrity, awarding of marks, and the moderation process;
- g. To assess the efficiency, effectiveness, and integrity of the Examination Management Officers from KNEC headquarters who were deployed to schools;
- h. To conduct a comprehensive audit of KNEC's Examination Management Systems, including examination setting, printing, transportation, storage, and marking;
- i. To determine whether there is a need to review penalties for examination malpractices to enhance deterrence.

The findings and decisions regarding each of these issues will be presented in subsequent sections.

5.1 To examine the trend and compare the 2022 KCSE examination results with the performance in the preceding years (2019-2021):

374. Examination trends analysis play a significant role in determining examination malpractices in identifying patterns, anomalies, and deviations from established norms. Analysing trends in student performance and other relevant data can provide insights into

potential instances of cheating.¹ The Committee received the following submissions on this term of inquiry:-

- a. KUPPET submitted that the number of candidates who sat for the 2022 KCSE examination were 881,416 compared to 826,807 in 2021. The number of students who scored A (plain) in 2021 KCSE was 1,138 compared to 1,146 in 2022 showing an increase by 8 students. The number of students scoring a mean grade of D+ and above was 522,588 (59%) compared with 442,251 (53%) in 2021. Students scoring below D- totalled 359,828 in the 2022 KCSE compared to 384,556 in 2021 KCSE showing a slight improvement. The Union indicated that statistically, the performance of 2022 KCSE was a skewed distribution where very few students performed exemplary well while a large group of students performed poorly.
- b. KESSHA Nakuru submitted that 2022 KCSE saw unexplained huge improvements in many schools with improvement indices of 1.5 and above and that the number of B+, A – and As cannot be scientifically explained when compared with 2021 results.
- c. The Nyamira County Educational office submitted that the County had recorded improved performance between 2019 and 2022 with positive deviations ranging from 0.8673 and 0.7912. It was noted that the top 10 schools in the county all had a constant improvement index except four schools which registered a positive deviation ranging from 2.763 to 3.970. The Committee was also informed that 36 schools that presented candidates in the 2022 KCSE examinations registered a negative deviation index.
- d. The Kisumu County Educational office submitted that from 2019 to 2022, the county had recorded minimum deviations. In 2022 for example, a mean of 4.287 was recorded compared to a mean of 4.325 recorded in 2021 indicating a negative mean deviation of -0.502.
- e. The Kisumu County TSC office submitted that there was no significant improvement across the sub counties between 2020 and 2022. The school's mean grade deviation ranges between 1 and 3 which is normal considering the entry behaviour of the candidates. The director also indicated that no school in the county recorded an abnormal improvement in performance.

¹Academic Dishonesty: Honor Codes and Other Contextual Influences <https://www.jstor.org/stable/2959991>
Academic Dishonesty: Honor Codes and Other Contextual Influences

- f. The County Director of Education in Nairobi indicated that the county's performance in 2021 KCSE was 3.96 while in 2022 it was 4.23, a positive improvement index of 0.27.
- g. In Embu County, the mean grades posted from 2019 to 2022 were 3.328, 4.425, 4.345 and 4.427 indicating minimal deviations in the four-year period.
- h. In their submission, KNEC indicated that 2022 KCSE had the lowest percentage of A and A- at 0.85% for the four-year period. In 2022, 19.62% of the candidates scored C+ and above compared with the last three years which had percentages between 17% and 19%. Statistically, the performance of 2022 KCSE had a skewed distribution where very few students performed exemplarily well while a large group of students performed poorly.
- i. KNEC further invited the Committee to note that the improvement of a school's mean score by a +2 deviation and above is not unique to the year 2022. There were similar cases recorded in the previous years. For instance, in 2017, Sing'ore Girls from Elgeyo Marakwet County recorded a deviation of +5.32, in 2019, Kapkenda Girls in Elgeyo Marakwet County recorded a deviation of +4.15 while in 2021, St. Joseph's Girls High School, Kitale recorded a deviation of + 3.04.
- j. The Ministry of Education further pointed out that among the schools that were singled out was Nyambaria High School which had 28 A's. In terms of the number of A grades nationally, the school was at position 13. The MOE pointed out that as a National School, Nyambaria High School admits students from the same pool as other national schools such as Alliance Boys High School, Starehe Boys Centre and Mang'u High School. Naturally, it should therefore be expected that the school's candidates will compete favourably with their peers from other national schools.
- k. KNEC submitted that it had undertaken a comparison with the performance in equivalent examinations in neighbouring countries and it is worth noting that compared to our neighbours, the pass rate in Kenya's 2022 KCSE examination was much lower. The 2022 KCSE examination recorded a quality pass rate of 19.62% (C+ & above). For equivalent examinations, the pass rate in Uganda's Certificate of Education was 61.36%, Tanzania had 36.95% in its Tanzania Certificate of Secondary Education while Zambia had 69.31% in the Zambia School Certificate (Grade 12).

Outcome

375. The Committee established that the trend and comparative analysis of the 2022 KCSE examination results in performance *vis a vis* the performance of the preceding years (2019-2021) was normal and there were no significant variations and anomalies.

5.2 To determine whether there were instances of cheating or other forms of examination malpractice in the 2022 examination;

376. Cheating refers to the act of using dishonest or fraudulent means to gain an unfair advantage in an examination or academic assignment. It involves attempting to deceive others, such as instructors or peers, in order to achieve a better outcome than one's actual knowledge or effort would warrant. For example, copying from another candidate's answer sheet.
377. Malpractice, in the context of examinations, refers to serious breaches of academic integrity that are typically more severe than individual instances of cheating. It involves actions that undermine the fairness and integrity of the examination process for example impersonating another student during an examination or manipulating grades or examination records.²
378. During the inquiry, the Committee received both oral and written submissions that indicated that there were isolated cases of examination malpractices.
- i. Some examiners claimed that there were incidences of malpractices, but the process of reporting examination malpractices was tedious. The markers indicated they do not report cases of malpractices for fear harassment and intimidation by chief examiners.
 - ii. In Mombasa, a respondent alleged that students had early exposure to the examination and that they were trying to share the exams with other schools. Signal and Telegram applications were used to relay examination information between 4:00am and 5:00am.
 - iii. In Embu, it was alleged that teachers had observed similar answers given by students, with teachers saying that they marked some scripts with similar answers. They gave an example of one examination centre where they alleged all students wrote similar wrong answers in the History Paper II, Question 23, which required candidates to identify three groups that cannot contest for political office in Britain. According to the respondent, a whole school wrote Neo-British citizens instead of non-British citizens.

² Examination Malpractice in Nigeria: Causes and Effects on National Development <https://eric.ed.gov/?id=EJ107737>

- iv. The Nairobi County Education Office informed the Committee that a number of cases of examination malpractices were reported during the 2022 KCSE Examination. In some instances, mobile phones were seized from examination centres and rooms.
- v. In Embu, education officials indicated that there was an attempt to leak the KCSE Chemistry Practical Paper by the subject teacher. The teacher worked out all the questions in the paper and had photos taken by his colleague and sent to other unauthorized persons. This led to the interdiction of the two teachers, together with the school secretary. The principal was also interdicted due to negligence and the deputy principal transferred.
- vi. The DCI indicated that they were handling a total of 68 cases with 44 cases pending under investigation, 17 cases pending before court, one case with a warrant of arrest issued and six cases already finalized.
- vii. KNEC singled out an incident which involved a school in Garissa with over 100 candidates, where 29 mobile phones were intercepted by security and examination officials. The case was handed over to the Directorate of Criminal Investigations for further investigation and possible prosecution. However, the candidates' results were not cancelled because the mobile phones were confiscated before the examination.
- viii. The Ministry of Education pointed out that all the 128 cases of alleged examination malpractices that KNEC received were processed in accordance with the procedure for handling reports. All the cases were reviewed and found not to meet the threshold for cancelling results.
- ix. The Ministry indicated that KNEC received reports of alleged cases of cheating and other malpractices during the 2022 KCSE examination. Some of the irregularities reported were as follows: 20 suspected cases of collusion, 14 centres where phones had been sneaked in, 13 cases of early exposure, and various cases of impersonation and possession of unauthorized materials.
- x. On submissions received during the public hearings, KNEC indicated that most of the submissions were unsubstantiated. They indicated that most of the respondents were dismissed examiners for violation of KNEC rules and regulations.
- xi. The Committee was informed that technology such as social media applications were used to facilitate examination malpractices. Social media platforms such as Telegram and Signal are the social media applications that were reported to have been used to leak examinations to the teachers and students and were preferred because the source of the information is not traceable.

Outcome

379. Given the foregoing, the Committee observed that there were isolated incidences of examination malpractices in the 2022 KCSE examination perpetuated through the use of technology like social media.

5.3 To determine whether in case there was cheating or other malpractices in the examination, how these were orchestrated, who was involved, and who bears the ultimate responsibility if such cases are found;

380. The Committee, in cases where there were malpractices, observed that parents, teachers, invigilators, supervisors, principals and KNEC officials were the major players and orchestrators in the examination malpractices. Various respondents submitted as follows:-

- i. The KESSHA office in Nakuru stated that the significant dependence on conventional professions such as Medicine, Engineering, Architecture, Education, and Law as pathways to advancement creates substantial pressure on students to excel in KCSE. This pressure, in turn, compels schools to find ways to meet these expectations, sometimes resulting in school managers resorting to examination cheating.
- ii. The DCI reported that a fourth-year university student in the Rift Valley region defrauded the public by selling counterfeit examination papers on Telegram. Financial records showed that the student had amassed Shs. 4 million, owned a car, and had constructed a luxurious residence in their rural hometown in Nyanza. The matter was pending in the courts of law.
- iii. The Committee was informed by a respondent from Kakamega that examination malpractices start with KNEC, where some answers put in the answer sheets resembled the marking scheme word for word. However, KNEC indicated that marking schemes are securely developed after each examination paper is sat by the candidates. The Marking schemes are developed at the centre and then securely stored for use during the exam marking exercises.
- iv. The KUPPET Office in Nyamira submitted that KNEC is to blame for examination malpractices, claiming that the integrity of teachers is not considered when selecting markers.

However, KNEC explained that it only engages trained and practising teachers in the marking of KCSE examinations and are taken through a training on marking by KNEC before their first engagement as examiners. KNEC trained new examiners for the examination papers that required additional examiners at various examiner training centres in Nairobi and its environs. All examiners are required to declare interest before

commencement of the marking exercise. Further, they sign an oath of secrecy not to divulge any information that they gain during the marking process to a third party to safeguard the confidentiality of the candidates' performance and the processes undertaken.

- v. KCSE being a high stakes examination, KESSHA Nyanza region head informed the committee that parents and head teachers should stop mounting pressure on head teachers to deliver mean grades which sometimes propagates examinations malpractices.
- vi. A former KASNEB official communicated his concerns about the integrity of the examiners. The Committee was informed that KASNEB examinations set and printed in Kenya never leak due to high levels of integrity and punitive consequences of leaking the examinations. This is in contrast with the KCSE examinations that are printed abroad yet are exposed to cheating and malpractices. KNEC Act should be amended to ensure that the penalties provided are punitive enough to ensure future deterrence.
- vii. Some of the participants also agreed that examination cheating happens due to expectations on principals to produce exemplary results to avoid transfers. Moreover, the Committee noted that TSC promotions should be based on value addition, for example, infrastructural development.
- viii. The Chairman of the Education Department, Embu University, indicated that schools invite motivational speakers at a fee, persons known to be examiners to talk to candidates. It was noted that the speakers purport to give the students all the information they may have about the examinations and the more accurate this information is, the higher the value of the speaker. The Chairman indicated that the said persons were past teachers, retired examiners, retired invigilators and teachers from national schools.
- ix. The Committee observed that KNEC was highly pointed to as the principal enhancer in examination irregularities whereby some examination papers were said to be accessed way before the examinations were done. KNEC on its part admitted to grappling with selected cases of early exposure especially on the afternoon papers.

Outcome

381. From the foregoing, the Committee found out that there were isolated cases of early exposure that facilitated examination cheating and malpractices. These cases were orchestrated by teachers, invigilators, supervisors, principals, security officials and KNEC officials. Motivational speakers also played a role in fuelling the cases of examination malpractices by claiming to have knowledge of the questions that will appear in the main examinations.

5.4 To assess whether the Ministry of Education and the KNEC implemented adequate measures to prevent cheating and other malpractices. Evaluate KNEC's level of preparedness in administering the examination.

382. In delivering most of its services, KNEC relies on the professionally contracted civil service staff including the security officers from ministries in the conducting and supervision of the nationally administered examinations. The foremost challenge faced by this arrangement is that these public officers are not directly the employees of KNEC and therefore not accountable to the Council. In addition, many lack adequate experience in examination-related matters.³
383. Several studies done in Kenya point to the challenges that hinder the implementation of KNEC measures in curbing examination malpractices in public secondary schools. These include transportation of examination materials, lack of adequate supervisors and invigilators, inadequate security personnel, employment of supervisors and invigilators from neighbouring schools, technology for instance the phones among others.⁴
384. In this regard the Committee sought views from various stakeholders on whether KNEC was prepared to handle the examinations and the responses were as follows: -
- i. In Uasin Gishu County, education officials disclosed that particular principals had gone to their office to solicit for particular exam supervisors and invigilators to work in their schools.
 - ii. In Kisumu, KESSHA officials disclosed that some schools have specific teachers who have supervised the same school examinations for a long period of time compromising examination management.
 - iii. An examiner pointed out that there were challenges in verifying the marks fed in the systems therefore emphasised the need for the background checks and ethical tests for the data entry clerks.
 - iv. The Committee was informed that markers were subjected to inhumane accommodation in school dormitories and lengthy marking hours from 4.00am to 10.00pm resulting in fatigue and illness.

³ An Assessment of the Management of KCSE Examination and Its Influence on Irregularities among Students: A Case of Secondary Schools in Mandera County, Kenya <https://www.google.com/search?client=firefox-b-d&q=were+the+knec+amangement+officers+efficient+in+management+of+kenya+national+examinations>

⁴ Effectiveness of Kenya National Examinations Council Measures in Curbing National Examination Malpractices in Public Secondary Schools in Kisii County <https://ijsrm.net/index.php/ijsrm/article/view/134>

- v. A respondent noted that some schools are allocated few officers despite the large number of students sitting for examinations therefore contributing to malpractices and cheating within the school set-up.
- vi. The County Commissioner, Kakamega County, submitted that examination container keys are in the custody of the Deputy County Commissioners and the Sub-County Directors of Education for accountability. In addition, the Principals are contracted as Centre Managers and also witness the opening of the containers.
- vii. The Committee was informed that delays were experienced in some areas in delivering examination materials thus demonstrating KNEC's ill-preparedness in conducting exams. Some Centre Managers were transporting examination materials using un-roadworthy vehicles while others were using personal vehicles, which is against KNEC's examination management guidelines.
- viii. According to the County Director of Education, Nairobi County, in 2022 KNEC managed and administered three national examinations (2022 KPSEA, KCPE and KCSE) in a span of one month, hence they may have been overwhelmed. KNEC personnel were also involved in the administration and management of Business and Technical examinations in November, 2022.
- ix. Irrespective of the multi-agency approach in examination management, KNEC informed the Committee that it lacked sufficient field officers thus encountering challenges in the monitoring of examination operations in hard-to-reach areas.
- x. Some respondents challenged KNEC's preparedness indicating lack of capacity to deliver examinations as there were reports and photographs of staff wading through water to deliver examinations on time.
- xi. On the preparedness at the marking centres, the examiners complained of poor pay and the deplorable state of accommodation causing demotivation of the examiners. It was also noted that the marking centres were only concentrated in Nairobi and its environs.
- xii. A respondent also noted that the current examination guidelines are out of date and do not respond to contemporary issues such as use of technology especially social media platforms like Telegrams and Signal in perpetrating cheating and examination irregularities.
- xiii. The Committee was informed that there are many cases of students undertaking examinations in hospitals and coordination and monitoring of the same is difficult.
- xiv. The ODPP informed the Committee that a multi-agency approach is important due to the complexity of crimes involving examination cheating and irregularity, however,

investigation and prosecution of cases on malpractices are not well-coordinated to its logical conclusion.

- xv. Initially KNEC used to charge examination fees per candidate per subject, raising enough money for its operations. However, in 2015 the government took over the examination fees and gave a cumulative grant to KNEC for the administration of examinations. This has left KNEC grossly underfunded since the amount has remained the same and is not commensurate with the increase in the number of candidates.

Outcome

- 385. In light of the above, the Committee noted that the Ministry of Education and the Kenya National Examination Council (KNEC) had put in sufficient measures to curb cheating and other malpractices. However, there were isolated incidents of cheating and malpractices arising from early exposure of examination papers, abuse of technology and underfunding.
- 386. On KNEC's level of preparedness in administering examinations, the Committee noted that in some areas there were delays in delivering examination materials owing to shortage of suitable motor vehicles capable of navigating challenging terrain. There was also delay in deployment of invigilators, supervisors given the number of examinations being administered at the same time.

5.5 To evaluate the effectiveness of KNEC's guidelines and rules in preventing examination malpractices.

- 387. Strict enforcement of KNEC rules and regulations is key if curbing examination cheating is to materialize.⁵ The Committee, in this light, deemed it worth evaluating the extent to which the guidelines and rules helped in curbing cheating in 2022 KCSE examinations.
 - i. The Committee was informed in Nyamira that KNEC prepared guidelines and issued them to learners and examination administrators but were not effective. Some candidates were still found with mobile phones and unauthorised scripts despite having been frisked.
 - ii. Nairobi's CDE indicated that KNEC guidelines are not adhered to as provided. For instance, there are cases where candidates involved in any form of malpractice are

⁵ The level of enforcement of KNEC Rules and Regulations on the prevalence of examination malpractice in public and private secondary schools in Kisii County between 2008-2014 <https://www.semanticscholar.org/paper/EFFECT-OF-LEVEL-OF-ENFORCEMENT-OF-KNEC-RULES-AND-ON-Shibo/436d6d677ab14d8d7405c0455a99581e2c785127>

allowed to continue with the examination yet the guidelines are clear that they should be discontinued.

- iii. A respondent indicated that the current guidelines issued by KNEC are outdated and thus should be amended to include the emerging trends and challenges in examination management such as social media platforms for example Telegram, Signal and WhatsApp.

Outcome

- 388. As a result of the foregoing, the Committee holds that the KNEC guidelines are not strictly adhered to. The rules and guidelines are also not effective enough to deter examination malpractices arising from emerging trends such as technological advancements as the regulations are outdated.

5.6 To examine whether the examination marking stations were adequately prepared in terms of marking schemes, marker integrity, awarding of marks, and the moderation process;

- 389. Kenya National Examinations Council had set marking stations in Nairobi and its environs in marking the 2022 KCSE examinations. The Committee received views from both KNEC and examiners who submitted as follows:-

- i. KNEC indicated that it only engages trained and practicing teachers in the marking of KCSE examinations. All examiners are taken through a training on marking by KNEC before their first engagement as examiners. KNEC trained new examiners for the examination papers that required additional examiners.
- ii. All examiners are required to declare interest before commencement of the marking exercise and also sign an oath of secrecy to safeguard the confidentiality of the candidates' performance.
- iii. KNEC ensures that marking schemes are securely developed immediately after each examination paper is undertaken by the candidates. The marking schemes are securely stored for use during the marking exercise.
- iv. During administration of examinations, KNEC allocates random numbers to each school. This is to conceal the identity of candidates' answer scripts by examiners during marking. During the packing of answer scripts for marking, KNEC mixes different schools' packets from different sub counties in a box. The boxes are issued to different teams for marking in a random manner. Only once a team completes one box can it proceed to the next.

- v. A total of 30,592 examiners participated in the 2022 KCSE marking exercise and were accommodated in thirty-five (35) marking centres. A former examiner informed the Committee that the areas identified as marking centres for exams were in poor condition and that the examiners were not commensurately remunerated and payments were delayed. This in the long-run affects productivity of the examiners and credibility of the results.
- vi. The KCSE examinations candidates' answer scripts are marked through a conveyor belt system. Each candidates' script is marked by more than one examiner in a conveyor-belt system under the team leader. This is aimed at enhancing objectivity, integrity and fairness in marking candidates' scripts. The Senior Examiners (Chief Examiners, Assistant Chief Examiners and Team Leaders) quality assure the marking process by coordinating a minimum of 10% of the candidates' answer scripts marked in their respective papers. The system adopted for marking ensures that the candidates are scored fairly, and the marks are consistent and reliable.
- vii. The Kenya National Examinations Council has also installed an integrated security surveillance system to monitor the marking process in all the marking centers. In addition, there is a multi-agency security deployment at the marking centres.
- viii. A Chief Examiner expressed frustration at being unable to control data entry in marking stations, which compromises the quality of results. He also noted that in some instances, raw scores differed with the actual scores obtained by a candidate. It was notable that the data clerks charged with the responsibility of data entry are not vetted and their modus operandi is questionable as it pertains to the integrity of examinations.
- ix. In regards to the marking exercise, a respondent pointed out that the examiners were adequately prepared to mark but not to detect and report irregularities. The bureaucracy involved in reporting cheating discourages examiners.
- x. Another respondent indicated that the marking exercise started from 4:00 a.m. to 11:00 p.m. daily and this exhausted the teachers thus compromising the marking process.
- xi. KNUT submitted that moderation and entry of examination marks is shrouded in secrecy subjecting it to possible abuse.
- xii. The inquiry was informed that any reported case of cheating or malpractice was watered down by chief examiners and KNEC officers in the courts through poor investigation and provision of weak evidence. The cases are therefore not water-tight hence leading to acquittals.

Outcome

390. In respect to the above, the Committee noted that with regard to the integrity of markers, marking schemes, award of marks and the moderation process, the activities at the marking centres were shrouded in secrecy.
391. The Committee observed that at the marking centres examiners were subjected to long marking hours affecting their productivity and the accommodation facilities were in poor and deplorable conditions demotivating the examiners.
392. Moreover, the examiners were not paid in a timely manner, for instance the 2022 examiners were paid nine (9) months after the marking exercise.

5.6 To assess the efficiency, effectiveness, and integrity of the Examination Management Officers from KNEC headquarters who were deployed to schools;

393. Efficiency is defined as achieving maximum productivity with minimum wasted effort or expenses or the production of the desired effects or results with minimum waste of time, effort whereas effectiveness is the extent to which a system or a person may be expected to achieve its objectives within its specified environment.⁶
394. The efficiency, effectiveness and integrity of the Kenya National Examinations Council (KNEC) management officers sent to schools to monitor examinations is of paramount importance. These officers ideally play a crucial role in upholding the credibility, fairness, and smooth conduct of examinations. Their integrity ensures that the examination process is transparent, free from cheating and malpractice, and instil confidence in students, educators, and the wider educational community.
395. The following submissions were received from various stakeholders on how the examination management officers conducted themselves in 2022 KCSE Examinations:-
- i. In managing national examinations, KNEC adopts a multi-agency approach involving officers from various government agencies including the Teachers Service Commission (TSC), the Ministry of Education (MoE), the Directorate for Criminal Investigations (DCI), Kenya Education Management Institute (KEMI), the Communications Authority of Kenya (CAK) and the Kenya Institute for Curriculum

⁶ Towards secure, efficient and effective script management system: a case study of the Kenya national examinations council <http://erepository.uonbi.ac.ke/handle/11295/95030>

Development (KICD) among others with the Council providing them with the KCSE Examination Guidelines.

- ii. KNEC provides guidelines on the conduct and administration of the examination in every examination centre for reference by the Centre Managers. The roles and responsibilities of all persons involved in the administration and conduct of the KCSE examinations are outlined in the Guidelines as a measure to control standards and avert any attempts at examination malpractice.
- iii. KNEC also, before the national examination series, conducts briefing and sensitization to refresh all the contracted professionals on the expectations of KNEC and reiterate what is contained in the guidelines on the management and administration of KCSE examination. Briefing and sensitization workshops are conducted in all the counties in the country and the information cascaded to subcounty levels and further to the examination centres through the centre managers and supervisors.
- iv. Rehearsals are held in all the examination centres and monitored on sample basis by KNEC. During rehearsals, candidates are reminded of the rules and regulations governing the conduct of examinations and further taken through the penalties of examination malpractices as stated in the KNEC Act and printed on the examination timetables that each KCSE candidate is given.
- v. Respondents in Kisumu indicated that examination monitoring was superficial as the officers visited only a few schools in the region. It was indicated that they would only visit the Principals' offices and then sign visitor's books without interrogating the whole process on logistics, supervision, security as well as storage.
- vi. The Committee was informed that the efficiency of KNEC to conduct exams is affected by the central management of examinations that is not effective. It was emphasized that KNEC operations should be decentralized to the lowest units as small as the Sub-counties just as IEBC carries out its activities.
- vii. The Committee was informed that monitoring of national examinations was affected due to lack of resources such as vehicles and fuel at the county and subcounty levels.
- viii. The Committee noted that although KNEC had deployed monitoring officers to the examination centres, some contracted officers were not capacitated enough to handle cases involving confiscated phones from candidates, mismatch of photos, shortage of examination papers and return envelopes. They had to seek directions from KNEC Headquarters.

Outcome

396. In conclusion the Committee holds that the Examination Management Officers from KNEC headquarters deployed to schools were efficient and effective. However, there were instances where the contracted officers were not well-versed with the guidelines hence, they were not strictly adhered to. The Committee did not find anything indicating lack of integrity on the part of the examination officers from the KNEC headquarters.

5.7 To carry out a comprehensive audit on KNEC's Examination Management Systems including examination setting, printing, transportation, storage and marking

397. In order to establish whether there was any examination cheating or malpractices during the 2022 KCSE examinations, it was imperative that the Committee conducts an audit on KNEC's Examination Management Systems.

398. The following submissions were received from various stakeholders;

- i. KNEC informed the Committee that the setting of examinations is done by professionals in their respective areas. The examination covers both hard and soft skills with minimal recall questions.
- ii. KNEC has a pool of item developers whose main work is to set and develop test bank and are not teachers at any secondary schools. This is an improvement from the use of teachers in test development.
- iii. KNEC has procured a digital printer for all basic education papers with minimal interactions.
- iv. KNEC submitted that it only engages trained and practicing teachers in the marking of KCSE examinations. The examiners are taken through a training on marking by KNEC before their first engagement as examiners.
- v. Trucks delivering examination materials to the field are under security escort. Accountability documents are used for delivery of examination materials by KNEC officers and receipt of the same by field officers.
- vi. KNEC indicated that the KCSE examination is a Criterion Referenced (C.R) examination which aims at comparing each candidate's performance to a predefined set of criteria or a standard. There is a need to consider other types of assessments such as norm referenced examinations.

Outcome

399. KNEC does not conduct independent and periodic audits of its examination process which is crucial for continuous improvement and as a quality assurance mechanism.

5.8 To determine whether there is a need to review penalties against examination malpractices in order to enhance deterrence.

400. Over the years penalties have been used as a deterrence for offences including examination malpractices.

401. Some KNEC based penalties on examination cheating in public and private secondary schools were adequate while some were inadequate though effective. The fact that the level of examination cheating appears to be increasing instead of reducing indicates that the rules in place are not sufficient, and this means all targeted loopholes were still not fully checked.⁷

- i. A respondent, on condition of anonymity, submitted that KNEC Act (2012) application mechanisms and processes are ineffective. They stated that some of the candidates were found in possession of mobile phones, their cases referred to DCI but still got their results and went unpunished.
- ii. In their submission, the DPP pointed out that there are emerging issues such as technology, processes and procedures but laws are not changing to match the change. The Committee was informed on the need for ancillary orders since the current law provides for a maximum penalty of 10 years imprisonment or a Kshs. 2 million fines. The Committee was further informed that invigilators and supervisors found guilty should be banned from overseeing examinations while teachers found culpable should be banned from Kenyan classrooms.
- iii. Officers from KUPPET Mombasa Branch indicated that sections of the KNEC Act 2012 speak on offences and they should be reviewed and made more punitive. They submitted that fines should be increased from Kshs. 2,000,000 and the number of years of imprisonment enhanced from ten (10). It was proposed that a clause be added that bars the perpetrator, if found guilty, from holding any public office. The offences should also capture a clause on cancellation of certificates for the students who cheat in examinations.

⁷ The Adequacy of Kenya National Examination Councils' Malpractice Penalties in Public and Private Secondary Schools in Kisii County, Kenya. <http://197.136.134.32/handle/123456780/2166>

- iv. The Nairobi County Director for Education (CDE) indicated that in KNEC the legal aspects of dealing with examination malpractices are unclear, for instance, they said that a candidate involved in any form of malpractice is allowed to continue with the examination and that it is at the discretion of KNEC to make a decision over the case if in the view of KNEC action needs to be taken. This leaves the other agencies involved in the administration and management of the examination rendered helpless.
- v. The Judiciary submitted that Part IV(a) of the KNEC Act establishes the National Examinations Appeals Tribunal to consider appeals made against a decision of the council to withhold, nullify or cancel KNEC examinations.

Outcome

- 402. Given the foregoing, the Committee finds that there is a need to review penalties against examination malpractices in order to enhance deterrence.

PART SIX

6.0 COMMITTEE OBSERVATIONS AND FINDINGS

403. The Committee after analysing submissions made by different stakeholders arrived at the following observations and findings;

THAT;

- i. There were isolated cases of examination irregularities reported during the 2022 KCSE Examination. For example, early exposure of afternoon examination papers, mobile phones seized from some examination centers, some students found with unauthorized written-on materials among others.
- ii. Candidates who are hospitalized, or have recently given birth are compelled to sit for the examinations from their hospital beds.
- iii. KCSE being a high-stake examination which is used to place candidates to various courses in the university, it prompts some students to engage in exam malpractices so as to meet the high expectations from parents, teachers and society at large.
- iv. Examiners, invigilators and supervisors are poorly remunerated and the payment delayed hence demotivating them.
- v. Marking centres are centralized within Nairobi and its environs only, resulting in overcrowding and deplorable conditions in accommodation for the markers.
- vi. Telegram and Signal were the preferred social media platforms used in perpetrating examination malpractices because the source of the information is not traceable.
- vii. Two examination papers are done in a day, with one conducted in the morning session and the other in the afternoon. Early exposure incidents tend to predominantly occur in the afternoon paper. This is primarily due to the fact that both examination papers are collected by the Centre Managers in the morning, leaving the afternoon paper more vulnerable to potential breaches.
- viii. There were several examination malpractices in the 2022 KCSE as indicated by the Office of the Director of Criminal Investigations (DCI). The DCI handled a total of 68 cases with 44 cases pending under investigation, 17 cases pending before court, one case with a warrant of arrest issued and six cases already finalized.
- ix. Some principals visit the Sub-County Directors of Education with proposals on their desired supervisors. This is propelled by the need for higher mean grades and promotions.

- x. Parents and Boards of Management mount pressure on school principals to register high mean grades or risk being transferred resorting to exam malpractices.
- xi. Some schools levy motivational fees on parents to pay examiners, bribe invigilators, security officers, supervisors, MoE and KNEC officials in what is commonly referred to as 'fuel' to facilitate exam malpractice.
- xii. The Multi-Agency Approach involving the Ministry of Interior and National Administration, the DCI and the Communications Authority of Kenya (CAK) in the management of examination was not effective in curbing examination malpractices as intended.
- xiii. The Committee found out that KNEC was overwhelmed due to the administration and management of three national examinations (2022 KPSEA, KCPE and KCSE) in a span of just one month.
- xiv. The finances allocated to KNEC are inadequate making effective examination management and monitoring difficult to achieve due to increase in the number of candidates.
- xv. There was no adherence to KNEC's examinations guidelines and regulations. For example, a candidate involved in any form of malpractice is not allowed to continue with the next examination but the committee found that some candidates continued uninterrupted in contravention of the regulation.
- xvi. There is a lot of pressure on markers to complete their work on time. Marking starts at 4.00am to 10:00pm leading to exhaustion that compromises the process of marking.
- xvii. Reporting incidences of examination malpractices is bureaucratic and cumbersome to examiners. The burden of proof is left to the examiners discouraging many of them from reporting.
- xviii. Monitoring of examinations by KNEC officials was found to be poor because they concentrate on schools along major highways and towns leaving schools in far flung areas not monitored.
- xix. KNEC is underfunded which negatively affects the effective administration of the National Examinations. The underfunding is majorly as a result of the government policy on examination waiver for the national examinations for all candidates both in public and private schools which was introduced in 2015.

This policy shift made it impossible for KNEC to charge examinations fees which previously formed part of its internal income (AIA) which enabled it to fund its

operations, including examination administration. The underfunding situation is also exacerbated by a staggered model of issuance of examination grants by the exchequer, the non-revision of the examination fees which has remained static since 2013 despite the high cost of examination administration as well as an increase in examination candidature due to the 100% policy.

- xx. There are several emerging issues related to technology and communication, such as social media platforms that affect examination management. There are, however, no legislations in place to curb their misuse in perpetrating examination malpractices.
- xxi. The penalties provided under the KNEC Act are not punitive enough to serve as a deterrence against examination malpractices.

PART SEVEN

7.0 COMMITTEE'S RECOMMENDATIONS

404. Based on the Committee's findings and general observations, the Committee makes the following recommendations; **THAT:**

- i. **To deter examination malpractices, the promotion of teachers should not be pegged on individual schools' performance only.** Commencing the 2024/2025 examination cycle, the Teacher Service Commission (TSC) should include other parameters such as discipline, infrastructural development, co-curriculum activities, and teacher's personal development as part of the teachers' promotion requirement;
- ii. **To curb examination malpractices in individual schools,** the Kenya National Examination Council (KNEC) should annually deploy School Principals to manage examinations in schools outside their sub-counties;
- iii. **To end the compromise in the examination management process,** the Kenyan National Examination Council (KNEC), commencing the examination cycle 2024/25 should restrict Invigilators, Centre Managers and Supervisors from overseeing examinations in a particular centre for more than two consecutive years;
- iv. **To minimise human interactions in the examination centres,** prevent security personnel from being compromised and to facilitate efficient monitoring of examination rooms, the government should allocate sufficient funds to the Ministry of Education (MoE) and school management boards for infrastructural improvements and investment in Artificial intelligence enabled Closed Circuit Television (CCTV) cameras in all examination centres;
- v. **The National Assembly should increase funding to KNEC in the year 2024/2025 and subsequent years** to adequately finance its activities and operations such as competitive and timely remuneration of examiners, transport of examination materials and personnel, provision of decent accommodation for the examiners at the marking centres.
- vi. **To ensure an end to examination malpractice,** KNEC should establish a robust and collaborative multi agency investigative unit, composed of both KNEC's own investigation team and law enforcement personnel, to lead investigations. This collaborative effort should focus on setting rigorous standards for gathering admissible

evidence, preparing and prosecuting compelling cases, thereby serving as a deterrence against future malpractices in a timely manner.

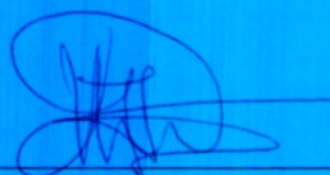
- vii. **To ensure fairness, KNEC shall not administer examinations** to hospitalised, and indisposed candidates during any examination cycle. In cases where candidates fail to sit for the national examinations due to proven reasons of natural disasters, sickness, pregnancy or violence among other reasons, KNEC should administer supplementary examinations within six months after the last national exam.
- viii. **To ensure compliance with national examination administering guidelines**, KNEC should adhere to the examination recruitment procedure for recruiting clerks, examination managers and examiners. This process should prioritize the recruitment of competent individuals with high levels of integrity. Additionally, there should be a concerted effort to provide training and capacity-building opportunities to enhance the efficiency and effectiveness of these personnel in managing the examination process;
- ix. **To curb future examination malpractices in schools**, the KNQA should carry out an audit of all examination processes as soon as KNEC declares national results and make the report public within six months of the adoption of this Report by the National Assembly;
- x. **To reduce the excessive pressure and expectations associated with KCSE examinations in future years**, as well as the intense desire to secure admission to prestigious courses, KNEC should integrate both formative and summative evaluation scores into the final grades at the conclusion of an educational cycle.
- xi. KNEC should immediately ensure strict compliance with the current examination regulations and guidelines by all agencies involved in examination management. This includes TSC, Ministry of Education and the Ministry of Interior and National Administration. The council should ensure that the guidelines are regularly updated to mitigate against exam malpractices arising from emerging trends such as technological advancements.
- xii. **To curb early exposure during examinations**, the inquiry recommends that storage containers be moved closer to the examination centres.
- xiii. **To ensure compliance with national examination administering guidelines**, KNEC should receive additional funding from the government for the digitalization of the examination processes and for additional personnel to ensure adequate monitoring, efficiency and effectiveness during the examination management and administration.

- xiv. KNEC should conduct national examinations at different times of the year for effective and efficient management. In 2022, the council administered three national examinations (KPSEA, KCPE and KCSE) within one month straining the personnel;
- xv. In consultation with the Kenya National Examination Council (KNEC), the Ministry of Education and the National Treasury should undertake a comprehensive assessment of the funding needs of the Council within three months after tabling of this report and submit a report to the National Assembly. The findings, upon approval, should guide subsequent resource allocation to the Council to ensure that funding of examinations management and administration, being a national security issue, is adequately provided. The cost assessment should cover among other aspects: digitalization of examinations administration, management of examination centres and materials, remuneration of personnel involved in examination administration among other aspects that require resources for implementation.
- xvi. That, within six months of the adoption of this Report by the House, the Ministry of Education should spearhead the review of the current examinations waiver policy for all candidates, both in public and private schools, to ascertain the sustainability of this financing model in the wake of the escalating cost of examination management and administration. The findings of this review should be submitted to the National Assembly for consideration.
- xvii. That Parliament reviews the current legal framework to among others:-
- a. Review penalties provided for examination offences to provide for stiffer penalties to ensure deterrence;
 - b. Provide for new offences arising from malpractices relating to Information Communication and Technology and use of social media platforms;
 - c. Transit the National Examination Appeals Tribunal established under section 40B of the KNEC Act to the Judiciary as decreed by Article 159 (1)(d) of the Constitution so as to secure its operational and decisional independence;
 - d. Provide for audit of examination management processes by Kenya National Qualification Authority and tabling of the report in the National Assembly within six months.
 - e. Review the Kenya Information and Communication Act (KICA) to include regulations on digital platform providers;
- xviii. The Ministry of ICT through the National Computer and Cybercrimes Coordination Committee (NC4) fast-tracks the process of developing cyber security regulations that will not only operationalize the Computer Misuse and Cybercrimes Act 2018, but also foster a safer Internet for socio-economic transformation. The regulations to include: -

- a. Fostering international collaborations to address cross-border exam fraud challenges effectively;
 - b. Expediting requests from government agencies;
 - c. Enhanced provisions for children safety;
 - d. Guidelines on content moderation practices;
 - e. Enhanced safeguards for content moderators and clarity of terms of use of digital platforms.
- xix. Ministry of Education and KNEC to come up with a clear policy on examination marking, integrity of markers, award of marks and the moderation process.

THE NATIONAL EXAMINATIONS AUTHORITY MINISTRY OF EDUCATION	
DATE	05 OCT 2023
BY	J. Julius
Signature	Hon. Julius Melly, MP
Position	Chairperson, Education Committee
Signature	A. Elisubwa

Signed



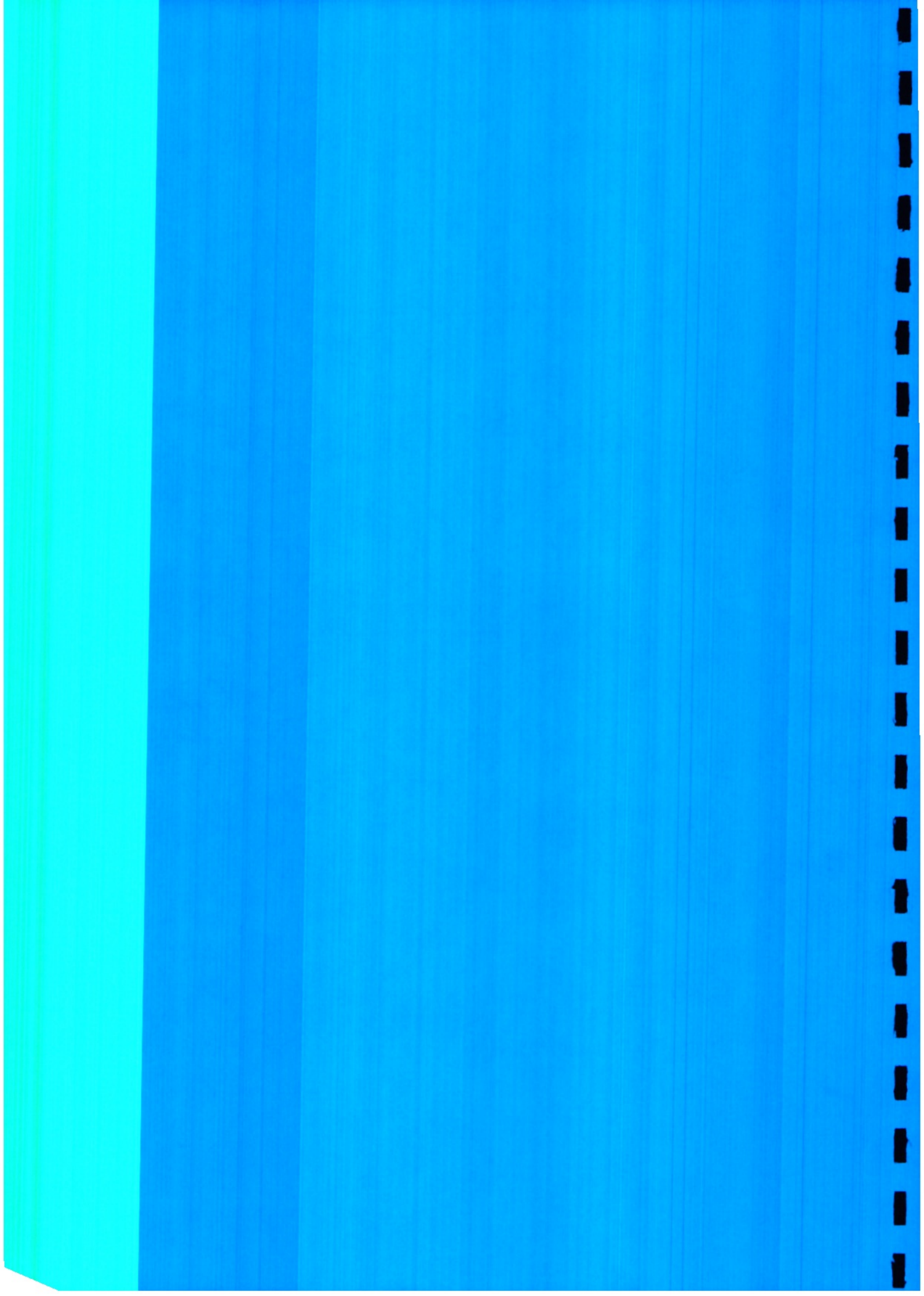
Date

5/10/2023

HON. JULIUS MELLY
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION

LIST OF ANNEXTURES

ADOPTION LIST

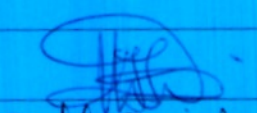
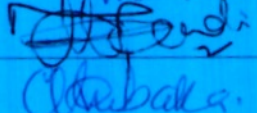
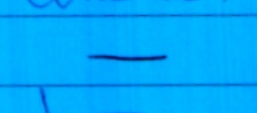
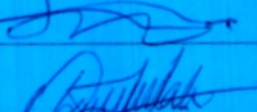
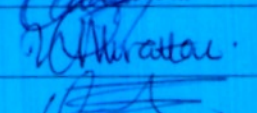
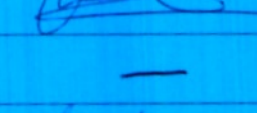
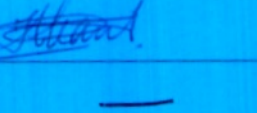
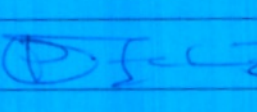
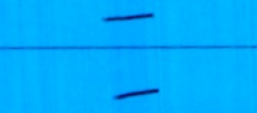
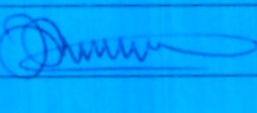


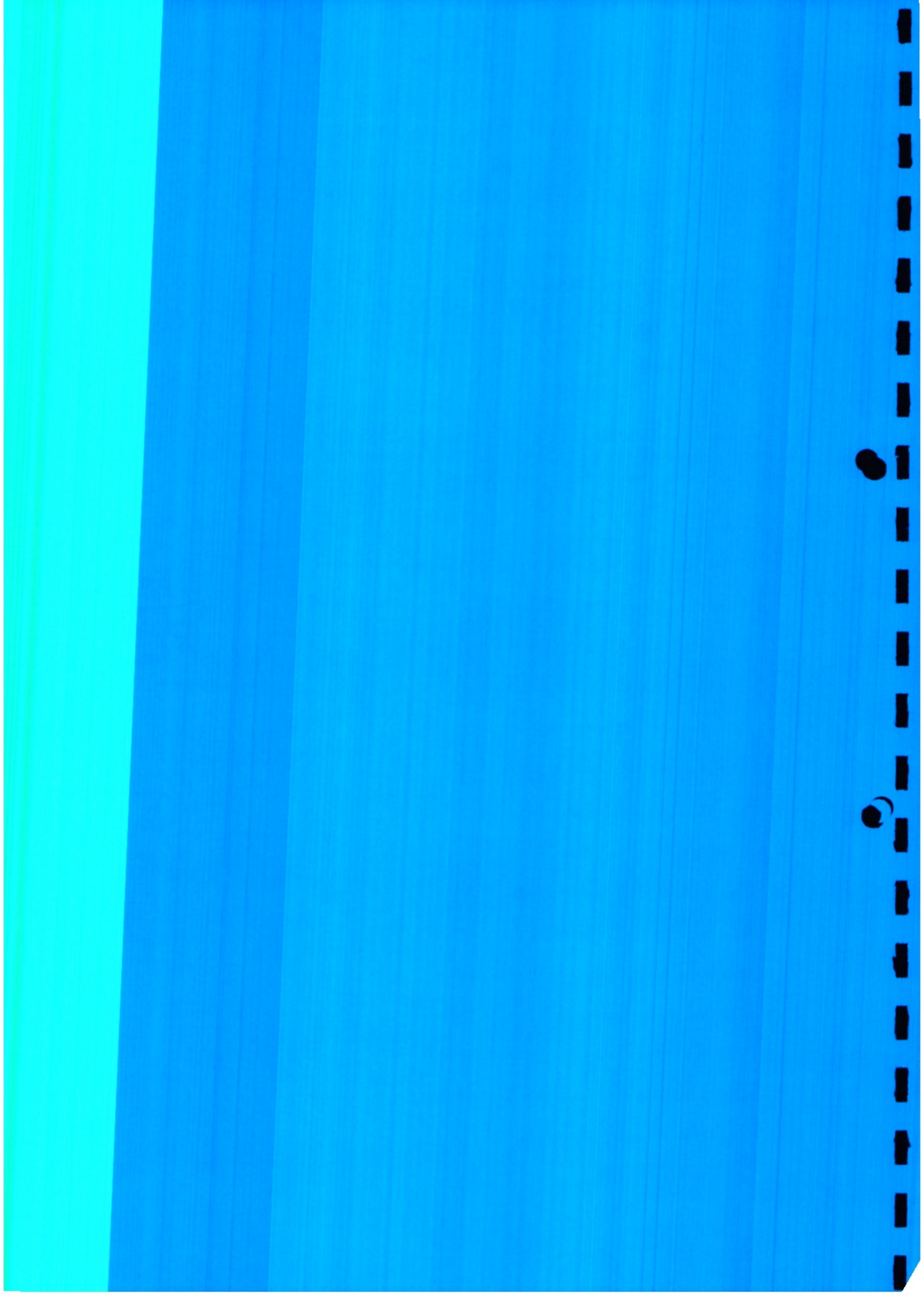


REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT - SECOND SESSION - 2023
DEPARTMENTAL COMMITTEE ON EDUCATION
REPORT ADOPTION LIST

**CONSIDERATION AND ADOPTION OF THE REPORT ON THE INQUIRY INTO
THE ALLEGED MALPRACTICES IN THE YEAR TWO THOUSAND TWENTY-
TWO (2022) KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE)
EXAMINATION.**

We, the Members of the Departmental Committee on Education, have pursuant to Standing Order 199, adopted this Report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today, **Thursday 28TH September 2023.**

	NAME	SIGNATURE
1.	The Hon. Julius Kibiwott Melly, M.P. (Chairperson)	
2.	The Hon. Moses Malulu Injendi M.P (Vice Chairperson)	
3.	The Hon. Dr. Christine Oduor Ombaka, M.P	
4.	The Hon. Eve Akinyi Obara, M.P	—
5.	The Hon. Jerusha Mongina Momanyi, M.P	
6.	The Hon. Abdul Ebrahim Haro, M.P	
7.	The Hon. Anne Muratha, M.P	
8.	The Hon. Clive Gisairo, M.P	
9.	The Hon. Dick Oyugi Maungu, M. P	—
10.	The Hon. Julius Taitumu M'Anaiba, M.P	
11.	The Hon. Nabii Nabwera Daraja M.P	—
12.	The Hon. Peter Ochieng Orero, M.P	
13.	The Hon. (Prof.) Phylis Jepkemoi Bartoo, M.P	—
14.	The Hon. Rebecca Noonaishi Tonkei, M.P	—
15.	The Hon. Timothy Toroitich, M.P.	



MINUTES

MINUTES OF THE 62nd SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION ON THE INQUIRY INTO THE ALLEGED MALPRACTICES IN THE TWO THOUSAND AND TWENTY-TWO (2022) KENYA CERTIFICATE OF SECONDARY EDUCATION (KCSE) EXAMINATION HELD ON THURSDAY 5TH OCTOBER 2023, AT CONTINENTAL HOUSE, COMMITTEE ROOM 5, PARLIAMENT BUILDINGS

PRESENT

- | | |
|--------------------------------------|--------------------|
| 1. Hon. Julius Kibiwott Melly, MP | - Chairperson |
| 2. Hon. Moses Malulu Injendi, MP | - Vice Chairperson |
| 3. Hon. Dr. Christine Ombaka Oduor, | |
| 4. Hon. Clive Ombane Gisairo, MP | |
| 5. Hon. Jerusha Mongina Momanyi, MP | |
| 6. Hon. Abdul Ebrahim Haro, MP | |
| 7. Hon. Anne Wanjiku Muratha, MP | |
| 8. Hon. Timothy Kipchumba Toroitich, | |
| 9. Hon. Peter Ochieng Orero, MP | |

ABSENT WITH APOLOGY

1. Hon. Dick Maungu Oyugi, MP
2. Hon. Eve Akinyi Obara, MP
3. Hon. Julius Taitumu M'Anaiba, MP
4. Hon. Nabii Nabwera Daraja, MP
5. Hon. Rebecca Noonaishi Tonkei, MP
6. Hon. (Prof.) Phylis Jepkemoi Bartoo, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | |
|----------------------------|-------------------------------|
| 1. Ms. Grace Wahu | - Clerk Assistant III |
| 2. Ms. Natecho Kisiang'ani | - Clerk Assistant III |
| 3. Ms. Colleta Siglai | - Senior Legal Counsel |
| 4. Dr. Mburu Maina | - Research Officer III - |
| 5. Daniel Psrimoi | - Media Relations Officer III |
| 6. Nimrod Ochieng | - Audio Recording Officer |
| 7. Mr. Paul Kashane | - Serjeant-at-Arms |

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of Minutes
4. Matters Arising
5. Consideration and Adoption of the report on the Inquiry into the Alleged Malpractices in the 2022 Kenya Certificate of Secondary Education (KCSE) Examinations.
6. Any other Business
7. Adjournment/Date of the next sitting

MIN.NO.EDUC/2023/313: PRELIMINARIES

The Chairperson called the meeting to order at 10:00 a.m., followed by a prayer from Hon. Malulu Injendi, MP. The agenda of the meeting was adopted having been proposed by Hon. Abdul Haro, MP, and seconded by Hon. Jerusha Momanyi, MP.

MIN.NO.EDUC/2023/314: CONFIRMATION OF MINUTES

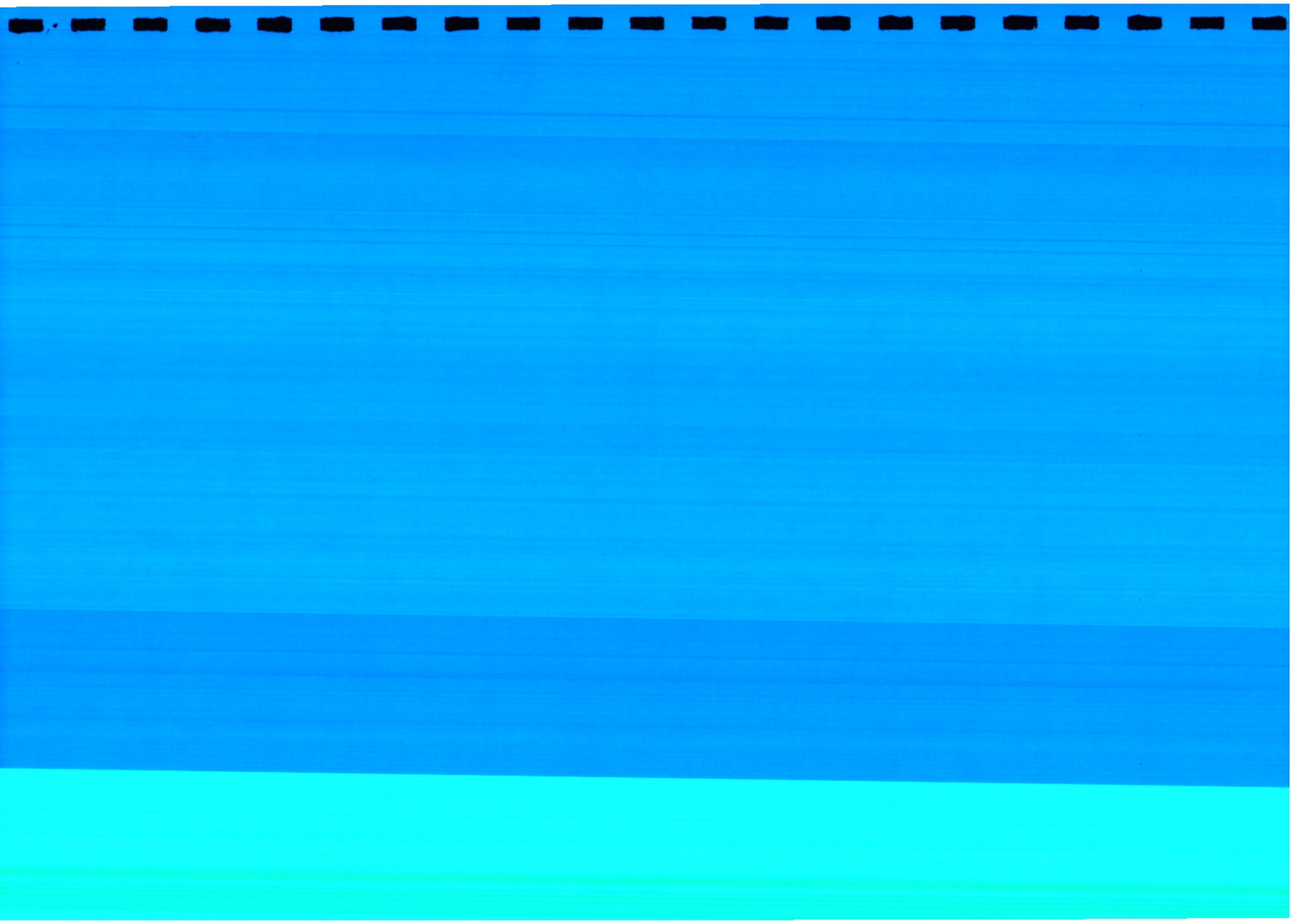
Confirmation of Minutes of the previous minutes was deferred to the next sitting.

MIN.NO.EDUC/2023/315: COMMITTEE OBSERVATIONS

The Committee after analysing submissions made by different stakeholders arrived at the following findings:

THAT.

1. There were isolated cases of examination irregularities reported during the 2022 KCSE Examination. For example, early exposure of afternoon examination papers, mobile phones seized from some examination centres, and some students found with unauthorized written-on materials among others.
2. Candidates who are hospitalized or have recently given birth are compelled to sit for the examinations from their hospital beds.
3. KCSE being a high-stakes examination which is used to place candidates in various courses in the university, it prompts some students to engage in exam malpractices to meet the high expectations of parents, teachers and society at large.
4. Examiners, invigilators and supervisors are poorly remunerated, and the payment is delayed hence demotivating them.
5. Marking centres are centralized within Nairobi and its environs only, resulting in overcrowding and deplorable conditions in accommodation for the markers.
6. Telegram and Signal were the preferred social media platforms used in perpetrating examination malpractices because the source of the information is not traceable.
7. Two Examination Papers are done in a day, with one conducted in the morning session and the other in the afternoon. Early exposure incidents tend to predominantly occur in the afternoon paper. This is primarily because both examination papers are collected by the Centre Managers in the morning, leaving the afternoon paper more vulnerable to potential breaches.
8. There were several examination malpractices in the 2022 KCSE as indicated by the Office of the Director of Criminal Investigations (DCI). The DCI handled a total of 68 cases with 44 cases pending under investigation, 17 cases pending before court, one case with a warrant of arrest issued and six cases already finalized.
9. Some principals visit the Sub-County Directors of Education with proposals on their desired supervisors. This is propelled by the need for higher mean grades and promotions.
10. Parents and Boards of Management mount pressure on school principals to register high mean grades or risk being transferred and resorting to exam malpractices.



11. Some schools levy motivational fees on parents to pay examiners, bribe invigilators, security officers, supervisors, MOE and KNEC officials in what is commonly referred to as 'fuel' to facilitate exam malpractice.
12. The Multi-Agency Approach involving the Ministry of Interior and National Administration, the DCI and the Communications Authority of Kenya (CAK) in the management of examination was not effective in curbing examination malpractices as intended.
13. The committee found out that KNEC was overwhelmed due to the administration and management of three national examinations (2022 KPSEA, KCPE and KCSE) in a span of just one month.
14. The finances allocated to KNEC were inadequate making effective examination management and monitoring difficult to achieve due to the increase in the number of candidates.
15. There was no adherence to KNEC's examination guidelines and regulations. For instance, a candidate involved in any form of malpractice is not allowed to continue with the next examination, but the committee found that some candidates continued uninterrupted in contravention of the regulation.
16. There is a lot of pressure on markers to complete their work on time. Marking starts at 4.00 am to 10:00 pm leading to exhaustion that compromises the process of marking.
17. Reporting incidences of examination malpractices is bureaucratic and cumbersome to examiners. The burden of proof is left to the examiners discouraging many of them from reporting.
18. Monitoring of examinations by KNEC officials was found to be poor because they concentrate on schools along major highways and towns leaving schools in far-flung areas not monitored.
19. The KNEC is underfunded which negatively affects the effective administration of the National Examinations. The underfunding is majorly because of the government policy on examination waiver for the national examinations for all candidates both in public and private schools which was introduced in 2015.
20. This policy shift made it impossible for KNEC to charge examination fees which previously formed part of its internal income (AIA) which enabled it to fund its operations, including examination administration.
21. The underfunding situation is also exacerbated by a staggered model of issuance of examination grants by the exchequer, the non-revision of the examination fees which has remained static since 2013 despite the high cost of examination administration as well as an increase in examination candidature due to the 100% policy.
22. There are several emerging issues related to technology and communication, such as social media platforms that affect examination management. There are however no legislations in place to curb their misuse in perpetrating examination malpractices.

23. The penalties provided under the KNEC Act are not punitive enough to serve as a deterrence against examination malpractices.

MIN.NO.EDUC/2023/316: COMMITTEE RECOMMENDATIONS

Based on the Committee's findings and general observations, the Committee makes the following recommendations THAT:

1. **To deter examination malpractices, the promotion of teachers should not be pegged on individual schools' performance only.** Commencing the 2024/2025 examination cycle, the Teacher Service Commission (TSC) should include other parameters such as discipline, infrastructural development, co-curriculum activities, and teacher's personal development as part of the teachers' promotion requirement.
2. **To curb examination malpractices in individual schools,** the Kenya National Examination Council (KNEC) should annually deploy School Principals to manage examinations in schools outside their sub-counties.
3. **To end the compromise in the examination management process,** the Kenyan National Examination Council (KNEC), commencing the examination cycle 2024/25 should restrict Invigilators, Centre Managers and Supervisors from overseeing examinations in a particular centre for more than two consecutive years.
4. **To minimise human interactions in the examination centres,** prevent security personnel from being compromised and to facilitate efficient monitoring of examination rooms, the government should allocate sufficient funds to the Ministry of Education (MoE) and school management boards for infrastructural improvements and investment in Artificial intelligence enabled Closed Circuit Television (CCTV) cameras in all examination centres.
5. **The National Assembly should increase funding to KNEC in the year 2024/2025 and subsequent years** to adequately finance its activities and operations such as competitive and timely remuneration of examiners, transport of examination materials and personnel, provision of decent accommodation for the examiners at the marking centres.
6. **To ensure an end to examination malpractice,** KNEC should establish a robust and collaborative multi-agency investigative unit, composed of both KNEC's own investigation team and law enforcement personnel, to lead investigations. This collaborative effort should focus on setting rigorous standards for gathering admissible evidence and preparing and prosecuting compelling cases, thereby serving as a deterrence against future malpractices in a timely manner.
7. **To ensure fairness, KNEC shall not administer examinations** to hospitalised, and indisposed candidates during any examination cycle. In cases where candidates fail to sit for the national examinations due to proven reasons of natural disasters, sickness, pregnancy or violence among other reasons, KNEC should administer supplementary examinations within six months after the last national exam.
8. **To ensure compliance with national examination administering guidelines,** KNEC should adhere to the examination recruitment procedure for recruiting clerks, examination managers and examiners. This process should prioritize the recruitment of competent individuals with

high levels of integrity. Additionally, there should be a concerted effort to provide training and capacity-building opportunities to enhance the efficiency and effectiveness of these personnel in managing the examination process.

9. **To curb future examination malpractices in schools**, the KNQA should carry out an audit of all examination processes as soon as KNEC declares national results and make the report public within six months;
10. **To reduce the excessive pressure and expectations associated with KCSE examinations in future years**, as well as the intense desire to secure admission to prestigious courses, KNEC should integrate both formative and summative evaluation scores into the final grades at the conclusion of an educational cycle.
11. KNEC should immediately ensure strict compliance with the current examination regulations and guidelines by all agencies involved in examination management. This includes TSC, Ministry of Education and the Ministry of Interior and National Administration. The council should ensure that the guidelines are regularly updated to mitigate against exam malpractices arising from emerging trends such as technological advancements.
12. **To curb early exposure during examinations**, the inquiry recommends that storage containers be moved closer to the examination centres.
13. **To ensure compliance with national examination administering guidelines**, KNEC should receive additional funding from the government for the digitalization of the examination processes and for additional personnel to ensure adequate monitoring, efficiency and effectiveness during the examination management and administration.
14. KNEC should conduct national examinations at different times of the year for effective and efficient management. In 2022, the council administered three national examinations (KPSEA, KCPE and KCSE) within one month straining the personnel.
15. In consultation with the Kenya National Examination Council (KNEC), the Ministry of Education and the National Treasury should undertake a comprehensive assessment of the funding needs of the Council within three months after tabling of this report and submit a report to the National Assembly. The findings, upon approval, should guide subsequent resource allocation to the Council to ensure that funding of examinations management and administration, being a national security issue, is adequately provided. The cost assessment should cover among other aspects: digitalization of examination administration, management of examination centres and materials, and remuneration of personnel involved in examination administration among other aspects that require resources for implementation.
16. **That, within the next six months**, the Ministry of Education should spearhead the review of the current examinations waiver policy for all candidates, both in public and private schools, to ascertain the sustainability of this financing model in the wake of the escalating cost of examination management and administration. The findings of this review should be submitted to the National Assembly for consideration.
17. That Parliament reviews the current legal framework among others:

- Review penalties provided for examination offences to provide for stiffer penalties to ensure deterrence.
- Provide for new offences arising from malpractices relating to Information Communication and Technology and the use of social media platforms.
- Provide for the establishment of the Kenya National Assessment Council given the various reforms in the education sector.
- Transfer the National Examination Appeals Tribunal established under section 40B of the KNEC Act to the Judiciary as decreed by Article 159 (1)(d) of the Constitution so as to secure its operational and decisional independence.
- Provide for audit of examination management processes by Kenya National Qualification Authority and tabling of the report in the National Assembly within six months.
- Review the Kenya Information and Communication Act (KICA) to include regulations on digital platform providers.

18. The Ministry of ICT through the National Computer and Cybercrimes Coordination Committee (NC4) fast-tracks the process of developing cyber security regulations that will not only operationalize the Computer Misuse and Cybercrimes Act 2018 but also foster a safer Internet for socio-economic transformation. The regulations include: -

- fostering international collaborations to address cross-border exam fraud challenges effectively.
- expediting requests from government agencies.
- enhanced provisions for children's safety.
- guidelines on content moderation practices.
- enhanced safeguards for content moderators and clarity of terms of use of digital platforms.

19. The Ministry of Education and KNEC to come up with a clear policy on examination marking, integrity of markers, award of marks and the moderation process.

MIN.NO.EDUC/2023/317: ANY OTHER BUSINESS

The Committee unanimously agreed to consider, and adopt the report.

MIN.NO.EDUC/2023/318: ADJOURNMENT.

The meeting was adjourned at 12.45 p.m. and the next meeting will be held on notice.

SIGNED: DATE:

HON. JULIUS MELLY, M.P.
CHAIRPERSON, COMMITTEE ON EDUCATION

MINUTES OF THE 53RD SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON THURSDAY, 31ST AUGUST 2023, IN THE KENYA NATIONAL EXAMINATION COUNCIL, MITIHANI HOUSE, AT 10:00 AM

PRESENT

- | | |
|---|--------------------|
| 1. Hon. Julius Kibiwott Melly, MP | - Chairperson |
| 2. Hon. Moses Malulu Injendi, MP | - Vice-Chairperson |
| 3. Hon. Eve Akinyi Obara, MP | |
| 4. Hon. Abdul Ebrahim Haro, MP | |
| 5. Hon. Anne Wanjiku Muratha, MP | |
| 6. Hon. Dick Maungu Oyugi, MP | |
| 7. Hon. Julius Taitumu M'Anaiba | |
| 8. Hon. Nabii Nabwera Daraja, MP | |
| 9. Hon. Peter Ochieng Orero, MP | |
| 10. Hon. (Prof.) Phylis Jepkemoi Bartoo, MP | |
| 11. Hon. Rebecca Noonaishi Tonkei, MP | |
| 12. Hon. Timothy Kipchumba Toroitich, MP | |

ABSENT WITH APOLOGY

1. Hon. Dr. Christine Ombaka Oduor, MP
2. Hon. Jerusha Mongina Momanyi, MP
3. Hon. Clive Ombane Gisairo, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | |
|-----------------------|------------------------|
| 1. Ms. Grace Wahu | - Clerk Assistant III |
| 2. Ms. Colleta Siglai | - Senior Legal Counsel |
| 3. Dr. Mburu Maina | - Research Officer III |
| 4. Mr. Nimrod Ochieng | - Audio Officer |
| 5. Mr. Daniel Psirmoi | - Media Officer |

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of Minutes of the 48th Sitting held on Thursday, 17th August, 2023, 49th Sitting held on Friday, 18th August, 2023, 50th Sitting held on Saturday, 19th August, 2023, 51st Sitting held on 22nd August, 2023 and 52nd Sitting held on Thursday, 24th August, 2023
4. Matters Arising
5. **Meeting with Kenya National Examination Council**
6. Any other Business
7. Adjournment and date of the next sitting.

MIN.NO.EDUC/2023/266: PRELIMINARIES

The Chairperson called the meeting to order at 10.15 am and said a prayer. The agenda was adopted having been proposed by Hon. Abdul Haro, MP, and seconded by Hon. Phylis Bartoo, MP.

MIN.NO.EDUC/2023/267: CONFIRMATION OF MINUTES

- a. **Confirmation of Minutes of the 48th Sitting held on Thursday, 17th August 2023 at 10.00 am.**

Confirmation of Minutes of the 48th Sitting held on 17th August, 2023 was deferred to the next meeting.

- b. **Confirmation of Minutes of the 49th Sitting held on Friday, 18th August 2023 at 10.00 am.**

Confirmation of Minutes of the 49th Sitting held on 18th August, 2023 was deferred to the next meeting.

- c. **Confirmation of Minutes of the 50th Sitting held on Saturday, 19th August 2023 at 10.00 am.**

Confirmation of Minutes of the 50th Sitting held on 19th August, 2023 was deferred to the next meeting.

- d. **Confirmation of Minutes of the 51st Sitting held on Tuesday, 22nd August 2023 at 10.00 am.**

Confirmation of Minutes of the 51st Sitting held on 22nd August, 2023 was deferred to the next meeting.

- e. **Confirmation of Minutes of the 52nd Sitting held on Thursday, 24th August 2023 at 10.00 am.**

Confirmation of Minutes of the 52nd Sitting held on 24th August, 2023 was deferred to the next meeting.

MIN.NO.EDUC/2023/268: MEETING WITH THE KENYA NATIONAL EXAMINATION COUNCIL

The Kenya National Examination Council apprised the Committee as follows: -

A. REGISTRATION OF CANDIDATES

- i. The Committee was informed that the examination cycle begins with the registration of new examination centres and candidates. Candidates are registered either as school or private candidates. Private candidates register for examination at subcounty headquarters and are hosted in examination centres identified by the Subcounty Directors of Education.
- ii. Registration is a rigorous online process entailing the capture of accurate candidate's biodata and verification that the applicants meet qualifications to sit the KCSE examination. The subjects for which one is registered for are also captured according to defined clusters and a photo of the candidate is uploaded. The photo is used to generate photo album for identification of candidates during administration of examination. The photo is also embossed on the KCSE certificate as proof of candidate's identity. The use of photos is also a preventative measure taken by KNEC to curb impersonation of candidates.

B. TEST DEVELOPMENT

KNEC indicated that test development is a confidential exercise undertaken as soon as the candidature for the examination is determined. KNEC has embraced a continuous improvement approach on the test development processes.

1. The drastic innovations introduced in 2016 have enabled availability of an adequate and secure pool of test items that can be combined to generate test papers at any time.
2. KNEC has a pool of subject experts who are setters and moderators and are not teachers at any secondary schools. The subject experts are continuously vetted and monitored.
3. KNEC has a large pool of test items in the bank and items are increased yearly. The way test papers for each year are put together, KNEC subject specialists, setters and moderators cannot predict.
4. The security of the test items has further been enhanced by procuring a confidential security printer to print all the basic education test papers with minimal human interactions.

C. ADMINISTRATION OF EXAMINATIONS

1. The committee was informed that examination materials are received from the printer packed in a secure carton that has four (04) layers of protection. The receipt of material and storage is done under the Multi-Agency approach that involves the General Service Unit, NIS, DCI and KNEC officers. A special team of General Service Unit (GSU) personnel provide a 24-hour security to the warehouse where the live examinations are stored.
2. The security measures at the warehouse includes CCTV Camera Surveillance; Access Control procedures; Fire management systems; Perimeter wall; Strong doors and locking systems; Adequate illumination; Signing of non-disclosure agreement; and Deployment of GSU officers.
3. In addition, KNEC asserted that it has an offsite Command and Control post with phone and video capability to monitor any threats and handle them in real time. The Command Post which is manned by members of the DCI and NIS provides real-time feedback which can be retrieved on need basis.
4. The committee was told that Trucks delivering examination materials to the field are under security escort. Accountability documents are used for delivery of the materials by KNEC officers and receipt of the same by field officers.
5. Materials at the Distribution Centres are stored in metal containers, which have been installed at the office premises of Deputy County Commander (DCC) or Assistant County Commissioner (ACC). The containers have a double security padlock locking system, held by the Sub-County Director of Education (SCDE) and DCC/ACC.
6. KNEC indicated that it has provided guidelines on the conduct and administration of the examination. These are stipulated in a document called the KNEC guidelines on the management and administration of KCSE examination. The document was distributed by KNEC and is in every examination centre under the custody of the centre manager for reference during the examinations. The roles and responsibilities of all persons involved in the administration and conduct of the KCSE examinations are outlined in this document as a measure to control standards and avert any attempts at examination malpractice.

7. KNEC also, before the national examination series, conducted briefing and sensitization to refresh all the contracted professionals on the expectations of KNEC and reiterate what is contained in the guidelines on the management and administration of KCSE examination. Briefing and sensitization workshops are conducted in all the counties in the country and the information cascaded to subcounty levels and further to the examination centres through the centre managers and supervisors.
8. Rehearsals are held in all the examination centres and monitored on sample basis by KNEC. During the rehearsals candidates are reminded of the rules and regulations governing the conduct of examinations and further taken through the penalties of examination malpractices as stated in the KNEC Act and printed on the examination timetables that each KCSE candidate is given.
9. During the rehearsals the supervisors in collaboration with the centre managers are expected to organize the seating arrangement of the candidates to ensure adequate spacing that will prevent malpractice. KNEC requires that there should be a spacing of 1.22m between candidates during the examinations.
10. Further, from 2016, KNEC uses containers located at the sub county headquarters as an innovation to improve and control the distribution of examination materials. This increased accountability in the storage and administration of examinations. Further, there was adoption of the multi-agency approach with the involvement of the Ministry of Interior and Administration of National Government (DCC/ACC) and Ministry of Education (SCDE). These officers take full responsibility of the security and distribution of examination materials at the KNEC containers.
11. Geographically vast sub counties have additional containers to enable the far-flung examination centres get their examination material on time to start examinations within the stipulated time. During the 2022 KCSE examinations there were four hundred and eighty-nine (489) containers.
12. The committee was told that another innovation is that centre managers (School Principals) are charged with the responsibility of collecting the examination materials for their respective examination centres. Before 2016, this was the responsibility of supervisors. Each centre manager is escorted by 2 security personnel to their examination centre and the examination material is handed over to the supervisor in an examination room witnessed by security personnel. At the end of the examination day, the supervisor is required to handover sealed candidates' answer scripts packets to the centre manager who in turn returns them to the distribution centre for safe keeping as they await transportation back to KNEC. Centre managers are escorted to the distribution centre by armed security personnel.
13. In 2023 KCSE examination, KNEC indicated that it is considering enhancing the security of examination materials to curb the challenges of early exposure by introducing a new schedule of collecting examination material twice in a day. The concept has been a success in other countries like Uganda. The concept has been applied in KNEC TVET examinations by administering examination in a single session that has reduced the duration of exposure of live question paper packets at the centre. It is however notable that introduction of this innovation will have huge financial implications related to increased transportation costs.
14. **295,582** teachers and **57,931** security officers are used across the country in the conduct and administration of examinations to ensure and check the integrity of the examination process.

D. MONITORING OF THE FIELD ADMINISTRATION OF EXAMINATIONS

1. KNEC indicated that monitoring of the field administration of the KCSE examination is undertaken covering all the counties and that the key objectives of undertaking this exercise are as follows: -
 - a. Quality Assurance: To ascertain that all the regulations governing the conduct of the KCSE examination are adhered to.
 - b. Deterrent measure against examination malpractices: To avert any threats to the credibility of the examination administration process.
 - c. Registering the presence and active participation of KNEC while the KCSE examination is in progress as part of ownership of the process.
 - d. Feedback mechanism for continual improvement as the observations made during the monitoring exercise are expected to inform and guide the future conduct of the examinations.
2. The national examination monitoring exercise is undertaken through a multi-agency approach involving security agencies and education stakeholders from the Ministry of Education (MoE) and other key stakeholders. Monitoring is also done at the grass roots level through the SCDEs, DCCs, ACCs and the teachers involved in supervision and invigilation. In addition, senior government officials from various Ministries, Departments and Agencies participate in the exercise.
3. KNEC pointed out that all the officers involved in the monitoring are taken through training on the guidelines on monitoring to ensure that there is a similar understanding and expectations. The intensity of the training varies depending on the number of years of experience in monitoring.
4. KNEC also has a call centre that receives queries and reports from the field during the administration of examinations. Prompt action is taken to cover regions or examination centres that are reported to be involved in examination malpractices.
5. Where supervision and invigilation teams in examination centres are observed not to be performing as expected, KNEC in collaboration with the SCDE- MOE and TSC organized for replacement of the staff.

E. MARKING OF EXAMINATIONS

1. In marking, KNEC informed members that they only engage trained and practicing teachers in the marking of KCSE examinations. All examiners are taken through a training on marking by KNEC before their first engagement as examiners. KNEC trained new examiners for the examination papers that required additional examiners at various examiner training centres in Nairobi and its environs.
2. All examiners are required to declare interest before commencement of the marking exercise. Further, they sign an oath of secrecy not to divulge any information that they gain during the marking process to a third party to safeguard the confidentiality of the candidates' performance and the processes undertaken. They are expected to uphold integrity during the marking process and ensure all candidates are accurately scored according to the provided marking schemes.

3. Marking schemes are securely developed immediately after each examination paper is sat by the candidates. The marking schemes are securely stored for use during the marking exercise.
4. KNEC also indicated that during administration of examinations, KNEC allocates random numbers to each school. This is to conceal identity of candidates' answer scripts by examiners during marking. During the packing of answer script for marking, KNEC mixes different schools' packets from different sub counties in a box. The boxes are issued to different teams for marking in a random manner. Only once a team completes it box is the next.
5. A total of **30,592** examiners participated in the 2022 KCSE marking exercise and were accommodated in **35** marking centres.
6. The committee was informed that the KCSE examinations candidates' answer scripts are marked through a conveyor belt system. Each candidates' script is marked by more than one examiner in a conveyor-belt system under the team leader. This aimed at enhancing objectivity, integrity and fairness in marking candidates' scripts. The Senior Examiners (Chief Examiners, Assistant Chief Examiners and Team Leaders) quality assure the marking process by coordinating a minimum of 10% of the candidates' answer scripts marked in their respective papers. The system adopted for marking ensures that the candidates are scored fairly, and the marks are consistent and reliable.
7. The Kenya National Examinations Council has also installed an integrated security surveillance system to monitor the marking process in all the marking centers. In addition, there is a multi-agency security deployment at the marking centres.

F. PROCESSING AND RELEASE OF EXAMINATIONS

1. KNEC indicated that a team of KNEC officers are deployed to each marking centre to ensure that candidates' marks are duly captured, validated and accounted for in all the papers. The KNEC quality assurance officers also quality assure all the examination processes including the processes at the marking centre.
2. At the end of the marking exercise all the Chief Examiners prepare and submit comprehensive reports on their papers for use during awarding and grade setting of the KCSE examination.
3. The Committee was informed that the KCSE examination is a **Criterion Referenced (C.R)** examination which aims at comparing each candidate's performance to a pre-defined set of criteria or a standard. The goal of the KCSE examination is therefore to determine whether the candidate has the demonstrated mastery of a certain skill or set of skills. This pre-defined set of criteria/ standard for each subject in the KCSE examination was developed at the inception of the examination to provide guidelines on the skills a candidate must be able to display as having mastered to be awarded a distinction, credit or pass.
4. A total of *thirty (30)* subjects were examined under the KCSE examination. These subjects are tested in *seventy-four (74)* papers. Candidates were required to sit for a minimum of *seven (07)* and maximum of *nine (09)* subjects.
5. The KCSE examination results are presented to the KNEC Council for deliberation and approval.
6. Thereafter, the Cabinet Secretary, Ministry of Education approves the KCSE examination results after confirmation that all the procedures for the processing of the examinations were

duly followed. The Cabinet Secretary briefs the President before the official release of examination results.

G. FUNDING CHALLENGES IN THE FY 2023/2024 ADMINISTRATION OF THE NATIONAL EXAMINATIONS (KCPE & KCSE AND GRADE 6 (KPSEA):

1. KNEC pointed out that prior to the FY 2014/2015, the Council used to charge examinations fees for the KCPE and KCSE Examinations which the parents and institutions used to pay at the time of registration. The examinations are registered between February and March of every year. This arrangement gave the Council time to place these examinations fees in Fixed deposits with its approved bankers at least for a period of 6 months before the start of the administration of the examinations in August. The interest earned was able to assist the Council meet some of its personnel costs (PE).
2. From 2015 the Government of Kenya took over the payment of the Examinations fees first for Public funded candidates and in 2017 for all candidates including private schools' candidates. The payment of these fees by Government are staggered throughout the financial year and thus the Council is unable to invest the fees in deposits for long periods before the administration of the examinations as before. This meant that the Council lost the interest income it used to earn.
3. For the new financial year 2023/2024 the Kenya National Examinations Council has been allocated **Kes.941,730,682** for KCPE and **Kes. 1,000,000,000** for KPSEA and **Kes.3,082,240,863** for KCSE. The estimated cost of administration of examinations has gone up coupled with increased candidature as a result of 100% transition policy.
4. The committee was informed that the current capitation of **Kes.800** and **Kes.5,400** for KCPE and KCSE respectively were first introduced in 2013 and are insufficient for the new costs under the examination administration reforms that were introduced. The Grants Allocations as well as the examinations administration costs are less Personnel Expenses and any Non-discretionary expenses.
5. **Operations Recurrent Grant:** KNEC's operations recurrent grants have been falling over the years from a high of **Kes.300 million** in FY 2014/2015 to **Kes.149,100,000** allocated for FY2022/2023 now increased to **Kes.742,410,000** for FY 2023/2024.
6. **Non - Discretionary Expenditure - Personal Emolument (PE):** Prior to 2016 the Council used to collect the KCPE and KCSE Fee from the parents and institutions on behalf of the Government as A-I-A. The collections used to be done at the time of registration which enabled the Council to invest the fees in short term deposits whose interest was used to pay the Personnel Expenses (PE). Thus, the Council saw no need to request for Personnel Expenses allocation from the National Treasury as this was fully catered for by these additional income streams. The Council's Personnel expenses (PE) projections for FY 2023/2024 stand at **Kes.1,145,492,366**.
7. Due to the deficits incurred from the FY2016/2017 the Councils Revenue Reserves as at **30th June 2023** are negative **Kes.2,820,627,333** while as at the same date the Council was technically insolvent a matter which the Office of the Auditor General has raised as a qualification from the FY 2017/2018 to date.

H. RECOMMENDATIONS TO MEET THE FUNDING GAP

1. **Funding of the Councils PE:** The Council being a service organization should be Funded for its PE by the National Treasury. For FY2023/24 the PE estimates are **Kes 1,145,492,366**.
2. The National Treasury should Fund KCPE, KPSEA, SBA and KCSE at Cost at **Kes.1,200, Kes.750, Kes.150 and Kes.6,400** respectively.
3. The National Treasury to Fund KCPE, KPSEA, SBA and KCSE per capita, per candidate sitting the examination.
4. The National Treasury should Fund the Council with a supplementary Budget of **Kes.2,003,829,970** which has been incurred using FY 2023/2024 Allocations to pay off the 2022 KCPE and KCSE Examiners expenses pending bills as at 30th June 2023.
5. The National Treasury should fund the Council with a supplementary Budget of **Kes. 2,820,627,333** for the FY 2023/2024.

I. CHALLENGES EXPERIENCED IN THE KCSE EXAMINATIONS

1. **Inaccessible examination centres** - Difficulty in accessing examination centres that are in far-flung and insecure regions. This limited the ability of the Council to effectively quality assure the conduct of examinations in such examination centres.
2. **Inadequate funding from the National Treasury** - There has been an increase of over 50% candidature in KCSE examination but the government funding to KNEC has been unchanged since 2016. The funding has not been commensurate with the candidature change forcing KNEC to offer examinations under a constrained financial environment.
3. **Poor remuneration of contracted professionals** - Notably, the low funding has made it difficult for KNEC to improve the remuneration of field officers, supervisors, invigilators and examiners. This poses a risk to the examination process as some may be compromised in the process of executing their duties.
4. **Unconducive working conditions for examiners** - The increase in candidature has led to the increased of the numbers of examiners and the capacity of the marking centres is becoming strained. This has resulted in congestion in marking centres and unfriendly remuneration hence increasing the turnover rates of examiners. An increase in capitation would help alleviate this but KNEC is also considering moving to e-assessment and e-marking to address such issues.
5. **Abuse of social media platforms** - Misuse of social media by cartels through early exposure of examination material during examination period.

J. RECOMMENDED CHANGES IN THE 2023 KCSE EXAMINATIONS

KNEC recommended the following changes to ensure that credible examinations are conducted moving forward;

1. Use of additional **eighty-seven (87)** containers for storage of examination material from **489** in the 2022 KCSE examination to **576** in 2023 and mapping of examination centres to the nearest distribution point (container).

2. Mapping of examination centres has been done to the nearest distribution point (container).
3. Collection of examination material twice a day to reduce incidents of early exposure.
4. Continuous vetting of contracted professionals before engagement in the 2023 examination exercise and reshuffling to reduce cases of comprise.
5. Engaging TSC to ensure timely and appropriate disciplinary action is taken against contracted professionals involved in examination malpractices by their respective employer and where necessary disengagement of those contracted professional perpetrating examination malpractices.
6. Closer working arrangements with DCI and CAK for prompt pulling down of social media walls sharing examination information and close monitoring of social media platform and informing the relevant institutions to act.
7. Amendment of KNEC Act to have stiffer penalties for persons perpetrating examination malpractices. This is especially the case of those who share examination questions on social media platforms and those who create fake accounts so as to hoodwink Kenyans into buying fake examination papers.
8. Increasing the duration for processing of examinations to enable detailed quality assurance process of all the examination processes.
9. Comprehensive sensitization of candidates, teachers, parents and other examination stakeholders.
10. Review of the contracted professional remuneration and working conditions especially during the marking process.
11. Ensure proper regional, ethnic, gender and school balance of examiners invited for the 2023 KCSE examination marking exercise.
12. Use of five additional marking centres for marking of the 2023 KCSE examination to decongest the marking centres.
13. Engagement with the National Treasury and the Ministry on changing of the funding model of examination from grants to per candidate.
14. KNEC to use its own warehouse for storage of examination materials.
15. Review computation of the overall grade at KCSE to consider Mathematics and English or Kiswahili and the best performed five subjects as per the recommendation of PWPER. The reviewed grading systems will have a positive impact as it is expected to mitigate the stakes in national examination.

K. COMMITTEE CONCERNS

The Kenya National Examination Council responded to concerns by Members of the Committee as follows: -

1. On the rationale of the New Grading System

KNEC indicated that it is PWPER's recommendation and KNEC highly supports it indicating that since 1989, there has been a problem with the grading system whereby only one A was realized in 1989 with no A scored in 1990. Using the best practices, no cluster should require two sciences but should only focus on literacy and numeracy. The Committee was informed that only English or Kiswahili and Mathematics should be the compulsory areas.

The stakes are currently too high with five compulsory papers applicable.

2. On high pending bills

KNEC attributed this to inadequate funding since 2016 when per capita funding ceased and KNEC started receiving a flat rate grant.

3. On what informed decentralization of marking centres

Co-ordination was posing a challenge and therefore the policy was adopted in 2016. KNEC however indicated it would this year increase the number of marking centres by 5.

4. On rigidity of marking schemes

The Committee was informed that KCSE is a criterion referenced examination and somewhat rigid marking schemes helps to ensure reliability and validity of the marking procedure.

5. On security of examinations stored at KNEC

The Committee was informed that test items cannot leak and indicated that the papers currently in circulation are fake.

6. On examiners who go round schools posing as motivational speakers

KNEC asserted that it had done a circular to all schools spelling out that it is against the rules and regulations and that actions would be taken against anyone who breaches.

7. On candidates who do appeals

KNEC indicated that a window of 60 days is given to all candidates and institutions to lodge appeals but noted that since 2019 no case has been lodged.

KNEC recalls the answer sheets to check whether marking and allocation of marks was done rightly.

There is however a problem in remarking since it has to be done in the same marking environment of conveyor belt that was employed in initial marking.

8. On the integrity of security officers

The Committee was informed that the two security officers deployed in each examination centre are vetted by the Deputy County Commissioners and then sign a declaration form. The high number of examination centres however pose a challenge in vetting security officers of character since every centre requires at least two security officers.

9. On how examiners are recruited.

KNEC indicated that data for prospective examiners is submitted to TSC for vetting purposes. Headteachers also give views on the examiners to be involved.

10. On need for KNEC amendment

KNEC informed the committee that there is need for including an offence for any person who posts examination papers on social media.

11. On how data capturers are recruited

KNEC indicated that it acts in partnership with the Presidential Digital Talent Program through ICT Authority to provide data capturers who are then given a brief on the rules and regulations to follow. They are not allowed to have phones in the marking centres and are changed every year.

12. On handling early exposure

KNEC indicated that amending some KNEC laws will enhance deterrence. Mapping schools to the nearest containers and increasing the number of containers will ease transportation of examination materials.

Afternoon papers will not be collected alongside the morning one but will be collected after returning the morning's papers.

13. On effectiveness of the double locking system of containers

KNEC indicated that the system offers assurance and is good unless there is collusion between the DCC's and the Sub County Directors of Education.

14. On handling sick candidates

KNEC indicated that it would consider the best practices.

15. On how to ensure that supervisors and invigilators do not serve the same station for more than two years

KNEC expressed that it is using Contracted Professionals (CP2) System which automatically blocks them from serving in the same station for more than two years.

MIN.NO.EDUC/2023/269: ANY OTHER BUSINESS

1. The Committee resolved to undertake a retreat in Kisumu to deliberate on the Report on the Presidential Working Party on Education Reforms and finalize on the consideration of the Report on the Inquiry into the malpractices and mass cheating in the 2022 KCSE examinations.
2. The Committee resolved that there was need for the Committee to look into the Budget Implementation Oversight (BIO) in order to investigate the use of funds allocated to projects within the Ministry of Education and the Teachers Service Commission.

MIN.NO.EDUC/2023/270: ADJOURNMENT.

There being no other business, the sitting was adjourned at 2.10 pm.

SIGNED: DATE:

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

**MINUTES OF THE 42ND SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON THURSDAY, 27TH JULY, 2023, IN 5TH FLOOR COMMITTEE
ROOM, CONTINENTAL HOUSE, AT 10:00 AM**

PRESENT

- | | |
|---|---------------|
| 1. Hon. Julius Kibiwott Melly, MP | - Chairperson |
| 2. Hon. Dr. Christine Ombaka Oduor, | |
| 3. Hon. Eve Akinyi Obara, MP | |
| 4. Hon. Jerusha Mongina Momanyi, MP | |
| 5. Hon. Anne Wanjiku Muratha, MP | |
| 6. Hon. Abdul Ebrahim Haro, MP | |
| 7. Hon. Clive Ombane Gisairo, MP | |
| 8. Hon. Dick Maungu Oyugi, MP | |
| 9. Hon. Julius Taitumu M'Anaiba | |
| 10. Hon. Rebecca Noonaishi Tonkei, MP | |
| 11. Hon. (Prof.) Phylis Jepkemoi Bartoo, MP | |
| 12. Hon. Timothy Kipchumba Toroitich, MP | |

ABSENT WITH APOLOGY

- | | |
|----------------------------------|--------------------|
| 1. Hon. Moses Malulu Injendi, MP | - Vice-Chairperson |
| 2. Hon. Nabii Nabwera Daraja, MP | |
| 3. Hon. Peter Ochieng Orero, MP | |

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | |
|----------------------------|------------------------|
| 1. Ms. Grace Wahu | - Lead Clerk |
| 2. Ms. Natecho Kisiang'ani | - Clerk Assistant III |
| 3. Ms. Colleta Sigilai | - Senior Legal Counsel |
| 4. Dr. Mburu Maina | - Research Officer III |
| 5. Mr. Nimrod Ochieng | - Audio Officer |
| 6. Mr. Paul Kashana Shane | - Serjeant-at-Arms |

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

- | | |
|-----------------------------------|---|
| 1. Dorcus Oduor, SC, OGW, EBS SPP | - Ag. Dir Public Prosecutions |
| 2. Nanjala Christine | - Deputy Public Prosecutions |
| 3. Carolyne Karumi | - Senior Principal Prosecutions Counsel |
| 4. Irish Honga | - Principal Counsel |

JUDICIARY (OFFICE OF THE CHIEF REGISTRAR)

- | | |
|---|-----------------|
| 1. Paul N. Maina Deputy Chief Registrar | - Judiciary |
| 2. Andrew Njuguna | - Legal Counsel |

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of minutes of the 40th Sitting held on Wednesday, 12th July, 2023
4. Meeting with the ODPP and the Judiciary regarding examination management on the inquiry into the alleged malpractices in the 2022 KCSE examination.
5. Any other Business

6. Adjournment and date of the next sitting

MIN.NO.EDUC/2023/210: PRELIMINARIES

The Chairperson, Hon. Julius Melly, MP, called the meeting to order at 10.15 am and said a prayer. The agenda was adopted having been proposed by Hon. Phylis Bartoo, MP, and seconded by Hon. Jerusha Momanyi, MP.

MIN.NO.EDUC/2023/211: CONFIRMATION OF MINUTES

Confirmation of Minutes of the 40th Sitting held on Wednesday, 12th July 2023 at 10.00 am.

The Minutes of the 40th sitting were confirmed as a true reflection of the meeting having been proposed by Hon. Jerusha Momanyi, MP, and seconded by Hon. Phylis Bartoo, MP.

Matters Arising

MIN.NO.EDUC/2023/203:

Members raised concerns about the misreporting of deliberations between the Committee, the Communication Authority of Kenya (CAK) and the Directorate of Criminal Investigations (DCI) by the national print media. However, the Committee and CAK received a newspaper clarification and an apology and it was noted that there was an urgent need to cultivate a positive relationship with the media for positive reporting.

MIN.NO.EDUC/2023/212: SUBMISSIONS BY THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP) AND THE JUDICIARY IN REGARD TO THE INQUIRY ON EXAMINATION CHEATING AND MALPRACTICES IN THE 2022 KCSE EXAMINATIONS

A. SUBMISSIONS FROM THE OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS (ODPP)

Ms. Dorcas Oduor, the acting Director of Public Prosecutions (DPP), appeared before the Committee and submitted as follows:

i. Question 1: Summary of Cases Relating to the Examination Cheating and Malpractices

The Committee was informed that Kenya had experienced several cases on exam cheating and malpractice. Over the years and more specifically since 2012 the ODPP had received and prosecuted several matters related to exam malpractices and breach of law on examinations. The ODPP had annexed a total of fifty-three (53) cases.

ii. Question 2: The Threshold Considered before Cases on the Matter Under Consideration are Forwarded for Prosecution

The ODPP indicated that the decision to charge was one of the most important decisions that prosecutors make. On charging, the prosecutor has the discretion to weigh various factors including contextual, situational, and statistical factors as well as statistical analysis and the applicability of alternatives to prosecution.

She stated that the ODPP was guided by the law as well as several policies and guidelines in making

the decisions to charge, that is., the National Prosecution Policy, Decision to Charge Guidelines 2019, the Diversion Guidelines, and the Plea Bargain Guidelines.

The threshold decision to Charge

The Committee was informed that the standard required in making the decision to charge was dependent on the reasonable prospect of conviction. The prosecutor ensured that the investigation file contains the key minimum requirements as outlined in the Decision to Charge Guidelines. Once the minimum requirements are met, the prosecutor considers the sufficiency of the evidence and the public interest before charging.

iii. Question 3: Duration it takes for a Case on the Matter Under Consideration to be Filed for Hearing in Court

The ODPP indicated that in cases relating to cheating and examination malpractice, most of the perpetrators were minors. In dealing with children in conflict and in contact with the Law, the ODPP developed the **Prosecutors Guide to Children in the Criminal Justice System**. The Guide creates awareness and understanding of the rights of children in conflict with or in contact with the law and serves as a practical framework to guide prosecutors on how to handle cases involving children witnesses in the criminal justice system. The ODPP stated that the Guide is instrumental in informing prosecution strategies in the prosecution of child offenders as well as handling and management of child witnesses. Each case is handled on its own merit.

When dealing with cases for prosecution, the investigation officers are advised to present their file to the prosecution counsel for decision-making whose ideal turnaround time is **three days** before the proposed date of arraignment. Where there is the sufficiency of the evidence, the matter is filed for plea taking and consequently prosecution within three days.

However, the Committee was informed that there are instances where the prosecution counsel, upon perusal of the file and analysis of the evidence, observes the missing information or evidential gaps that require attention, the investigation officer is advised by way of a letter to undertake further investigations and thereafter re-submit the file for further analysis. There is no specific time frame for undertaking further investigations until the matter is presented for plea-taking. The turn-around time for each case that falls within this category is unique based on the circumstances it presents.

Given the above scenarios, the ODPP pointed out that it would be proper to conclude that the normal given turnaround time is three (3) days, depending on the circumstances varying from case to case.

iv. Recommendations to Curb Future Examination Cheating

The ODPP indicated that it was cognizant of the fact that the education system in Kenya was undergoing unprecedented changes to make it more responsive to the societal and global needs of the 21st Century.

The sector had faced several challenges, especially in technological changes that have resulted in different crime trends not yet fully captioned by our laws, collusion amongst proprietors of examination centers and other officers charged with examination-related crimes. Others had subverted the cause of justice due to corruption, among related practices that had marred the integrity of the examinations as well as apathy by parents who had over time become key players in perpetrating exam cheating and exam-related malpractices. In order to mitigate some of these challenges the ODPP proposed the following:

i. Adoption of a multi-agency approach in the handling and management of examination

This will result in enhanced efficiency in the detection, prevention, investigation, prosecution, and adjudication of complex crimes that relate to exam cheating.

ii. Increased budgetary allocation

This will help in ensuring capacity building for all stakeholders within the multi-agency team and proper infrastructure for the examination setting, holding centres as well as learning institutions to deter any malpractices.

iii. Community outreach program

The Government needs to undertake countrywide sensitization programs to create awareness among the citizenry on the ripple effect of exam cheating in society. Once the impact of these ethical values is ingrained in the citizenry, the prevalence of exam cheating will drastically decline.

iv. Proper and timely data capture

The Committee opined that with the growing population in education institutions coupled with the changing society, it is important for institutions to keep updated records of all the cases reported for exam cheating and related malpractices. Such a database will not only create a sustainable account for reference purposes but will also inform policymakers on whether the recommended strategies for reforms are working.

B. SUBMISSIONS BY THE JUDICIARY

The Deputy Registrar of the Judiciary submitted as follows:

i. List and status of pending and concluded examination-related cases.

There are ten (10) ongoing cases and fifteen (15) concluded cases on examination irregularities in the courts and provided a schedule with the details of the cases.

ii. Case backlog on the matters under consideration by the Committee

Whereas there are case backlogs attributable to several historical challenges, the exam-related cases have been processed quickly due to active case management in criminal proceedings and other strategies instituted over the past decade to address case backlogs. As demonstrated by the schedule, many of the cases touching on examination irregularities have been concluded while others are at advanced stages of the trial process.

iii. Information on the specialized division on matters of exam cheating cases

Exam cheating cases are criminal proceedings that are instituted in the first instance in magistrates court which are not divided into divisions. The only exception is the Milimani Law Courts which has a separate Magistrate's Court for Criminal, Commercial, Children's, Anti Corruption, and Traffic Cases respectively, owing to the volume of cases.

iv. Other recommendations as per the TOR of the inquiry

The KNEC Act establishes the National Examinations Appeals Tribunal to consider appeals made against any decision of the Council to withhold, nullify, or cancel KNEC examinations. The Members of the Tribunal are appointed by the Cabinet Secretary responsible for Education except the Tribunal's Chairperson who is nominated by the Judicial Service Commission. The Act places the Tribunal squarely under the Ministry responsible for Education which is empowered to deploy a Secretary and other staff of the Tribunal.

The Judicial Service Commission undertook competitive recruitment of the Chairperson and forwarded the name of a nominee for gazettelement to the Cabinet Secretary of Education in May 2023, yet the Chairperson has not been appointed and the Tribunal is not yet operational.

The Judiciary then proposed that *the committee initiate statutory amendments to transit the Tribunal to the Judiciary as decreed by Article 159 (1)(d) of the Constitution to secure its operational and decisional independence*. Operationalization of the tribunal will give examination candidates and other stakeholders a forum to lodge any disputes they may have with KNEC when it exercises its power to cancel results.

COMMITTEE CONCERNS

The Committee had the following concerns: -

- i. The list of cases provided by the Judiciary was not exhaustive, thus a comprehensive list be submitted to the Committee in seven (7) days.
- ii. Further clarification on specialized units related to examination cases was needed for the Committee before another examination is administered.
- iii. There was a need to be specific about the multi-agency members and actions that will combat exam malpractices in the future.
- iv. The Committee requested a clarification on the trends in the examination malpractices for the effective curbing of a recurrence.
- v. The Committee requested to know why KNEC never appeared in any case even as a witness in the concluded cases. In addition, there were concerns about case no. 48 which had gone on for a very long time since 2018; the ODPP requested for 48 hours to obtain the right status and report back on the specific case.
- vi. The Committee was worried about the fate of the upcoming examination with pending and unconcluded cases.

COMMITTEE RESOLUTIONS

The Committee made the following resolutions: -

- i. The Committee requested the Judiciary to provide a detailed list of cases of exam cheating at the courts and the legal gaps to be addressed at a policy level before the next examination cycle within two weeks from the date of the meeting.
- ii. The Committee resolved that a specialized tribunal with a minimal term was urgently needed to resolve all matters of exams within a short period of time before the next cycle of examination preparation.
- iii. The Committee resolved that additional budgetary allocation was required to handle matters of exam cheating, exam technological preparations, and adjustments.
- iv. Technological improvements and automation of cases was needed in courts to ensure cases are filed and concluded in a timely manner.
- v. Exam cheating and other malpractice cases were not being handled with the seriousness they deserve by the Judiciary, the ODPP and the country at large, thus repeated malpractices yearly and this was a wake-up call to the whole nation.

MIN.NO.EDUC/2023/213: ANY OTHER BUSINESS

There was no other business

MIN.NO.EDUC/2023/214: ADJOURNMENT.

There being no further business, the meeting was adjourned at 12.10 p.m.

SIGNED: DATE:

HON. JULIUS MELLY, M.P.
CHAIRPERSON, COMMITTEE ON EDUCATION

**MINUTES OF THE 40TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON WEDNESDAY, 12TH JULY 2023, AT COMMITTEE ROOM 9,
PARLIAMENT BUILDINGS, AT 10:00 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP
2. Hon. Moses Malulu Injendi, MP
3. Hon. Jerusha Mongina Momanyi, MP
4. Hon. Abdul Ebrahim Haro, MP
5. Hon. Dick Maungu Oyugi, MP
6. Hon. Julius Taitumu M'Anaiba
7. Hon. Nabii Nabwera Daraja, MP
8. Hon. (Prof.) Phylis Jepkemoi Bartoo, MP
9. Hon. Rebecca Noonaishi Tonkei, MP
10. Hon. Timothy Kipchumba Toroitich, MP

- Chairperson
- Vice-Chairperson

ABSENT WITH APOLOGY

1. Hon. Dr. Christine Oduor Ombaka, MP
2. Hon. Eve Akinyi Obara, MP
3. Hon. Anne Wanjiku Muratha, MP
4. Hon. Clive Ombane Gisairo, MP
5. Hon. Peter Ochieng Orero, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

1. Ms. Grace Wahu
2. Ms. Natecho Kisiang'ani
3. Dr. Mburu Maina
4. Mr. Nimrod Ochieng
5. Mr. Paul Kashana Shane
6. Mr. Daniel Psirmoi

- Lead Clerk Assistant III
- Clerk Assistant III
- Research Officer III
- Audio Officer
- Serjeant-at-Arms
- Media Relations Officer

COMMUNICATION AUTHORITY OF KENYA

1. Mr. Christopher Wambua
2. Dr. Vincent Ngundi
3. Mr. Mark Maasai

- Director, Corporate Communications
- Director, Cybersecurity
- Communication Advisor

DIRECTORATE OF CRIMINAL INVESTIGATIONS

1. Mr. David Birech
2. Mr. Simon Kipruto
3. Mr. Stephen Gichuru

- Director of Criminal Investigation
- Cybercrime & Digital Forensic Lab
- Investigator

AGENDA

1. Prayers
2. Adoption of the agenda
3. Confirmation of minutes of the 39th Sitting held on Tuesday, 11th July 2023
4. Meeting with the Communication Authority of Kenya (CAK) and the Directorate of Criminal Investigations (DCI) regarding examination management in the inquiry into the alleged malpractices in the 2022 KCSE examination.

5. Any other Business
6. Adjournment and date of the next sitting

MIN.NO.EDUC/2023/201: PRELIMINARIES

The Chairperson called the meeting to order at 10.20 am and a prayer was said by Hon. Malulu Injendi, MP. The agenda was adopted having been proposed by Hon. Abdul Haro, MP and seconded by Hon. Malulu Injendi, MP.

MIN.NO.EDUC/2023/202: CONFIRMATION OF MINUTES

1. **Confirmation of Minutes of the 39th Sitting held on Tuesday, 11th July, 2023 at 10.00 am.**

The Minutes of the 39th sitting were confirmed as a true reflection of the meeting having been proposed by Hon. Jerusha Momanyi, MP, and seconded by Hon. Phylis Bartoo, MP.

Matters Arising

- a. **MIN. NO.NA/EDUC/2023/198**
 - i. In regards to the information on recruitment of teachers up to sub-county level that the Teachers Service Commission (TSC) was to send to the Secretariat, the Members were informed that a follow up had been made and the TSC was still working on the document. However, another follow up would be made after the meeting.
 - ii. The Members also noted that TSC had made a commitment that starting from the current recruitment, a Master's Degree will be an added advantage instead of being a mandatory requirement.
 - iii. In regards to the recruitment advertisement for teachers, the Members insisted that a follow up on TSC addendum advertisement be made to ensure that they complied with the Committee's recommendation and their commitment to correct the advertisement.

Follow up on Matters Arising: -

- i. The Teachers Service Commission sent information regarding distribution of 2,000 vacancies of Primary school teacher interns per sub-county and the distribution of 18,000 vacancies of Junior Secondary School teacher interns by sub-counties.
- ii. On a Master's Degree being an added advantage, the TSC re-advertised the vacancies on Tuesday, 18th July, 2023 for Principal Teacher Management Officer and Curriculum Support Officers and indicated that the Master's degree was an added advantage instead of a requirement. The TSC complied with the recommendation of the Committee.

MIN.NO.EDUC/2023/203: SUBMISSIONS BY THE COMMUNICATIONS AUTHORITY OF KENYA (CAK) AND THE DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI) IN REGARDS TO THE INQUIRY ON EXAMINATION CHEATING AND MALPRACTICES IN THE 2022 KCSE EXAMINATIONS

A. SUBMISSIONS BY THE COMMUNICATION AUTHORITY OF KENYA

The submission by CAK was a follow-up to an earlier meeting held on 4th July, 2023 to further highlight the issues contained in the letter Ref. NA/DDC/EDUC/2023/(87), of 15th June 2023.

The Director of Cyber Security at the Communications Authority of Kenya (CAK) informed the Committee as follows: -

According to CAK, the internet and the digital applications that ride on it are essentially borderless and global in reach affording humanity immense benefits. Social media platforms provide easy-to-use channels for online criminal activity, including the misuse and manipulation of technology to perpetrate social ills and with the rapid evolution and adoption of artificial intelligence, the aforementioned benefits and dangers increase in equal measure.

In order to mitigate cyber threats and foster safer Kenyan cyberspace, the Government of Kenya, through CAK, established the National Kenya Computer Incident Response Team - Coordination Centre (National KE-CIRT/CC) in 2016. The Centre has been a multi-agency collaboration framework that is responsible for the national coordination of cybersecurity management as well as Kenya's national point of contact on cybersecurity matters.

At the national level, collaboration is realized through the National KE-CIRT/CC Cybersecurity Committee (NKCC) where the Kenya National Examination Centre (KNEC) is a member. This multi-stakeholder collaboration approach has enabled the National KE-CIRT/CC to support KNEC in curbing exam fraud through proactively monitoring KNEC's digital assets, facilitating the takedown of accounts impersonating the national examinations body and other related entities, as well as channels disseminating exam material.

1. Possible threats to the integrity of national examinations using technology

The CAK stated that social media platforms are accessible globally but are not subject to local or national laws. The platform providers operate on the laws of the countries of their origin and registration. Social media companies predominantly use their respective terms of service and community standards to handle cases and reports of platform abuse.

In Kenya, social media companies are not regulated, which means that they are not licensed and have no obligation to comply with license conditions, codes of practice, or local laws. As a result, social media platform providers are not subject to regulatory actions such as fines or the suspension of services.

According to CAK, the widespread use of social media in Kenya presents threats to the integrity of national examinations which include:

- a. **Technology and Privacy:** The strong emphasis on privacy and anonymity by social media platform providers presents challenges in combating exam malpractices. Its end-to-end encryption, self-destructing messages, and anonymous registration capabilities facilitate covert communication, making it difficult to track and trace individuals involved in exam fraud.
- b. **Content Challenges:** The global reach of social media platforms presents challenges related to content in the context of exam malpractices. For instance, use of various local languages often compromises effective monitoring and identification of suspicious or fraudulent activities as conversations and content can be relayed in various languages, making detection and intervention efforts more challenging.

- c. **Contextual Considerations:** Lack of adequate laws governing misuse of social media in Kenya further complicates the situation, making it difficult to effectively combat online exam fraud and cheating. The strong constitutional and legal provisions on privacy in Kenya also limit the level of intrusion into individual communication.
2. **Whether the Authority received and investigated any reports related to malpractices with regard to national examination malpractices in year 2022 or before**

The CAK indicated that it has in the past received and processed reports relating to examination malpractices through the National KE-CIRT/CC as shown below: -

No.	Platform	No. of Reports	No. Taken Down	Active Incidents
1.	Telegram	23	9	14
2.	Facebook	26	19	7
3.	Signal	-	-	-
4.	WhatsApp	-	-	-

The committee was informed that CA has been pursuing Mutual Legal Assistance (MLA) mechanisms including help from other national CIRTs, foreign law enforcement agencies, the INTERPOL, and the local foreign missions of the country's where the two social media platforms are domiciled. In order to curb cases of social media impersonation, the National KE-CIRT/CC facilitates the verification of the genuine social media accounts for public entities, as has been the case with KNEC.

3. Policy interventions

The CAK advised that the government should develop policy and regulatory guidelines to inform the use of ICT during the examination period. These guidelines should include clear provisions prohibiting and controlling the use of mobile devices in examination centers.

Further, and to effectively combat the rise of exam malpractices via social media and digital platforms, the CAK recommended the following policy and strategic interventions:

- a. **Strengthening Detection Mechanisms:** Develop robust mechanisms, including algorithms based on Artificial Intelligence (AI) and keyword monitoring, to detect and flag suspicious content related to exam malpractices across multiple languages. Overcoming language barriers and ensuring accuracy in detecting fraudulent activities present significant challenges in this regard.
- b. **Collaboration with Platform providers:** Foster collaboration between educational institutions, examination boards, and social media platform providers to enhance monitoring capabilities, sharing of fraudulent cyber activity, and development of tools that can proactively identify and address instances of exam fraud.

- c. **International Cooperation:** Foster international cooperation and information sharing between jurisdictions to combat exam malpractices perpetrated via social media and digital platforms. This should include encouraging the development of protocols and agreements that facilitate collaboration in investigations and the sharing of best practices.
- d. **Educational Awareness and Ethical Culture:** Promote educational awareness campaigns emphasizing the importance of academic integrity and ethical behavior. Education systems should foster a culture that discourages exam malpractices and emphasizes the value of genuine learning.
- e. **Student Assessment:** The government's effort towards national deployment of broadband data services and the digitalization of government services will drive the widespread access to the Internet and public services across the country. As a result, and as a long-term measure, perhaps the government should consider reviewing how learners are assessed, especially with the growth in the adoption of Artificial Intelligence (AI). Why not continually assess students, how about randomizing the exam questions as is the case with proctored exams, how about case-based or hands-on assessment of student competencies? How about rethinking the whole examination framework bearing in mind our local context? How about deploying technology, AI technology in this case, to actually detect cases of exam cheating? How can competency-based learning aid in curbing exam malpractices?
- f. **Proposals in the Cyber Security Regulations:** In order to address some of these challenges and concerns, the government may put in place a number of provisions in the draft cyber security regulations that are currently under development and which cover the following areas: expediting requests from government agencies, enhanced provisions for children safety, guidelines on content moderation practices, enhanced safeguards for content moderators, clarity of terms of use of digital platforms.
- g. **Review of Existing Laws:** The government should review the Kenya Information and Communications Act (KICA) to include regulation on digital platform providers.

4. Any other recommendations as per the Terms of Reference of the Inquiry

Beyond addressing the challenges posed by social media platforms in terms of technology, content, and context, the Committee was informed that it may also consider the following: -

- a. **Legal and Policy Frameworks:** Strengthen legal and policy frameworks related to exam malpractices, ensuring they are comprehensive, enforceable, and adapted to the evolving digital landscape. This should include fostering international collaborations to address cross-border exam fraud challenges effectively.
- b. **Multi-agency Collaboration:** There is need to enhance collaborative efforts between the Authority's National KE-CIRT/CC, KNEC, the broader education sector, JLOS, and other stakeholders with a view to curbing the use of technology in exam cheating. In this regard, the existing partnership between the Authority's National KE-CIRT/CC and KNEC should be enhanced to include other relevant stakeholders.
- c. **Awareness and Capacity Development:** The human element is the weakest link when it comes to the misuse of technology. In order to promote the level of cyber hygiene and etiquette amongst the general public, including the education ecosystem, there is need to create awareness on the responsible use of social media, and technology in general, as well as the implications of misusing technology platforms to society.

- d. **Trends and Statistics:** Monitor and analyze trends and statistics related to exam malpractices on social media in order to inform policy and operational interventions. This includes collecting data on the prevalence of fraud, methods employed, and the impact of interventions to drive evidence-based decision-making and continually adapt strategies.

5. **Conclusion**

- a. Overall, addressing the challenge of examination fraud through the use of technology calls for a collaborative approach that is coupled with both policy, legal and technical interventions. Given the importance of integrity of national examinations, the Authority's National KE-CIRT/CC undertakes to proactively (24/7) monitor social media and technology.
- b. The Authority continues to collaborate with KNEC, and other stakeholders in the education sector, to enhance the delivery of national examinations. It has facilitated KNEC mainly, through verification of social media accounts/pages to ensure authenticity and discourage misinformation.
- c. The CAK indicated that the challenges they are currently experiencing, while not an isolated case in global cyber space, calls for a review of existing legislative frameworks and mechanisms that promote mutual legal assistance.
- d. Moreover, the National Computer and Cybercrimes Coordination Committee (NC4) is currently in the process of developing cyber security regulations that will not only operationalize the Computer Misuse and Cybercrimes Act 2018 but also foster a safer Internet for socio-economic transformation.
- e. Finally, the government is currently reviewing the Kenya Information and Communications Act (KICA) to include regulation on digital platform providers regulation.

6. **Committee Concerns**

a. **Processing of the 33 cases on examination cheating received from DCI**

The CAK indicated that it has officers seconded from DCI and further pointed out that whenever a report is received, a triage is conducted to determine its validity. If the same is valid, the CAK then considers whether such a report requires investigation and if it does not warrant it, the cybersecurity experts resolve it and respond to the complainant. If it requires further investigation, it is handed over to the DCI for collection of evidence.

The Committee was informed that the 33 cases forwarded were requests for technical assistance from DCI and that the specifics provided by CAK included the time of an incident, name of the person behind it, any email addresses or telephone numbers associated with the account, location, when the account was created and why, location created and the historical content.

b. **Unregulated social media**

The CAK indicated that this has been occasioned by lack of regulations which are being developed on cyber security. The Kenya Information and Communications Act is being developed to help regulate the social media service providers to bind them to local laws.

c. The engagement with Signal and Telegram

The CAK indicated that there are many security issues being propagated using these platforms apart from examination irregularities. The CAK monitors the platforms being used for criminal activities to counter any harmful occurrences. Collaboration with the platforms is very crucial especially in enhancement of security.

d. Benefits of Artificial Intelligence (AI) in securing examinations

The CAK indicated that AI can help in using machine learning technologies to understand the character of a person. If one records for a long time, then AI can give patterns and if a person sits an examination and performs differently, the system can tell you that such a character is cheating.

On proctored examinations especially in global certifications, there is a pool of questions and one responds to different questions. If there is an effective response, there is an algorithm that ensures there is equity. The government is rolling out digital platforms and once this is done, this will help in ensuring that the country goes green where minimal printing of examination on paper is required.

e. Private schools and challenges of examination cheating

The CAK indicated that it has not had such a request from private schools but has been receiving requests on verification of their social media accounts to ensure that only authentic information is provided.

f. Response from social media providers

The CAK indicated that it has been receiving varied responses with the biggest challenge being from Signal and Telegram which is an issue also being experienced by other countries.

g. Blocking of unregulated social media providers

The CAK informed the Committee that it is possible but pointed out that examination fraud happens way before the sitting day of the examination. The CAK thus pointed out a need for interventions before the actual examination sitting time.

h. Legal interventions

The CAK pointed out that this will be crucial since it will determine how providers operate in the country. The Committee stated that as an assignment, the CAK ought to provide legal interventions and proposals for amendments to the Kenya Information and Communications Act (KICA).

i. Mobile phones and examination cheating

The Committee was informed that phones are normally used in sharing of examination questions and answers and also in enhancement of payment of illegal proceeds from examination cheating.

j. Blocking of communication systems during KCSE national examinations

The CAK pointed out that this is possible but the worry is on the county's very litigious nature where a citizen approaches the courts citing a violation of freedom of expression. The CAK thus requested that a law be proposed to protect the country from such probable litigations.

k. Tamper proof examinations

The CAK indicated that it is possible to have tamper proof examinations and stated that technology was beneficial its creation and that the Committee should root for technology to be used in assessments. However, the Committee informed that some purported examination questions in circulation were fake. Kenya should also have innovative people developing their own social media platforms without relying on those from other countries.

l. Usage of end-to-end encryption

The CAK indicated that this involves locking communication between two parties and were locking of communication is done before the conveying party sends information using a key only known to them. It is a communication not readable by third parties. It has become very attractive to cyber criminals because the communication can only be received by the two intended parties, the perfect example being WhatsApp which is encrypted end-to-end.

m. Contract Agreements for market penetration between CAK and Telegram, WhatsApp, Signal among others

The CAK stated that social media platforms penetrate into the Kenyan market because there lacks regulations and decried a need to have a legal framework on the same. The CAK informed the Committee that they are working on amendments and will be presented to Parliament for consideration.

B. SUBMISSIONS BY THE DIRECTORATE OF CRIMINAL INVESTIGATIONS (DCI)

The submission by the DCI was a follow-up to an earlier meeting held on 4th July, 2023 to further highlight the issues contained in the letter Ref. NA/DDC/EDUC/2023/(86), of 15th June 2023.

The Director of Criminal Investigations informed the Committee as follows: -

1. On possible threats to the Integrity of National Examination using technology

The DCI stated that if technology is left unchecked, the following are the likely threats: -

- a. The integrity of the national examinations are likely to be compromised and therefore the certificates will not be recognized.
- b. If cheating or attempts to cheat are not checked or prevented before its occurrence, there is a likelihood to promote laxity among the candidates hence the need to put measure that discourages the practice.
- c. Parents/Guardians and owners of private schools will be victims of exam conmen/women.
- d. It may create an unequal environment with those exposed to the examination papers having advantage over the innocent students.
- e. It compromises academic integrity.
- f. There exists a threat of technology on national examinations which is posed by social media sites especially Telegram, Signal and WhatsApp.
- g. Internet speeds and connectivity have helped in the rapid spread of leaked examinations.
- h. Smart phones have also been used to take photos of the leaked papers and disseminated online.

2. Summary of cases dealt with and materials used

S/No	Position	Number
1.	Pending under investigations	44
2.	Pending before court	17
3.	Warrant of arrest	1
4.	Finalized cases	6
	Total	68

Materials Used

s/no	gadget	number
1.	Use of mobile phones	47
2.	Exam materials papers i.e. written materials/tissue	12
3.	Impersonation	1
	Total	60

3. Policy Interventions

- The Committee is urged to consider putting in place strict regulations/laws that provide for stern administrative and disciplinary action against all those officers found engaging or aiding in examination cheating.
- The Committee was urged to consider making laws that make the use of biometrics mandatory to prevent impersonation.
- The CAK was encouraged to put in Regulations that make it possible for the Authority to pull down or jam signals for any platform found promoting examination cheating in real time once misuse is detected.
- Further, there is need for the National Assembly to consider making recommendations on timelines for examination cheating and malpractice cases in courts. This will help reduce the long period cases take before they are concluded as is the case with the Presidential Election Petitions.
- There is need to consider the inclusion of CAK as part of the Multi-Agency team at KNEC in the handling exam malpractices.
- Diversification of communities at exam marking centers should be considered when allocating tasks.
- There is need for proper briefing of all stakeholders involved during marking of examinations to avoid incidences of collusion and blowing of undercover officers deployed at the marking centers.

4. Any other recommendations as per the Terms of Reference of the Inquiry

The DCI made the following recommendations to the Committee:-

- Tough penalties should be recommended to those found guilty of examination cheating.
- Examination Officers found involved in exam cheating and malpractices should be severely punished including being discharged from their jobs.
- Schools should be advised to invest in CCTV Cameras especially in examination rooms.

- d. The KNEC should improve on the invigilation and supervision of examinations. They should have enough and thoroughly trained invigilators and supervisors to handle the examinations to make it difficult for students to cheat.
- e. Honesty should be a moral value emphasized and entrenched in schools from Basic education up to University level.

5. Committee Concerns

a. Delay of cases in courts

The DCI stated that the criminal justice system is a chain and the role of police officers is to investigate and arraign. The completion of cases is dependent on the courts and the investigators have no control over them. There are also delays by counsels of the accused who continuously request for adjournments citing exigencies of duties. The Committee advised the DCI to write recommendations to the Committee on the best ways to curb examination cheating.

b. The Suspects of Examination Cheating from Kisii

The DCI informed the Committee that the case against the suspects was in the public domain. However, in order to discourage anymore criminal activity on examination cheating, the DCI uploaded the photos of the perpetrators on social media and mainstream media to expose their criminal activities.

c. Involvement of KNEC Officers in Examination Cheating

The DCI stated that it suspect that the Officers were involved. However, upon investigation of the cases it was established that most of those involved were teachers and students from universities.

d. Members of the Public fearing to report on cases of examination cheating

The DCI informed the Committee that most of the citizens fear police officers and criminal investigators. However, they have a "Fichua Number" that citizens may use anonymously to report on criminal incidences.

6. Committee Resolutions

- a. The Committee requested the DCI to provide an additional brief on preparatory notes for the next examination cycle.
- b. The Committee resolved to aid the two agencies receive additional funding to support their mandates.
- c. The Committee resolved to invite the Office of the Director of Public Prosecutions and the Judiciary to respond to the stalled cases on examination cheating.

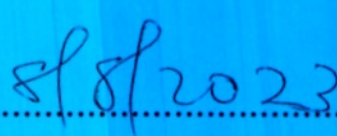
MIN.NO.EDUC/2023/204: ANY OTHER BUSINESS

1. The Committee resolved to invite the Cabinet Secretary for Education to respond to concerns on NEMIS and disbursement of capitation to schools.
2. The Committee resolved to invite the Kenya Union of Special Needs Education Teachers (KUSNET) and Kenya Women Teachers Association (KEWOTA) to appraise the Committee on their grievances on membership deductions.

3. The Committee resolved to postpone the meeting regarding medical cover for teachers to a later date. It was agreed that more research into the matter was necessary for more effective engagement.
4. The Committee resolved to have a report writing retreat to be held from Tuesday, 18th July, 2023 to Friday, 21st July, 2023.

MIN.NO.EDUC/2023/205: ADJOURNMENT.

There being no further business, the meeting was adjourned at 1.55 p.m.

SIGNED:  DATE: 

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

**MINUTES OF THE 28TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON THURSDAY, 18TH MAY, 2023, PRIDE INN PARADISE,
MOMBASA, AT 9.30 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Moses Malulu Injendi, MP – **Vice-Chairperson**
3. Hon. Eve Obara, MBS, MP
4. Hon. Jerusha Momanyi, MP
5. Hon. Abdul Ebrahim Haro, MP
6. Hon. Anne Wanjiku Muratha, MP
7. Hon. Clive Ombane Gisairo, MP
8. Hon. Dick Maungu Oyugi, MP
9. Hon. Julius Taitumu M'Anaiba, MP
10. Hon. Nabii Nabwera Daraja, MP
11. Hon. Peter Ochieng Orero, MP
12. Hon. (Prof.), Phyllis Jepkemoi Bartoo, MP
13. Hon. Rebecca Noonaishi Tonkei, MP

ABSENT WITH APOLOGY

1. Hon. (Dr.) Christine Oduor Ombaka, MP
2. Hon. Timothy Kipchumba Toroitich, MP

COMMITTEE SECRETARIAT

- | | |
|----------------------------|--|
| 1. Mr. Daniel Mutunga | - Deputy Director, Departmental Committees |
| 2. Ms. Grace Wahu | - Clerk Assistant III |
| 3. Ms. Natecho Kisiang'ani | - Clerk Assistant III |
| 4. Mr. Eric Kanyi | - Fiscal Analyst III |
| 5. Dr. Maina Mburu | - Research Officer III |
| 6. Ms. Brigitta Mati | - Legal Officer II |
| 7. Mr. Benson Kimanzi | - Serjeant-At-Arms |
| 8. Mr. Nimrod Ochieng | - Audio Officer |
| 9. Mr. Daniel Psirmoi | - Media Officer |
| 10. Ms. Josephine Osiba | - Hansard Officer III |

MINISTRY OF EDUCATION

- | | |
|------------------------------|--|
| 1. Hon. Ezekiel Machogu | - Cabinet Secretary, Ministry of Education |
| 2. Dr. Richard Belio Kipsang | - Principal Secretary, Basic Education |
| 3. Dr. David Njeng'ere | - CEO, Kenya National Examination Council |
| 4. Mr. Joshua Wabwire | - Legal Officer, Ministry of Education |

MIN. NO. EDUC/2023/140: PRELIMINARIES

The meeting was called to order at 9.55 am by the Chairperson and a prayer was said by Hon. Malulu Injendi. The Agenda of the meeting was adopted having been proposed by Hon. Abdul Haro, MP and seconded by Hon. Julius Taitumu, MP.

MIN. NO. EDUC/2023/141: CONFIRMATION OF MINUTES

The Confirmation of previous Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/142: MEETING WITH THE MINISTRY OF EDUCATION TO RESPOND TO THE TERMS OF REFERENCE OF THE INQUIRY INTO THE ALLEGED CHEATING IN THE 2022 KCSE EXAMINATIONS

The Ministry of Education responded to the remaining Terms of Reference as follows:-

Question Two: Whether there were Incidences of Cheating or other Examination Malpractices in the 2022 Examination

1. The Cabinet Secretary, Ministry of Education defined the various forms and terms of malpractices as defined in the Guidelines on handling Examination Irregularities and the Guidelines on scrutiny of marked scripts for evidence of irregularities as follows:-
 - a. **Leakage**
2. They stated this is where candidates have unauthorized prior access to the content of examination question papers before the scheduled day of examination. This may lead to the candidates having advantage over the other candidates who had no prior information.
 - b. **Early Exposure**
3. The Ministry explained that this is where candidates have unauthorized prior access to the content of examination papers before the set time of the examination on the material day of the examination. In this instance, the examination package is opened after being picked from the distribution centre and then the question papers and possible answers are shared with the candidates or on Social Media sometimes at a fee.
 - c. **Examination Irregularities/ Examination Malpractice (Cheating)**
4. The Ministry explained that this means any action which contravenes the set rules and regulations for the conduct of examinations as per the KNEC Rules of 2015 (Handling of Examination Irregularities). This includes:
 - i. Possession of unauthorized material (written notes and electronic devices) in an examination
 - ii. Collusion between candidates or with teachers
 - iii. Unauthorized possession of examination materials
 - iv. Fraudulently altering candidates' script or information
 - v. Impersonation

d. Impersonation:

5. It was explained that impersonation is where a person, who is not registered to sit an examination, presents him/herself as a candidate in the examination or registers for the examination using a false identity to sit the examination.
6. The Ministry informed the Committee that before and during the administration of 2022 KCSE examination, KNEC received several reports from concerned citizens, whistleblowers and education stakeholders on alleged planned cheating in the examination. He said similar reports had been received in previous exam cycles.
7. According to the Cabinet Secretary, the common types of alleged examination irregularity reports received by KNEC are:
 - i. Possession of unauthorized materials in examination centre;
 - ii. Possession of mobile phones in examination centres;
 - iii. Impersonation;
 - iv. Collusion; and
 - v. Early exposure of examination material.
8. In response, he submitted that KNEC sent officers to the centres that were alleged to have planned for examination malpractices to monitor the conduct of examination. He explained that the exercise was done through a multi-agency approach involving the Ministry of Education and security agencies as has been the practice in the previous years. In addition, examination centres that were categorized as high risk were assigned a regular monitor throughout the examination period. At the beginning of the 2022 KCSE examination, over 200 centres had been identified as high-risk. According to the Cabinet Secretary, the information received is always shared with the security team on a regular basis.
9. Security measures that were implemented during the administration and management of the examination and the attempted cases of malpractice were dealt with timely and appropriately. He disclosed that one of the incidents involved a school in Garissa with over 100 candidates where 29 mobile phones were intercepted by security and examination officials. According to the Cabinet Secretary, the case was handed over to the Directorate of Criminal Investigations for further investigation and possible prosecution. However, the candidates' results were not cancelled because the mobile phones were confiscated before the examination.
10. The Ministry further informed the Committee that KNEC also received reports of suspected collusion cases during marking by the examiners. They informed the Committee that KNEC conducted investigations to determine whether the reported candidates colluded in the examination. However, the investigation indicated that evidence provided did not meet the threshold for the cancellation of the examination results as per KNEC rules and regulations.

11. They submitted that all the 128 cases of alleged examination malpractices that KNEC received were processed in accordance with the procedure for handling reports. The cases were reviewed and found not to meet the threshold for cancelling results.
12. They informed the Committee that KNEC processes allegations of examination malpractices in accordance with globally accepted principles of fairness in examination and assessment of learners and that a candidate is always accorded the benefit of doubt when the evidence available is not sufficient to warrant the cancellation of examination results. Consequently, KNEC does not act on the basis of hearsay or unfounded allegations that have no supporting proof.
13. The Committee was informed that KNEC is a member of the International Association for Educational Assessment and the Association for Educational Assessment in Africa. KNEC's membership, to such educational assessment association enables sharing of experiences and best practices through benchmarking meetings. In relation to the 2022 KCSE examinations, the Committee was informed that KNEC invited five examination Boards who are members of the Association for Educational Assessment in Africa as observers. They said that these observers approved the examination processes as having met the global standards.
- a. **In case there was cheating and other malpractices in the examination, how were they orchestrated, who were the players and who bears the ultimate responsibility?**
14. The Ministry indicated that KNEC received reports of alleged cases of cheating and other malpractices during the 2022 KCSE examination. However, they said that these cases were dealt with appropriately and did not result in the cancellation of results. They presented some of the reported irregularities as follows:
 - i. **Collusion:**
 15. There were 20 suspected cases reported during marking by the examiners. It was alleged that candidates presented similar and identical responses. The suspected cases were further investigated and the evidence did not meet the threshold that warrants the cancellation of candidates' examination results as per KNEC guidelines.
 - ii. **Possession of Unauthorised material:**
 16. This was detected during frisking of the candidates before the start of examination sessions. The guidelines on supervision and invigilation stipulate that candidates should be frisked before entering examination rooms to curb any case of examination malpractices. Materials that are intercepted by the invigilators and supervisors during frisking are not used to penalise candidates.
 - iii. **Possession of Mobile Phones:**
 17. Some centres reported candidates to have attempted to sneak mobile phones in the examination centres during examination sessions. The phones were confiscated and handed over to DCI for further investigations.

iv. Unauthorised Possession of Examination Materials:

18. There were thirteen (13) cases of early exposure where centre managers or supervisors opened the question papers early and attempted to share the same on social media. These centres were identified and the perpetrators arrested and arraigned in court. An investigation of the affected centres during marking did not indicate any advantage gained by the candidates in these centres nor any evidence of collusion.

v. Impersonation:

19. There were three (3) cases of attempted impersonation. The imposters were arrested and charged in court.
20. KNEC through the TSC and the National Police Service replaced about 300 contracted professionals in instances where it was found that the personnel were not performing their roles as per the examination rules and guidelines.

b. What measures were taken by the Ministry of Education and KNEC to curb examination cheating and other malpractices and how adequate was KNEC generally prepared to administer the examination

21. The Ministry submitted that the process of ensuring the integrity and credibility of the KCSE examination involves measures that are implemented as key stages of the examination cycle. These stages and safeguards implemented in each of these stages were explained as follows:

i. Registration of candidates and examination centres

22. The examination cycle begins with the registration of new examination centres and registration of candidates. Candidates are registered either as school or private candidates. Private candidates register for examination at the Sub-County headquarters and are hosted in examination centres identified by the Sub-County Directors of Education.
23. Registration is a rigorous online process entailing the capture of accurate candidates' biodata and verification that the applicants meet qualifications to sit the KCSE examination. The subjects for which one is registered are also captured according to defined clusters and a photo of the candidate is uploaded. The photo is used to generate a photo album for identification of candidates during administration of examinations. This is helpful in preventing impersonation. The photo is also embossed on the KCSE certificates as proof of the candidate's identity.
24. The Ministry noted that the KCSE candidature increased from 577,249 in 2016 to 884,122 in the year 2022 a percentage increase of 53.16 percent. The candidates were examined in thirty (30) subjects using seventy-four (74) papers. Candidates were required to sit for a minimum of seven and a maximum of nine subjects.

ii. Development of Test Items

25. The Ministry submitted that this is a confidential exercise that is undertaken as soon as the candidature for the examination is determined. KNEC has embraced a continuous improvement approach on the test development processes.

26. They submitted that test papers are normally developed, moderated, typeset and proof-read and once the test papers are ready, they are added to the KNEC's huge item bank for the selecting of the papers to be done in a particular year. This, they said ensures the availability of an adequate and secure pool of test items that can be combined to generate test papers. They said that KNEC officers are not involved in the generation of test papers.
27. The Committee was informed that the security of the test items has further been enhanced by procuring a confidential security printer to print all the basic education test papers for KNEC with minimal human interaction to eliminate the risk leakage.

iii. Field administration of the examination

28. The Committee was informed that from the year 2016, KNEC departed from the use of police armouries for the storage of examination papers to containers located at the Sub-County headquarters. As a result, they said that there is increased accountability in the storage and administration of examinations with the adoption of the multi-agency approach involving the Ministry of Interior and Administration of National Government and Ministry of Education. The officers take full responsibility for the security and distribution of examination materials at the KNEC containers. The Committee was informed that geographically vast sub-counties have additional containers to enable the far-flung examination centres get their examination in time.
29. In addition, centre managers are charged with the responsibility of collecting the examination materials for their respective examination centres. Before the year 2016, this was the responsibility of supervisors. Each manager is accompanied by two security personnel to their examination centre and the examination material is handed over to the supervisor in an examination room, witnessed by security personnel. At the end of the examination day, the supervisor is required to hand over sealed candidates' answer scripts packets to the centre manager who in turn returns them to the distribution centre for safe keeping as they await transportation back to KNEC. Centre managers are escorted to the distribution centre by armed security personnel.
30. The Ministry indicated that going forward, they will increase the number of containers to ensure proximity to each examination centre. Centre managers will also be required to collect examination papers just before the exam time both in the morning and in the afternoon. This, the committee was told, will eliminate the risk of early exposure.
31. The Ministry also indicated that the 2022 KCSE examination papers were administered from Monday, 21st November to Friday, 23rd December, 2022. The Council engaged the services of an estimated 96,331 contracted professionals. The professionals included 9,172 supervisors, 49,131 invigilators, 10,561 centre managers, 21,078 security officers, 2,319 drivers, 3,273 examination management directors, 356 data capturers and 586 clerks. This was to ensure that the administration of the examination was undertaken in accordance with KNEC rules and regulations.

32. The Ministry noted that there has been a significant increase in the number of contracted professionals from 74,810 in 2016 to 96,331 in 2022 which is an increase of 28.77 percent. This has ensured that there are adequate professionals to support the efficient administration of the examination.

iv. Monitoring of the field administration of the examination

33. The Ministry of Education stated that the monitoring of the field administration of the 2022 KCSE examination took place between 21st November, 2022 and 23rd December, 2022, covering all the Counties. The officers involved in the monitoring of the 2022 KCSE examination were drawn from the Ministry of Education, Ministry of Interior and National Administration, the Teachers Service Commission, the National Parents Association, the Kenya Private Schools and Teachers' unions.

34. In addition, the Committee was informed that senior government officials from various Ministries, Departments and Agencies also participated in the exercise under a whole-of-government approach. The officers who participated in the monitoring exercise submitted their reports in form of duly filled monitoring questionnaires and where there were emerging issues, separate detailed reports were prepared. KNEC also operated a call centre and provided guidelines for submitting written reports and evidence concerning any malpractices in the examination.

v. Marking of the Examination

35. The Ministry submitted that the marking of the 2022 KCSE examination began with coordination of Chief Examiners and examiners in charge on 21st December, 2022. The other examiners reported from 2nd January, 2023 and marking was finalised on 18th January, 2023. The examiners were taken through the relevant guidelines. Each examiner signed a form committing to high standards of professionalism and integrity. A similar form was signed by the security personnel deployed during the administration of the examination.
36. The total number of examiners involved in the 2022 KCSE examination marking exercise was 30,592 in 35 marking centres, compared to 29,116 examiners involved in 2021, representing an increase of 1,476 (5.07 percent) examiners. They informed the Committee that KNEC examiners are invited online through the contracted professional (CP2) portal and are required to read and understand the instructions on marking which form the basis of the contract between the examiner and KNEC. The examiners who accept the conditions voluntarily sign the contract and report to the various marking centres on the scheduled date after clearance by TSC.
37. The list of selected examiners is sent to TSC for vetting before they are invited for the marking exercise. Since 2016, KNEC installed a secure virtual private network connecting all the marking centres to the central server. They stated that this ensures that the captured marks are relayed to a central server in real time during the data entry of marks.
38. They also disclosed that adequate security measures have been taken at the KNEC warehouse and the marking centres. These include installation of CCTV cameras, use of multi-agency security teams and vetting of persons allowed to handle the candidates

answer scripts throughout the period. It was noted that tight security is also put in place during the transfer of candidates' answer scripts from the warehouse to the marking centres and back.

39. The Committee was informed that each examination paper is marked at a marking centre by different examiners. Papers with a large candidature were marked in more than one marking centre and the marking activities were coordinated and closely monitored by a multi-agency security team. The team is coordinated at the command-and-control centre and operated on a 24-hour basis.
40. Further, the Committee was informed that KNEC marking schemes are securely developed a day after each examination paper is sat by the candidates. It was reported that the marking schemes are securely stored by KNEC. During the co-ordination exercise, examiners interpret the marking schemes and agree with the chief examiners through free discussions on the marking standards.
41. In the administration of examinations, the Committee was informed that KNEC allocates random numbers to each school. This is to conceal the identity of candidates' scripts from examiners during marking. They stated that during the packing of answer scripts for marking, KNEC further mixes different schools' packets from different sub-counties in a box. The boxes are stored in a script room installed with CCTV cameras and manned by KNEC officers at each marking centre. The officers issue boxes to different teams for marking in a random manner and only one box is issued to a team at any given time.
42. Further, the Committee was informed that before the commencement of live marking, examiners are coordinated and taken through briefing during which marking instructions, regulations, discipline, promotion and all other issues concerning marking and assessment are discussed. Once this is done, examiners are grouped into teams guided by the KNEC criteria that take into consideration gender, regional and experience balance. This is to ensure that examiners from one region do not form a team and that those experienced and those recently trained are mixed in a team.
43. They explained that KCSE candidates' answer scripts are marked through a conveyor belt system. The conveyor belt system is a method of marking that is practised globally to improve reliability in the scoring process not only to enhance the standards but also ensure that integrity is maintained. It is said to enhance objectivity and fairness in examiners at all levels. The belts or teams created during coordination may remain or be re-formed depending on the level of ability of examiners. The Committee was told that each team leader is allocated boxes of live scripts in which he/she is supposed to pick and sign for packets of the centres contained in the boxes. The team leader also issues the packets one after another to members of his/her team as the marking continues.
44. Further, it was reported that senior examiners randomly sample and mark a portion of marked candidates' scripts for quality assurance in the marking process. Every year since 2020, KNEC convenes a three-day post-mortem retreat with Chief Examiners to carry out an evaluation of the marking exercise to develop corrective actions and to improve the next marking exercise.

45. As part of the processing of the examination results, there was a meeting of the KCSE examination awards committee for grade setting and standards fixing on 18th January, 2023. In order to ensure that the process meets internationally acceptable standards, representatives from examination boards from Zambia, Uganda, Tanzania, South Sudan and Lesotho were invited and participated in the process.
46. The Ministry confirmed to the Committee that the marking process is 99.9 percent watertight. They stated that it assures the quality and security of the scores awarded to the candidates and measures that have been put in place since 2016.
47. In addition to the foregoing measures, the Ministry also took other preventive measures to ensure that the 2022 KCSE examination was free of malpractices. They provided a comprehensive brief to County and Deputy County Commissioners and to County Security personnel on the administration and integrity of the examination. According to the Ministry, these officers did a good job in supporting the administration of the exams. Through the use of technology and social media, the ministry said they were able to instantly communicate with regional and county directors of education on monitoring the administration of the examinations. They also requested the Communications Authority of Kenya to shut several social media platforms that were used to spread fake exam papers and defraud members of the public.

c. How effective KNEC guidelines and rules in curbing examination malpractices were

48. The Ministry submitted that the KNEC guidelines on the management and administration of KCSE provide guidance on the conduct and administration of the examination. The guidelines were distributed by KNEC and are in every examination centre in the custody of the Centre Managers for reference during examinations. The roles and responsibilities of all persons involved in the administration and conduct of the KCSE examinations are outlined in this document as a measure to control standards and avert any attempts at examination malpractice.
49. KNEC conducted briefings and sensitization before the start of 2022 KCSE examination series to refresh all the contracted professionals on what was expected of them and the guidelines on the management and administration of KCSE. The briefing and sensitization were conducted in all the counties in the country and the information cascaded to the Sub-County level and further to the examination centres through the centre managers and supervisors.
50. It was further reported that rehearsals were held in all the examination centres on 2nd November, 2022. During the rehearsals, candidates were reminded of the rules and regulations governing the conduct of examinations and further taken through the penalties of examination malpractices as stated in the Kenya National Examinations Council Act and the examination timetables for each KCSE candidate were given. In the rehearsals, the supervisors in collaboration with the centre managers are expected to organise the seating arrangement of the candidates to ensure adequate spacing that will prevent malpractice.

51. The Ministry confirmed that these guidelines were effective in curbing the examination malpractices in the 2022 KCSE as they provided an effective framework for sensitization and deterrence. They also enabled the identification and penalization of cases of attempted malpractices such as the confiscation of mobile phones during frisking.
- d. Whether examination marking stations were adequately prepared with due regard to the marking schemes, integrity of markers, award of marks and moderation process**
52. The Ministry informed the Committee that the examination marking stations were adequately prepared for the marking exercise. They said that KNEC only engages trained and practicing teachers in the marking of KCSE examinations. Further, all examiners are taken through a training on marking by KNEC before their first engagement as examiners. KNEC trained new examiners for the examination papers that required additional examiners in September 2022 at various examiner training centres in Nairobi and its environs.
53. The Committee was informed that all examiners are required to declare interest before the commencement of the marking exercise. They also sign an oath of secrecy not to divulge any knowledge that they gain during the marking process in order to safeguard the confidentiality and integrity of the marking process.
54. The marking of the 2022 KCSE examination began with co-ordination of Chief Examiners and examiners in charge on 21st December, 2022. The other examiners reported from 2nd January 2023 and marking was finalized on 18th January, 2023.
55. The Committee was informed that a total of 30,592 examiners participated in the marking exercise and were accommodated in 35 marking centres. The candidates' answer scripts were marked through a conveyor-belt system similar to the previous examination cycles. This system is said to ensure that the candidates are scored fairly and that the marks are consistent and reliable.
- e. How effective and efficient examination management officers from KNEC headquarters deployed to schools countrywide**
56. The Ministry submitted that the monitoring and field administration of the 2022 KCSE examination took place between Monday, 21st November, 2022 and Friday, 23rd December 2022. All counties were covered. They stated that the key objectives of the exercise were as follows:-
- To assure the quality of the examination administration process to ascertain that all the regulations governing the conduct of the KCSE examination were adhered to;
 - To deter examination malpractices to avert any threats to the credibility of the examination administration process;
 - To register the presence and active participation of KNEC while the KCSE examination is in progress as part of ownership of the process;

- iv. To provide a feedback mechanism for continual improvement as the observations made during the monitoring exercise were expected to inform and guide the future conduct of the examinations.
57. The Ministry further indicated that the 2022 KCSE examination monitoring exercise was carried out through a multi-agency approach involving officers from among other entities, the Ministry of Education led by the Cabinet Secretary who visited a number of counties, KNEC, the TSC, the Kenya Institute of Curriculum Development, the Kenya National Union of Teachers and the Kenya Union of Post-Primary Education Teachers.
 58. In addition, senior government officials from the Ministries of Interior and ICT and other government departments and agencies participated in the exercise in the multi-agency approach. Additionally, KNEC established a call centre that addresses queries and reports from the field during the administration of the examination. Prompt action was taken to cover areas or examination centres that were suspected to attempt malpractices. Where supervision and invigilation teams were, in some examination centres, observed not to be adhering to the guidelines for administration of examinations, a recommendation was made to the TSC that arranged for immediate replacement of the contracted professional.
- f. Whether there is need for legislative measures, including review of penalties on examination malpractices to enhance deterrence**
59. The Ministry submitted that KNEC operates under the Kenya National Examination Act No. 29 of 2012. They stated that KNEC is in the process of reviewing the KNEC Act to update it to the current innovations and to strengthen the penalties for cheating and other malpractices. The review process began in October, 2022.
 60. The Ministry informed the Committee that a key issue that has arisen over the years is the emergence of various social media platforms that has allowed for the sharing of examination materials around the country almost immediately. This is currently done through WhatsApp, Facebook and Telegram. The misuse of social media for example by sharing fake papers and early exposure of examination material has become a major issue given the extensive reach of these Social Media platforms.
 61. The Ministry further informed the Committee that KNEC has been collecting views from the public on the possibility of inserting a new offence in Section 27 of the KNEC Act to provide as follows:-

(4) A person who before or during an examination, negligently or wilfully, assists or causes any examination paper, material or information or any part thereof, to be shared on any digital media platform, commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding five years or a fine not exceeding five million shillings or both.
 62. They stated that the offence that currently exists under the KNEC Act provides only for the possession of unauthorized examination material and the sharing of unauthorized examination material with a candidate. The new offence as proposed would enable KNEC to engage with the security agencies and to hold to account those that share or sell fake

papers or expose examination material in advance. This, they stated, is expected to serve as an appropriate deterrent.

63. The Ministry requested for the support of the Committee and the National Assembly to support the proposed review of the law to ensure that the framework governing the national examinations responds to advances in technology. In addition to the proposal for legislative changes, the Ministry stated that there is need to enhance KNEC's budget. They noted that while there has been an increase by over 50 percent in candidature, KNEC's budget has not grown in proportion. They urged the Committee to support KNEC. They further informed the Committee that they are currently reviewing the remuneration of examiners with a view of increasing the same and additional budgetary support will therefore be critical.

The Ministry further responded to follow up questions posed by the Committee as follows:-

1. On high performance improvement in National examination, the Ministry responded that the performance of students cannot be measured using the previous year's result rather it can be measured using the form one entry behavior.
2. On similar responses in examination papers, it was noted that this is possible especially on closed items and the students cannot be punished for this.
3. On collusion by KNEC officials, KNEC noted that this may not be possible especially on the exam marking schemes since they are prepared after finishing the exams. However, cases can be reported to the security team.
4. On the role of centre managers, KNEC noted that reforms were done in 2016 making the Principals of schools to be Centre Managers. The aim of this was meant for the Centre Managers to own the process and respond to emergencies.
5. On reporting malpractice, KNEC stated that the one principle that applies during marking of the National Examination is the principle of fairness to the candidate. An examiner has to have adequate evidence in case they detect malpractice.
6. On Practicals, KNEC stated that it has been a practice to give instructions to schools on practicals in advance. The instructions are signed by the school heads and are supposed to be confidential. However, some school heads share the instructions.
7. On weaponizing of national examinations, it was noted that the use of multi-agency approach in management of KCPE and KCSE was intended to restore credibility of the examinations. However, with the Current CBC the use of the multi-agency approach is not applied.
8. On proposed amendments to the Act, the Committee was informed that the amendments were long overdue since the KNEC Act was implemented in 2016. The Act is in disconnect with the practice adopted. They further informed the Committee that they have been working with the Kenya Law Reforms on the amendment of the Act and the rules and regulations of the Committee. They committed to present to the Committee when ready.

9. On KNEC regulations, the KNEC is established under an Act of Parliament providing the functions and power of KNEC. There is need to identify the gaps in the act.
10. On cases in court, KNEC noted that the cases are being dealt with by the DPP and DCI and that they are not involved. They committed to avail the Committee a consolidated list of cases from 2016 to date.
11. On payment of examiners, the Committee was informed that KNEC operates under empathizing circumstances due to funding gaps. Before 2015 when the students used to pay the examination fees, KNEC was had surplus. Currently, the council depends on funding from the government which is not per capita despite the increase in population of students. KNEC requested the Committee to consider improving their budget to cater examiners.

The Principal Secretary Basic Education further submitted as follows:-

1. On oversight of examination bodies, the PS stated that the Kenya National Qualification Authority framework is to standardize and provide oversight in the examination bodies across the country.
2. The PS stated that it is important to develop a framework that will link delivery of curriculum. Further, there is need to develop a funding model for KNEC where funding is given as per the students taking the examinations as opposed to increase in budgetary allocation to the council.
3. On the Amendment of the Basic Education Act, the PS stated that the amendment of the Act is part of the Presidential working party on education reforms activities and are waiting for them to conclude.
4. On abnormal results, he noted that when abnormal results are evident during marking of the examination, results are withheld until a confirmation is done.
5. On data entry of exams results, he noted that data entry of the examination results is real time and is communicated to the main data centre. The schools use codes hence it may be difficult to alter results.
6. The PS admitted that there were few reported cases of examination malpractice but there is no need to condemn the whole process rather continuous improvement should be encouraged. There is need to look into and review the process of reporting malpractice by the markers and how to compensate the time taken to provide evidence on malpractice.
7. On practicals, the PS stated that it has been a practice to give out specimens before the start of the examination hence integrity of the teachers is critical.

8. On disciplinary cases, the PS noted that disciplinary cases are handled by the Teachers Service Commission (TSC) while others are handled as criminal cases by security agencies. He however urged that it is important to look at what is just for the teachers.
9. The PS concluded by stating that it is important to deal with trust deficit of the teachers so as not to compromise the competitiveness of the students.

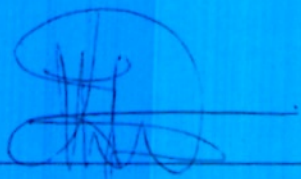
MIN. NO. EDUC/2023/143: ANY OTHER BUSINESS

There was no other business.

MIN. NO. EDUC/2023/144: ADJOURNMENT

There being no other business, the meeting was adjourned at 3.50 pm. The next meeting will be held on Friday, 19th May, 2023 at 9.30 am.

SIGN



DATE

27/6/2023

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

**MINUTES OF THE 22nd SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON THURSDAY, 20TH APRIL, 2023, TAMARIND TREE HOTEL,
AT 10.00 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Eve Obara, MBS, MP
3. Hon. Jerusha Momanyi, MP
4. Hon. Abdul Ebrahim Haro, MP
5. Hon. Anne Wanjiku Muratha, MP
6. Hon. Clive Ombane Gisairo, MP
7. Hon. Dick Maungu Oyugi, MP
8. Hon. Julius Taitumu M'Anaiba, MP
9. Hon. Nabii Nabwera Daraja, MP
10. Hon. Peter Ochieng Orero, MP
11. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP
12. Hon. Rebecca Noonaishi Tonkei, MP

ABSENT WITH APOLOGY

1. Hon. Moses Malulu Injendi, MP – **Vice-Chairperson**
2. Hon. (Dr.) Christine Oduor Ombaka, MP
3. Hon. Timothy Kipchumba Toroitich, MP

COMMITTEE SECRETARIAT

- | | |
|----------------------------|------------------------|
| 1. Mr. Philip Lekarkar | - Clerk Assistant I |
| 2. Ms. Natecho Kisiang'ani | - Clerk Assistant III |
| 3. Dr. Maina Mburu | - Research Officer III |
| 4. Mr. Paul Kashane | - Serjeant-At-Arms |
| 5. Mr. Nimrod Ochieng | - Audio Officer |
| 6. Mr. Daniel Psirmoi | - Media Officer |
| 7. Ms. Mary Kamande | - Protocol Officer III |

EXPERTS IN THE EDUCATION SECTOR

- | | |
|----------------------------|--|
| 1. Dr. Mukirae Njihia | - Lecturer, Kenyatta University |
| 2. Dr. Michael Wangai | - Quality Assurance Officer, University of Nairobi |
| 3. Prof. Paul Muoki Nzioki | - Dean |
| 4. Mrs. Jane Mugo | - Quality Assurance Manager, Strathmore University |
| 5. Mr. Amos Kaburu | - Chief Consul, Opticum |
| 6. Dr. Nicholas Leiting | - CEO, KASNEB |

MIN. NO. EDUC/2023/108: PRELIMINARIES

The meeting was called to order at 10.25 am by the Chairperson and he said a prayer. The Agenda of the meeting was adopted having been proposed by Hon. Jerusha Momanyi, MP and seconded by Hon. Abdul Haro, MP.

MIN. NO. EDUC/2023/109: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN. NO. EDUC/2023/110: MEETING WITH EXPERTS IN THE EDUCATION SECTOR

The National Assembly Committee on Education in an inquiry into alleged cheating in 2022 KCSE examination considered getting expert's views on the alleged cheating. The Committee held a meeting on 20th April 2023 with the Kenya Universities Quality Assurance Network (KuQAn), Amos Kaburu (Chief Consul of Opticum) and Dr. Letting (Chief Executive Officer of KASNEB).

The Experts submitted as follows:-

Submission by the Kenya Universities Quality Assurance Network (KuQAn)

1. The Kenya Universities Quality Assurance network commenced its presentation by clarifying that it is an association of Quality Assurance Experts and Practitioners in the university education sector in Kenya. Registered under the Registration of Business Names Act (Cap 499, Section 14), they provided the Committee with insights into the functions of the network, which include:
 - a. Development of quality assurance tools and techniques.
 - b. Multiplication of quality assurance activities through training, dissemination of innovative quality assurance practices and networking.
 - c. Mobilization of resources for quality enhancement and improvement.
 - d. Conduct of research to enhance quality and scholarship in university education.
 - e. Partnership with regulatory bodies nationally and internationally in enhancing the quality of university education.
 - f. A repository for quality assurance information.
2. They stated the three functions of National Examinations as: selection (balancing demand and supply and setting cut-off marks), certification (a measure of competency) and as an instrument for maintaining standards in education. They said that the two key elements of credible examinations are validity and reliability and that for an examination to attain them, it must be free and fair and devoid of cheating and examination malpractice.
3. KuQAn stated that globally, the steps employed in the conduct of national examinations are: preparation, production and security, administration, processing (marking/grading), compilation of results, verification of results, and maintenance of high standards of operations and reporting of results.

4. They expressed the need to interrogate the following:-
 - a. Whether there are policies and procedures guiding each of these steps. If yes, how regularly are they reviewed?
 - b. How the stakeholders are involved in each of these stages.
 - c. How tight the mechanisms for rewarding and punishing are.
 - d. If there is a periodic audit of the examination process for quality assurance and enhancement.
5. The network further stated that integrity in setting, printing, administration, marking and scoring of candidates in KCSE Examination is very important. They emphasized that the efficiency and effectiveness of the entire process of management and administration of KCSE Examinations should be ensured. They suggested to the Committee that the setting of examinations should be done by regularly trained experts in respective areas, following the curriculum and examinations to cover both hard and soft skills and to be more practical or entail case studies with minimal recall questions.
6. The Committee was informed that the printing of examinations is one of the most important and expensive activities of an examination because printing confidential material is of high risk and this requires secure monitoring. Therefore, they said that this process requires regular review and enhancement.
7. According to the network, the administration of examinations involves a number of key stakeholders and therefore it is important that they are well managed and competitively remunerated. KuQAn thus suggested the increase of the number of picking and dropping points of examinations, preferably at the Ward Level. They were of the view that the morning and afternoon examination papers should be picked in their respective timings.
8. The Committee was further informed that marking and scoring of examinations is useful as it allows students to earn points that demonstrate mastery of given standards. They noted that marks or scores attained by a learner determine their next transition. KuQAn proposed that the process be done in a conducive environment. They further said that KNEC should give adequate and sufficient time for the exercise.
9. On the need for university entry examinations, the Committee was informed that the Commission on University Education (CUE) has been given the mandate by the Universities Act to set the university entry requirements and that the introduction of entry exams would be going against the Universities Act.
10. On why KCSE is a high-stake examination, the Committee was informed that it is used for selection to post-secondary institutions. They said that there is need to remove emphasis from selection and have the examination serve the purpose of certification by getting schools to deal with imparting skills only.

11. On whether the problem is with KNEC or the society, KuQAn posited that the problem is with the Kenyan society, where even money to bribe examination officials comes from the parents. They added that there is need to instil values in children right from childhood.
12. On universities acting as a checkmate for KNEC, the Committee was informed that each institution has its own mandate which should not be overstepped. KuQAn Chairperson however recommended interconnectedness between institutions in order to benefit from each other.
13. KuQAn stated that there were reported cases of students dropping out of prestigious courses they were invited to take upon realizing how demanding the courses are.
14. In order to tackle cheating and exam malpractices, KuQAn gave their recommendations as follows:-
 - a. The number of stakeholders involved in the administration of examinations should be increased as the process progresses to the distribution centres. KuQAn proposed that KNEC should adopt a devolved model structure similar to the one adopted by the TSC to empower officials at the grassroots.
 - b. There should be regular review of KNEC training manuals for the different categories of staff that handle national examinations. If this, the network said, would assist KNEC to deal with the emerging issues on examination management.
 - c. KNEC should provide a conducive working environment for experts and examiners during the process of examination marking. They said there was need to strengthen and tighten the examination procedures to curb examination malpractices and to administer tougher penalties to offenders including learners, teachers, schools and individuals found to have been involved.
 - d. KNEC should institute an independent and periodic audit of the whole examination process for continuous improvement and as a quality assurance mechanism. After every two years, the network suggested that independent auditors from KNEC should come out and audit the process. The report, they said, can then be tabled before the Education Committee for purposes of making sure that KNEC does what it is supposed to. KuQAn indicated that this has worked well in Kenyan universities and whenever reports are done, they are submitted all the way to the university council.
 - e. The government should allocate adequate resources to cover for the proposed reforms and to allow KNEC to dispense its duties of examinations management effectively.
 - f. There should be enhancement of security personnel and the use of CCTV during the examination period to arrest any case of examination cheating and irregularities.
 - g. There should be deferment by pregnant and sick candidates from sitting for examinations until they are fit and able to. This helps to avoid unnecessary pressure on them which sometimes may lead to massive cases of cheating.
 - h. There is need to have empowered KNEC officials at the lower levels since the production and the security of examinations is the greatest problem upon papers

leaving KNEC. They said that KNEC can borrow from TSC, which has officers up to the level of the Sub-County to take care of the examinations.

- i. KNEC should use non-practicing teachers in setting the examinations since using classroom teachers lures them into leaking examination questions to their candidates.

B. Submission by Mr. Amos Kaburu, Chief Counsel of Opticum

15. Mr. Amos Kaburu, Chief Counsel of Opticum made the following submissions before the Committee: -
16. KNEC has been a pace setter in the region and across the continent in upholding the standards of setting and administering examinations.
17. Cheating in examinations is an inexcusable crime that should attract the highest penalty in the penal code and the associated sanctions for crimes similar to crimes against humanity in the sense that examination cheating hinders the country of its future.
18. He further stated that he holds no tangible evidence that would seek to put culpability on any individual and that instead he wanted to share his reflections based on his work and interactions with fellow practitioners from across the globe on how to strengthen our assessment systems to retain their integrity and maintaining confidence in an assessment system and its infrastructure.
19. According to the presenter, KNEC relies on teachers to set, moderate, invigilate, mark and enter examination scores into the system for processing. The fact that the National Treasury allocates examination grants to candidates is a systemic challenge that delays payment to those who mark exams and that demotivates the teachers. The Committee was informed that without the requisite allocations, KNEC is unable to remunerate examiners, supervisors and invigilators well.
20. Further, the presenter stated that children from schools where the syllabus was not covered and lack access to national examiners will always score lower in KCSE examinations than their peers who hail from higher income households. Therefore, relying on national examinations to make decisions such as placement into institutions, is pushing the utility of the assessment too far. Strathmore School and University have their internal entry examinations that go beyond the results from the national examinations. The student's score in the final examination plays a role but the role is limited, therefore, overreliance on national assessment results by the Ministry of Education to place students in Form one is erroneous and the use of KCSE examination results by KUCCPS to place students in colleges and universities may be misleading.
21. The Committee was informed that there is a need to borrow a leaf from the Kenya Accountants and Secretaries National Examination Board (KASNEB), the Human Resource Management Professionals Examination Board (HRMPEB), the Kenya Institute of Management (KIM), the Kenya Institute of Supplies Examination Board (KISEB) and the Council of Legal Education (CLE).

22. Moreover, KASNEB has separated teaching, test development, administration and marking. Examination centres are a matter of preference to a candidate, invigilators are sourced countrywide and are not to be known by the branch where the students studied.

C. Submission by Dr. Nicholas Letting, Chief Executive Officer, Kenya Accountants and Secretaries National Examinations Board (KASNEB)

23. Dr. Nicholas Letting, the CEO, KASNEB submitted that KASNEB does the following in ensuring that it curbs cheating and irregularities in the administration of their examinations:-

- a. It has three to five setters per question and three sets of questions moderated by internal officers to help take care of any suspected leaked paper.
- b. It subjects its officials to vetting by the Kenya National Intelligence Service to make sure that they are all of high integrity.
- c. There is an oath of secrecy signed by every KASNEB official including the Chief Executive Officer, not to disclose any confidential information including examination questions.
- d. It has an arrangement with the Kenya Commercial Bank, which stores examination papers for them at a fee, so as to keep them watertight and free from early exposure.
- e. It does serialization of examination papers for traceability in case of a leakage or early exposure.
- f. It does the mapping of cheating-prone areas, where surveillance is enhanced. They also ensure that there are enough personnel employed.
- g. By using biometric, KASNEB can use fingerprints so that it identifies a candidate the way the Independent Electoral and Boundaries Commission (IEBC) works when people go to vote. He said this would help in curbing impersonation.
- h. He stated that KNEC may also adopt proctoring technology so that if a candidate attempts to wink at a colleague in the room, the system can detect body movement and switch off the computer. The marking, in addition, may be done electronically and the candidates can get their results in real time.

24. Dr. Leting proposed the following policy interventions to help KNEC deal with cheating and examination irregularities: -

- a. Mobile networks to be disabled in cheating-prone areas to reduce leakage of examinations by way of phones.
- b. Proper co-ordination between Ministry of Education and curriculum developers so that the syllabus is covered in time and examinations set within the syllabus.

- c. Benchmarking with other examination bodies that have done well in examination management such as KASNEB and HRMPEB.
- d. Blacklisting of all the students found impersonating others to deter the practice in future.
- e. Discouraging students from writing on the question papers since candidates may share question papers during examination sittings.
- f. Bringing NIS officers on board to operate covertly and sometimes pose as candidates to identify cases of examination irregularities and cheating.
- g. KNEC like KASNEB, should pay a higher amount for marking per script and pay in a timely manner so as to motivate the examiners.
- h. There is need to automate examinations in future by embracing computer-based examinations which also provide for marking in real time.
- i. KNEC should bring on board NIS officers to vet examiners before employing them as this will ensure that only examiners with high level of integrity are engaged in marking examinations.

Committee Resolutions

There is need to put in place the structural, policy, legal and institutional measures that will protect the integrity of assessment infrastructure and the sanctity of a certificate issued by the examining body- KNEC.

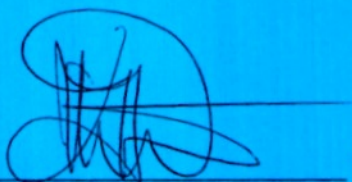
MIN. NO. EDUC/2023/111: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/112: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.50 pm.

SIGN



DATE

24/6/2023

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

**MINUTES OF THE 20TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON THURSDAY, 13TH APRIL, 2023, RADISSON BLU HOTEL, AT
10.00 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Moses Malulu Injendi, MP – **Vice-Chairperson**
3. Hon. Eve Obara, MBS, MP
4. Hon. Jerusha Momanyi, MP
5. Hon. Abdul Ebrahim Haro, MP
6. Hon. Anne Wanjiku Muratha, MP
7. Hon. Clive Ombane Gisairo, MP
8. Hon. Dick Maungu Oyugi, MP
9. Hon. Julius Taitumu M'Anaiba, MP
10. Hon. Nabii Nabwera Daraja, MP
11. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP
12. Hon. Rebecca Noonaishi Tonkei, MP
13. Hon. Timothy Kipchumba Toroitich, MP

ABSENT WITH APOLOGY

1. Hon. (Dr.) Christine Oduor Ombaka, MP
2. Hon. Peter Ochieng Orero, MP

COMMITTEE SECRETARIAT

- | | |
|------------------------|------------------------|
| 1. Mr. George Gazemba | - Head of Secretariat |
| 2. Ms. Grace Wahu | - Clerk Assistant III |
| 3. Dr. Maina Mburu | - Research Officer III |
| 4. Mr. Benson Kimanzi | - Serjeant-At-Arms |
| 5. Mr. Nimrod Ochieng | - Audio Officer |
| 6. Mr. Daniel Psirmoi | - Media Officer |
| 7. Ms. Mary Kamande | - Protocol Officer III |
| 8. Ms. Josephine Osiba | - Hansard Officer III |

MINISTRY OF EDUCATION

- | | |
|--------------------------------|--|
| 1. Hon. Ezekiel Machogu | - Cabinet Secretary, Ministry of Education |
| 2. Dr. Richard Belio Kipsang | - Principal Secretary, Basic Education |
| 3. Prof. Julius Nyabundi, PhD. | - Chairman, Kenya National Examination Council |
| 4. Dr. David Njeng'ere | - CEO, Kenya National Examination Council |
| 5. Mr. Joshua Wabwire | - Legal Officer |
| 6. Ms. Linah Too | - Liaison, Basic Education |

MIN. NO. EDUC/2023/097: PRELIMINARIES

The meeting was called to order at 10.15 am by the Chairperson and a prayer was said by Hon. Dick Maungu, MP.

MIN. NO. EDUC/2023/098: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

**MIN.NO.EDUC/2023/099: MEETING WITH THE MINISTRY OF EDUCATION ON
RESPONSE TO QUESTIONS**

The Cabinet Secretary responded to the following questions from Members of Parliament as follows:-

a. **Question No. 01/2023 by Member for Mwingi Central (Hon. Gideon Mulyungi, MP)**

i. **On providing a list of schools approved and designated as Junior Secondary School Centres in Mwingi Central Constituency**, the Cabinet Secretary provided the Member with a list of two hundred and two (202) schools that were approved and designated as Junior Secondary School centres in Mwingi Central Constituency.

ii. **On measures the Ministry has instituted to improve the quality of Education and performance in the Constituency**, the Cabinet Secretary informed the Member that the Government, through the Ministry of Education, supports basic education in public schools by providing capitation grants under the Free Primary Education and the Free Junior Secondary School Education programmes. The Ministry also provides capitation grants under the Free Day Secondary School programme.

In addition to this, the Ministry provides text books to learners in public schools. In order to assure the quality of education delivery, the Ministry undertakes quality assurance audits of schools. Schools in Mwingi Central Constituency have been covered under these general ministerial interventions. However, the Ministry has also undertaken specific interventions to improve the quality of education and performance in the Constituency.

Deliberate measures have been taken to improve the infrastructure of schools in the constituency. For instance, a total of 67 CBC classrooms were constructed in Phase 1 and Phase 2 of the construction. Mwingi Central Sub-County had 38 classrooms while Mwingi East Sub-County had 29 CBC classrooms. Additionally, the two Sub-Counties have greatly benefited under the Secondary Education Quality Improvement Projects. In Mwingi Central Sub-County, there were 5 Science laboratories; 2 classrooms and 13 WASH facilities constructed in primary schools. In Mwingi East, one classroom, one Science laboratories and 19 WASH facilities were constructed. The Nuu Special School in Mwingi East had one classroom, one sanitation and water facility constructed.

- iii. **On plans for the school feeding programme amidst drought being experience in Mwingi Central Constituency**, the Cabinet Secretary informed the Member that the Ministry is keen on ensuring that all learners attend school and that the current drought situation does not act as a barrier.

The Ministry has been running the school-feeding programme through the National Council for Nomadic Education (NACONEK). Indeed, NACONEK has carried out cash transfers in some schools in the Constituency in the current term. Thus far, a total of 69 schools in Mwingi Central Sub-County and 75 schools in Mwingi East Sub County have benefitted, accounting for 34.89 % of all schools under the Home-Grown School Feeding Programme in the entire Kitui County. NACONEK is currently mapping out any remaining schools affected by the drought and are not within the current school programme so that they can be included as soon as possible.

b. Question No. 003/2023 by Nominated Member (Hon. Umulkher Harun, MP)

- i. **On tax exemption measures on sanitary pads that the Government has put in place to ensure they are tax exempt**, the Cabinet Secretary requested the Committee to give an additional seven days to provide an informed response on the matter.

The Cabinet Secretary informed the Committee that the Ministry had written to the Cabinet Secretary, the National Treasury and Economic Planning, to provide them with information on taxes and duties concerning sanitary pads.

- ii. **On the timely distribution of sanitary pads to girls**, the Cabinet Secretary informed the Committee that sanitary towels are distributed to girls at puberty stage in all public primary schools across the country. The towels are distributed based on the enrolment of girls in grades 6, 7 & 8 in each school as provided by the County Directors of Education in all the 47 counties. After the procuring process is done, sanitary towels are distributed between the months of February and March every year, with 9 packets provided for each of the 9 learning months.

- iii. **On ensuring efficient and sustainable ways of addressing the challenges experienced by young girls as a result of menstrual cycles**, the Cabinet secretary assured the Committee that the Government provides a budgetary allocation for sanitary towels every financial year. In the current Financial Year 2022/2023, Kshs. 470,000,000 has been allocated for the programme. This will support the procurement of 11,777,444 packets of the pads for 1,682,492 girls in public primary schools.

The Government also provides logistical support for the distribution of sanitary towels to all public primary schools and security for the transportation and delivery of sanitary towels to schools. To ensure that the pads reach the intended learners, the Ministry

conducts annual monitoring and evaluation of the programme. Each school has a female teacher with the assigned mandate of guiding the young girls on hygienic methods of managing their menstruation.

In addition, the Cabinet Secretary saw it as an added advantage for Women Representatives to collaborate with the Ministry of Gender for accountability on the distribution of sanitary pads.

Some Committee Members showed concern that the last distribution was in the 2020 calendar year and that the Ministry representatives in the field were mishandling sanitary pads as there was no oversight or due diligence by the Ministry in the counties. The Ministry was also informed that they invest a lot but have little monitoring and accountability.

c. Question No. 007/2023 by the Member for Emuhaya (Hon. Omboko Milemba, MP)

- i. **On payment of contractors for Junior Secondary Schools**, the Cabinet Secretary informed the Member that a total of 6,371 contractors who constructed 6,495 classrooms have been paid.

In addition, the Ministry is engaging the National Treasury for the release of Exchequer amounting to Kshs. 2.542 billion to pay the remaining 1,907 contractors. The payments will be done as per the terms of the contract.

- ii. **On prompt payment of suppliers on the distribution of goods and services**, the Member was briefed that the Ministry has put in place the following plans to ensure that suppliers of goods and services are paid promptly within the contract period:

1. The Ministry has intentionally purposed to initiate all procurement in the first quarter of each financial year in order to complete deliveries on time and ensure that payments made before closure of each financial year.
2. Monitoring of works by the contractors by giving biweekly reports to Principal Secretary so as to ensure works are completed and on time.
3. Ensuring no works, goods or services procurements are commenced past 31st May of each financial year.
4. Processing procurements that have been placed on request through the IFMIS platform only.

- iii. **On certification of some schools to host Junior Secondary Schools to address inadequacy**, the Cabinet Secretary briefed the Member that all primary schools were proposed to host Junior Secondary Schools. Through a multiagency team comprising the Ministry of Education, the Ministry of Interior and National Administration and the Teachers Service Commission, an assessment was conducted to determine the suitability of schools against set criteria

The guidelines for the implementation of Junior Secondary Education have stipulated the following measures to enhance transition:

1. Enforcement of Section 34(2) of the Basic Education Act, 2013, which provides that a school or person responsible for admission shall not discriminate against any child seeking admission on any ground, including ethnicity, gender, sex, religion, race, colour or social origin, age, disability, language or culture.
2. The Kenya Primary School Education Assessment was not used for placement into Junior Secondary School, allowing all learners to transit from Grade 6 to Grade 7.
3. The Ministry has engaged other stakeholders and state actors in a sector-wide approach to mopping the out of school children and ensure that all of them have reported to school.
4. Day wings have been operationalized in established boarding primary schools in urban set-ups and densely populated areas.
5. Junior Secondary Schools within a proximity of 6-10 kilometers apart have been allowed to operationalize shared school transport to ease access for learners and support day schooling.
6. The Ministry is working on securing adequate funds for establishing low-cost boarding schools in areas with highly scattered settlements or pastoralist communities; or where learners are at risk or have with disabilities.
7. The Ministry has implemented affirmative action in geographically expansive, low density and insecurity prone areas to allow primary schools that lack the requisite enrolment and/or infrastructural capacity to domicile Junior Secondary Schools.
8. The Ministry has directed that no learner shall be excluded from school on account of not having school uniform.

**MIN.NO.EDUC/2023/100: MEETING WITH THE MINISTRY OF EDUCATION ON
RESPONSE TO THE INQUIRY ON ALLEGED CHEATING
IN THE 2022 KCSE EXAMINATIONS**

- 1) **Examination of the 1st Term of Reference: A comparative analysis of 2022 KCSE examination results performance vis a vis performance of the preceding years (2019-2022);**

The Ministry of Education (MOE) indicated that by a letter dated 3rd March, 2023 under Ref. No. NA/DDC/EDUC/2023/(10), the Clerk of the National Assembly had invited the Ministry of Education for a meeting with the Committee on 13th April, 2023 to respond to a series of

questions on the inquiry. The Cabinet Secretary Education, Permanent Secretary in charge of Basic Education, the Chairperson and Chief Executive Officer of the Kenya National Examinations Council appeared before the Committee.

The following responses were given on comparative analysis of the 2022 KCSE Examination results performance with the Performance of the preceding years of 2019 to 2022: -

1. The grade counts across the years from 2019 to 2022 are comparable. The highest cumulative percentages of grades A and A- were achieved in the year 2020, with 0.97 percent of the candidates attaining the grades. The 2022 KCSE examinations had the lowest percentage at 0.85 percent in the four-year period.
2. Regarding candidates scoring C Plus and above, the year 2022 had 19.62 percent. The Committee was informed that this is comparable with the last three years, which have percentages between 17 percent and 19 percent. The number of candidates obtaining grade A compared to the previous years, 2022 KCSE had the lowest deviation of 8 from the previous year, compared to 245 in 2021 and 266 in 2020.
3. The Committee was informed that the candidates who sat the 2022 KCSE examination did their KCPE in 2018. Candidates scoring 400 marks and above obtained a distinction grade in KCPE examination, which is equivalent to attaining an overall mean grade of A. They said that as per the policy of the Ministry regarding placement and transition to secondary schools, all the candidates who attained 400 marks and above in the 2018, 2017 and 2016 KCPE examinations were considered for placement in National Schools.
4. The Ministry pointed out that in 2018, 2017 and 2016 KCPE examinations, a total of 12,205 (1.16 percent), 9,846 (0.99 percent) and 5,143 (0.54 percent) candidates respectively scored distinctions and transited to secondary school. Correspondingly, in the 2022, 2021 and 2020 KCSE examinations, 7,553 (0.85 percent), 7,111 (0.86 percent) and 7,313 (0.97 percent) candidates scored distinctions (A & A- grades).
5. The Ministry expressed that except in the 2020 KCSE examination, there is a number of students scoring quality grades in KCPE and not matching the performance in KCSE. In 2018 in particular, 1.16 percent of the KCPE candidates attained a distinction. However, when this cohort sat for KCSE in 2022, only 0.85 percent attained a distinction, that is A- (minus) and above. The expressed that the key question that should concern stakeholders is how wastage of the best students in secondary schools can be mitigated as is evident from performance trends.
6. The Ministry expressed that in order to provide a better appreciation of the trends in the KCSE performance over the years; it had provided a summary of the performance trends

since the start of KCSE in 1989. The Committee was invited to note that only one candidate attained a mean grade of A Plain in the 1989 KCSE examination and no candidate attained A (plain) in 1990. However, the number of candidates attaining A plain began increasing as teachers and candidates became more accustomed to the 8-4-4 syllabus.

7. The percentage of candidates scoring distinction A Minus and above has been below one percent from 1989 to 2001, which is similar to the performance for the years 2016 to 2022, when reforms were done to the examination management system. The Committee was informed that similarly, the percentage of candidates scoring C Plus and above was consistently 20 percent and below between 1989 and 1999, which is the same case with the performance between 2016 and 2022.
8. The Ministry pointed out that deviation in the percentage of candidates scoring C Plus and above from one year to another lay between -3 percent and +3 percent from 1990 to 2015, except for outliers in 1993 and 2000. They said that the percentages of candidates attaining D Plus and above had drastically improved from 48.2790 percent in 2016 to 59.6121 percent in 2022, approaching the stabilised percentage of above 60 percent that has been the norm since the early years of KCSE examinations.
9. The Ministry indicated that it had also taken the liberty of providing a comparative analysis of candidates' performance before the 8.4.4 system was introduced. Notably, the proportion of candidates in the 7.4.2.3 system in the years between 1983 and 1986 who attained Division III and above lay between 37.13 percent and 48.88 percent. This proportion, when compared with the candidates in the 2022 KCSE who scored C Plus above (19.62 percent), is significantly higher.
10. The Committee was informed that it is therefore not unusual or strange to have a high proportion of candidates excelling in examinations. They stated that it is clear from the comparison that the current performance of candidates is far below the standards that existed in the 7.4.3.2 system.
11. It was indicated that a comparison of performance with the performance in equivalent examinations in neighbouring countries had been undertaken and that it is worth noting that compared to neighbouring countries, the pass rate in 2022 KCSE examination is much lower. The Committee was informed that the 2022 KCSE examination recorded a quality pass rate of 19.62 percent (C Plus and above). For equivalent examinations, the pass rate in Uganda's Certificate of Education was 61.36 percent; Tanzania had 36.95 percent in its Tanzania Certificate of Secondary Education while Zambia had 69.31 percent in the Zambia School Certificate (Grade 12).

12. The Committee was informed that there has been a portrayal in the mainstream and social media that schools from certain counties achieved extraordinary scores. They stated that the intended narrative in this portrayal has been that these counties were accorded an undue advantage for reasons that have never been stated. They stated that Kisii and Nyamira counties have been targeted and that one common allegation was that out of the 1.1 percent of Grade As, 946 were from Kisii.
13. The Ministry informed the Committee that Kisii and Nyamira counties actually had the least number of Grade As in the Nyanza region. They revealed that Siaya County had the highest number of As in Nyanza Region, with 72; while Kisumu had 59. They reported that Kisii was the second-last County in the region, with 51 As followed by Homa Bay and Migori which had 62 and Nyamira was the last county with 30 As. Kiambu instead topped with 226As.
14. The Committee was informed that part of the commentary and media reports on the 2022 KCSE examination has focused on the fact of some schools marking an improvement of more than +2 in their performance and there has been an effort to portray this as unusual and therefore, evidence of irregularities. The Ministry indicated that this hypothesis is unfounded and historically erroneous.
15. The Committee was invited to note that the improvement of a school's mean score by a +2 deviation and above is not unique to the year 2022. They stated that there were similar cases recorded in the previous years. For instance, they noted that in 2017, Sing'ore Girls from Elgeyo Marakwet County recorded a deviation of +5.32, in 2019, Kapkenda Girls, also in Elgeyo Marakwet County recorded a deviation of +4.15, while in 2021, St. Joseph's Girls High School, Kitale recorded a deviation of + 3.04.
16. The Ministry submitted that among the schools that were singled out for the narrative was Nyambaria High School which had 28 As. In terms of the number of A grades nationally, the school was said to have been position 13. It was pointed out that as a National School, Nyambaria High School admits students from the same pool as other national schools such as Alliance High School, Starehe Boys Centre and Mang'u High School and that naturally, it should therefore be expected that the school's candidates will compete favourably with their peers from other national schools.
17. The Ministry stated that since 2018, the school had been recording improvement in its performance. In 2019, they said the school had a mean score of 7.96 which grew to 8.75 in 2020. In 2021, the Ministry disclosed that it recorded a mean score of 8.24. They stated that the school's principal had been transferred from Maranda High School in 2018, where he recorded a mean score of 11.3 in the 2011 KCSE.

18. On measures that were employed to curb cheating, the Cabinet Secretary indicated that they adopted a multi-agency approach involving the Ministry of Interior and National Administration and the Communications Authority (CA), such that with the intervention of CA, some fake papers were found and the culprits taken to court. He reported that the Ministry had established measures to improve processes where accountability will be at a personal level.
19. On schools and students previously performing dismally suddenly posting very high grades, the Cabinet Secretary submitted that it is doable and went ahead to quote a case of a school he headed as the Chairperson of the Board of Management (BOM). He said that the school recorded massive improvement upon changing the students' entry behaviour. He gave a case of a candidate in the 2022 KCSE examination who got an A despite scoring 175 marks in KCPE. On the converse, he said some students who got very high marks in KCPE performed dismally in KCSE Examinations.
20. On cases of teachers storming out of marking centres due to low pay, the Cabinet Secretary indicated that this is true but quoted only one case of Christian Religious Paper (CRE) Paper One that was being marked at St. Francis Mang'u High School. He said the issue at hand was that the examiners were rooting for Shs. 70/= per script but the Cabinet Secretary indicated to them that the contract signed read Shs. 55/= per script. He however assured the Committee that moving forward, the Ministry would consider raising the pay per script and also improve the working environment for markers, acknowledging that they have for a long time worked under deplorable conditions.
21. On reasons for the Kenya Primary School Education Assessment (KPSEA) examinations release not having a lot of attention as the case was with KCSE results, the Cabinet Secretary indicated that it is because CBC employs formative evaluation where continuous assessment tests also count for the final grade.
22. The Principal Secretary for Basic Education stated that in the year 2022, 354,000 candidates who scored D Minus and below did not raise concerns whereas concern was raised on the 174,000 candidates who scored between A plain and C+.
23. On the issue of a normal curve, the Chief Executive Officer, KNEC, indicated that a normal curve can only be a characteristic of KCPE examination since students sitting it are not subjected to pre-selection. After KCPE examinations, there is placement of schools in National, Extra-County, County and Sub-County schools, based on the marks scored.

24. The CEO also submitted that national examinations administration in Kenya observes the internationally accepted standards of fairness, reliability and validity, with fairness being the most important.
25. On some candidates interacting with marking schemes, the CEO indicated that it was incorrect since marking schemes as per the system established in 2016, are prepared after the paper is done. He stated that an examination paper comprises both open-ended and closed questions and that giving the same answer by students in an open-ended question should not point to access to a marking scheme.
26. On why no student in Wajir County scored grade A, the CEO reported that the role of KNEC is to mark examination scripts as attempted by the candidates.
27. On about 30 percent of students invited to pursue lucrative courses dropping out, the Cabinet Secretary attributed this to parents who many a times push their children to pursue courses that are not of their choice.

Committee Resolution

The Committee resolved to hold a three-day retreat with the Ministry of Education for responses to the remaining Terms of Reference of the inquiry.

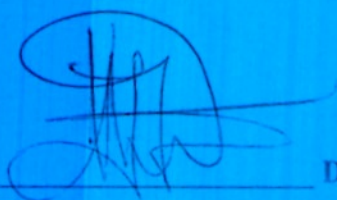
MIN. NO. EDUC/2023/101: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/102: ADJOURNMENT

There being no other business, the meeting was adjourned at 4.00 pm. The next meeting will be held on notice.

SIGN _____



DATE _____

24/6/2023

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

**MINUTES OF THE 19TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON FRIDAY, 31ST MARCH, 2023, MINI CHAMBER, COUNTY
HALL, PARLIAMENT BUILDINGS, AT 10.00 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Eve Obara, MBS, MP
3. Hon. Jerusha Momanyi, MP
4. Hon. Abdul Ebrahim Haro, MP
5. Hon. Anne Wanjiku Muratha, MP
6. Hon. Julius Taitumu M'Anaiba, MP
7. Hon. Nabii Nabwera Daraja, MP
8. Hon. Rebecca Noonaishi Tonkei, MP
9. Hon. Timothy Kipchumba Toroitich, MP

ABSENT WITH APOLOGY

1. Hon. Moses Malulu Injendi, MP – **Vice-Chairperson**
2. Hon. (Dr.) Christine Oduor Ombaka, MP
3. Hon. Clive Ombane Gisairo, MP
4. Hon. Dick Maungu Oyugi, MP
5. Hon. Peter Ochieng Orero, MP
6. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | |
|---------------------------|------------------------|
| 1. Ms. Grace Wahu | – Clerk Assistant III |
| 2. Ms. Winnie Kulei | – Research Officer II |
| 3. Dr. Maina Mburu | – Research Officer III |
| 4. Mr. Paul Kashana Shane | – Serjeant-At-Arms |
| 5. Mr. Nimrod Ochieng | – Audio Officer |
| 6. Mr. Daniel Psirmoi | – Media Officer |
| 7. Ms. Mary Kamande | – Protocol Officer III |
| 8. Ms. Josephine Osiba | – Hansard Officer III |

MIN. NO. EDUC/2023/092: PRELIMINARIES

The meeting was called to order at 10.25 am by the Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Abdul Haro, MP and seconded by Timothy Toroitich, MP.

MIN. NO. EDUC/2023/093: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

1. The Committee conducted public hearings into the alleged examination malpractices in the 2022 KCSE examinations in Nairobi County on Friday, 31st March, 2023. The Committee Chairperson welcomed the public and stakeholders to the meeting and gave a brief on the inquiry.
2. The key stakeholders in Nairobi County included:
 - a. The County Director, Ministry of Education
 - b. The County Director, Teachers Service Commission
 - c. The Nairobi City County Assembly
 - d. The Kenya Union of Post Primary Education Teachers (KUPPET) Representatives
 - e. The Kenya Secondary School Heads Association (KESSHA) Representatives
 - f. The National Parents Association
 - g. The general public
3. The following issues emerged from the public hearing in Nairobi County:
 - a. The County Director of Education (CDE) informed the Committee that in the year 2022, Nairobi County presented 30,118 (14,787 boys and 15,331 girls) candidates for 2022 KCSE examination in 333 examination centres. Out of these centres, 174 centres (52.25 percent) were said to have posted positive deviations ranging from 0.01 to +3.524. Ashrafia Girls in Starehe Sub-County was reported to have posted the highest deviation of +3.524 followed by Rabani Education Centre in Kamukunji Sub-County with a deviation of +2.194 and New River Star in Embakasi Sub-County with +1.98.
5. It was reported that the County performance in 2021 KCSE was 3.96 while in 2022 it was 4.23, with a positive improvement index of 0.27. The Director reported that the two most improved schools (Ashrafia Girls and Rabanni Education Centre) were considered outliers in comparison to the improvement index of the County and the rest of the schools.
6. On comparative analysis of 2022 KCSE exams with the previous period (2019-2022), KUPPET indicated that the number of candidates who sat for the 2022 KCSE examinations were 881,416 compared to 826,807 in the year 2021. They disclosed that the number of students who scored A Plain in 2021 KCSE was 1,138 compared to 1,146 in 2022, showing an increase by 8 students. The Secretary General informed the Committee that the number of students scoring a mean grade of D Plus and above was 522,588 (59 percent) compared to 442,251 (53 percent) in the year 2021. He added that students scoring below D Minus totalled 359,828 in the 2022 KCSE examinations compared to 384,556 in 2021 KCSE, showing a slight improvement. The Union indicated that statistically, the performance in 2022 KCSE showed skewed distribution where very few students performed exemplary well while a large group of students performed poorly.

b. Early exposure

7. KUPPET Nairobi County indicated that there were cases of early exposure whereby the afternoon paper was accessed early and shared through ICT platforms.

c. Marking and grading

8. KNUT Nairobi informed the Committee that national examinations should not be marked in a hurry and therefore the examiners should be given more time.

d. Reporting of malpractices

9. KUPPET informed the Committee that the process of reporting examination irregularities is bureaucratic which makes examiners avoid reporting cases. The respondent expressed that many contracted professionals do not report cases of examination irregularities because the procedure is very bureaucratic.

e. Promotions

10. KUPPET Nairobi County noted that pegging promotion of principals on mean grades results in cheating and malpractices in national examinations.

f. Compromise of the examination management process

11. The Committee was informed that some phones were sneaked into the examination centres and rooms as a result of negligence during frisking of candidates. KESSHA indicated that the penalties for those found engaging in examination cheating and irregularities should be enhanced so as to deter persons from the malpractice.

g. The use of ICT to facilitate examination malpractices

12. It was alleged that most of the phones seized contained 2022 KCSE examination related content which was accessed through social media platforms such as Telegram and WhatsApp groups.

h. Possession of unauthorized materials

13. The County Director informed the Committee that in some centres, unauthorized written materials (Mwakenya) and textbooks were found in the examination rooms, laboratories and in the sanitation facilities, for example, malfunctioned cisterns.

i. Examination administration and management

14. The CDE indicated that all officers involved in the administration and management of 2022 KCSE examinations were sensitized and that all centre managers transported the examination materials using pool transport to curb any form of cheating and malpractices between the containers and examination centres. The Committee was further informed that after dispatch of examination materials, multi-agency teams which included Ministry of Interior and Co-ordination of National Government, Ministry of Education, Teachers Service Commission, Kenya Institute of Curriculum Development and KNEC monitored the conduct of the examination.
15. Moreover, KNEC may have been overwhelmed due to the administration and management of three (3) national examinations (2022 KPSEA, KCPE and KCSE) in a span of one month noting that KNEC personnel were involved in the administration and

management of Business and Technical examinations in November, 2022. It was suggested that the examinations be done at different times of the year to ensure adequate personnel to administer them.

16. The Committee was further informed that the current KNEC rules and guidelines do not address emerging issues and trends such as sophisticated electronic devices which are used in cheating and/or examination malpractices.

MIN. NO. EDUC/2023/095: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/096: ADJOURNMENT

There being no other business, the meeting was adjourned at 4.00 pm. The next meeting will be held on notice.

SIGN _____



DATE _____

27/6/2023

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

**MINUTES OF THE 18TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON TUESDAY, 28TH MARCH 2023, ICT HALL, WAJIR COUNTY
AT 10.00 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Eve Obara, MBS, MP
3. Hon. Abdul Ebrahim Haro, MP
4. Hon. Dick Maungu Oyugi, MP
5. Hon. Julius Taitumu M'Anaiba, MP
6. Hon. Timothy Kipchumba Toroitich, MP
7. Hon. Rebecca Noonaishi Tonkei, MP

COMMITTEE SECRETARIAT

1. Ms. Grace Wahu – Clerk Assistant III
2. Mr. Paul Kashana Shane – Serjeant-At-Arms
3. Mr. Nimrod Ochieng – Audio Officer
4. Mr. Daniel Psirmoi – Media Officer

MIN. NO. EDUC/2023/132: PRELIMINARIES

The meeting was called to order at 10.00 am by the Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Eve Obara, MP and seconded by Hon. Rebecca Tonkei, MP.

MIN. NO. EDUC/2023/133: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/134: PUBLIC HEARING IN WAJIR COUNTY

1. The Committee conducted public hearings into the alleged cheating in the 2022 KCSE examinations in Wajir County on Tuesday, 28th March, 2023.
2. The key stakeholders in Wajir County included:
 - i. The TSC Director,
 - ii. KUPPET Representative
 - iii. KESSHA Representative
 - iv. The General public
3. The following issues emerged from the public hearing in Wajir County:
 - a. **Trend analysis**
4. The TSC Director informed the Committee that there had been positive index in the past five years in KCSE examinations and that the deviations observed in 2020 (2.0265) and 2022 (1.24) show that the county had bigger and positive deviation margin in the year 2020 as compared to the year 2022.

5. The KEPSHA representative submitted that the results from Wajir County produced a normal curve. In 2022, the mean grade was 6.44 and he believed that the candidates were being under marked by examination centers. He said that they have not had an A grade for many years but received a 1st Class Honors in university studies.

b. Administration, Monitoring and Marking of examinations

6. The TSC County Director informed the Committee that two officials from KNEC gave their support in briefing examination officials at the Sub-County levels before the national examinations began, to prevent any malpractices. The Ministry of Education and KNEC's top officials also briefed examination officers to ensure that the highest levels of integrity were achieved in the year 2022 KCSE examinations.
7. The TSC County Director added that KNEC monitors made field visits during every examination season to provide support and as well as to offer assistance in providing oversight. However, the monitors were few compared to the area they had to cover and the number of schools in the area.
8. The TSC representative said that examination materials were supplied in time in the entire county and that helicopters were used to transport some examination materials as well as personnel in areas that were not easily accessible. Examination materials were loaded in containers with police escort provided wherever the papers were distributed.
9. According to the TSC County Director, some teachers could not report cases of cheating noted during marking due to the bureaucracies involved as they were required to do a report and submit to KNEC officers. He submitted that they are requested to return after schools open and provide evidence to the KNEC panel before action is taken against the perpetrators. In regards to this, the respondent made a prayer that teachers be allowed to report cases of cheating in exams during marking by presenting evidence before leaving the marking centres.
10. The KUPPET representative submitted that Wajir did not report any cases of examination cheating. However, KNEC had failed to efficiently remunerate teachers engaged in the examination process.
11. According to respondents from the general public, the Committee was informed that the multi-agency approach had made a lot of improvement in curbing examination cheating and malpractices in the country and that the main cause of examination cheating was poor preparedness of the candidates. Respondents proposed that there should be a deliberate effort in regulating staffing levels, provision of facilities and equipment across the board to win the confidence of the society and to bring about the desired shift in examination malpractices.

c. Use of ICT to facilitate examination cheating and malpractices

12. The TSC County Director informed the Committee that there were no cases of malpractices reported in the 2022 KCSE examinations, although some candidates were found with mobile phones during frisking before the examination started.

d. Recruitment and capacity building of KNEC contracted employees

13. The TSC Director informed the Committee that supervisors and invigilators were vetted before they were appointed based on their experience, honesty and integrity. Their examination centres were changed every year to avoid familiarity and that Centre Managers were the only ones who remained in their respective schools. He suggested that Centre managers should be changed to man centres far away from their own schools.
14. The respondent submitted that the majority of KNEC monitors are people of high integrity, however, they should be provided with vehicles to enable them reach all sampled examination centres and that the number of monitors should also be increased.

e. Poor living conditions and remuneration for examination markers

15. The TSC County Director submitted that markers have always complained of poor working conditions as well as terms of service. Examiners have always been hosted in secondary schools, some of which are below the standards.
16. In regards to the remuneration of markers, the TSC Director indicated that payments for examiners should be fast-tracked to avoid unnecessary delays which discourage the markers. There is a need to revise the payment rates due to inflation, which has been on the rise in recent times. He added that time given to teachers for marking was short causing a lot of undue pressure in the marking of examinations.

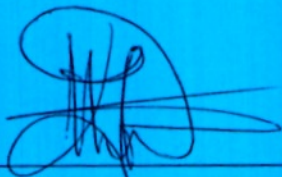
MIN. NO. EDUC/2023/135: ANY OTHER BUSINESS

There was no other business.

MIN. NO. EDUC/2023/136: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.05 pm. The next meeting will be held on Friday, 31st March, 2023 at 10.00 am in the County Hall, Parliament Buildings.

SIGN _____



DATE _____

27/6/2023

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

MINUTES OF THE 17TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON THURSDAY, 23RD MARCH 2023, KENYA COAST NATIONAL POLYTECHNIC HALL, MOMBASA COUNTY AT 10.00 AM

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Eve Obara, MBS, MP
3. Hon. Abdul Ebrahim Haro, MP
4. Hon. Dick Maungu Oyugi, MP
5. Hon. Julius Taitumu M'Anaiba, MP
6. Hon. Timothy Kipchumba Toroitich, MP

ABSENT WITH APOLOGY

1. Hon. Rebecca Noonaishi Tonkei, MP

COMMITTEE SECRETARIAT

- | | |
|---------------------------|-----------------------|
| 1. Ms. Grace Wahu | – Clerk Assistant III |
| 2. Mr. Paul Kashana Shane | – Serjeant-At-Arms |
| 3. Mr. Nimrod Ochieng | – Audio Officer |
| 4. Mr. Daniel Psirmoi | – Media Officer |

MIN. NO. EDUC/2023/127: PRELIMINARIES

The meeting was called to order at 10.00 am by the Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Abdul Haro, MP and seconded by Hon. Dick Maungu, MP.

MIN. NO. EDUC/2023/128: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/129: PUBLIC HEARING IN MOMBASA COUNTY

1. The Committee conducted public hearings into the alleged cheating in the 2022 KCSE examinations in Mombasa County on Thursday, 23rd March, 2023.
2. The key stakeholders in Mombasa County included:
 - i. County Director of Education, Teachers Service Commission
 - ii. KUPPET Representatives
 - iii. The General public
3. The following issues emerged from the public hearings in Mombasa County:
 - a. **Trend analysis**
4. KUPPET Mombasa indicated that the 2022 KCSE examination was administered to 881,416 students out of whom 1146 scored straight As. Overall, 173,345 learners scored C Plus and above compared to 145,145 students in 2021. The Committee heard that while

improvement in examinations is expected, the results posted by some schools in the examinations raised eyebrows owing to the helicopter style of their improvement.

5. The union representative said that the 2022 KCSE results analysis did not reveal a normal curve or distribution, with some schools achieving a 100 percent direct entry to universities yet they had average mean scores in year 2021. According to the respondent, glaringly missing in the 2022 KCSE results was the comparison between each candidate's KCPE entry marks with their KCSE grades to establish whether there was significant and consistent value addition or not.
6. He observed that the purpose of examination analysis is to enable policy makers to formulate strategies for continuous improvement in performance as monitoring goes on. He further observed that in the year 2022 examination 489,081 learners scored D Plus and below and there is need to consider them.

b. Management and administration of examinations

7. KUPPET Mombasa said that KNEC's habit of delaying payment of subsistence allowances to contracted professionals involved in the exercise of supervision, invigilation and marking creates apathy and low morale. Additionally, they said that the low amount of marking paid to professionals involved in marking is not commensurate with the work they are doing and also not forgetting that marking centres are unfavourable for the rigorous exercise that takes two to three weeks.
8. A respondent expressed that examiners are accommodated in deplorable conditions and they are overworked whereby they work for very many hours leading to exhaustion. The KUPPET representative suggested that the national examination marking centres should be hosted in institutions such as the Kenya Institute of Curriculum Development (KICD) and the Kenya School of Government (KSG) Nairobi.
9. The KUPPET representative submitted that KNEC should take charge of examinations and directly partner with KICD in setting and managing examinations because the latter seems to be thorough in the way they coordinate their work. In addition, KNEC should be given constitutional powers to discharge their mandate as required.

c. Compromise of examination management process

10. The KUPPET representative in Mombasa informed the Committee that Section 15 of the KNEC Act 2012 speaks on offences and they should be reviewed and made more punitive. In addition, the fine should be increased from KShs.5, 000 and the number of months of imprisonment be enhanced from 12. They suggested that a clause should be added that bars the perpetrator (if found guilty) from holding any public office. The offences should also capture a clause on cancellation of certificates for the students who cheat in examinations.
11. The Committee was informed that the Kenya Universities and Colleges Central Placement Services (KUCCPS) relies on KCSE results to place learners in universities and other institutions of learning, with an intent of producing graduates who become Engineers,

Doctors, Architects, Surveyors, Accountants among others and when garbage is put in, the outcome will be displeasing and, in the end, the society would pay a heavy price for the failings.

12. A teacher in the general public submitted that some candidates register for examinations and then disappear. He further stated that such students are the ones who aid in cheating and malpractice.

b. Capacity building for KNEC contracted employees

13. The TSC County Director stated that presently KNEC gives booklets that outline guidelines to examination management but interpretation may be different from one person to another. It was recommended therefore that KNEC should collaborate with the Ministry of Education for proper training of examiners and markers of examinations.

c. Use of ICT to facilitate examination malpractices

14. The respondents indicated that the 2022 examinations were marred with malpractices that saw examination papers and marking schemes circulating on Social Media before the examinations were done. They said that the undeniable fact is that examination leakage is a lucrative business that is well coordinated from the source, a situation where perpetrators leak exams at a fee.

d. Teacher Promotions

15. The KUPPET representative said that the second tier of cheating is at the school level where principals and teachers get driven by a desire to make it to the headlines as giants in examinations. He said that this is occasioned by the pressure by the TSC on principals and teachers to register improvement in the school mean scores in order to get promotions. He observed that pegging performance on KCSE is the driving force of all kinds of malpractices in examinations, therefore TSC should consider other parameters or indicators of performance for promotion of teachers and principals.
16. A teacher informed the Committee that teachers are harassed to produce good results, which are used as a basis for promotions. The teacher said that TSC requires teachers to bring results of the past three years during promotion interviews. They therefore recommended that TSC should stop considering students' grades to offer promotions.

MIN. NO. EDUC/2023/130: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/131: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.05 pm. The next meeting will be held on Tuesday, 28th March, 2023 at 10.00 am in the ICT Hall, Wajir County.

SIGN



DATE

24/6/2023

HON. JULIUS MELLY, MP
CHAIRPERSON, COMMITTEE ON EDUCATION

**MINUTES OF THE 16TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON WEDNESDAY, 22ND MARCH 2023, MACHAKOS YOUTH
CENTRE, MACHAKOS COUNTY AT 10.00 AM**

PRESENT

1. Hon. Julius Kibiwott Melly, MP – Chairperson
2. Hon. Eve Obara, MBS, MP
3. Hon. Abdul Ebrahim Haro, MP
4. Hon. Dick Maungu Oyugi, MP
5. Hon. Julius Taitumu M'Anaiba, MP
6. Hon. Timothy Kipchumba Toroitich, MP

ABSENT WITH APOLOGY

1. Hon. Rebecca Noonaishi Tonkei, MP

COMMITTEE SECRETARIAT

- | | |
|---------------------------|-----------------------|
| 1. Ms. Grace Wahu | – Clerk Assistant III |
| 2. Mr. Paul Kashana Shane | – Serjeant-At-Arms |
| 3. Mr. Nimrod Ochieng | – Audio Officer |
| 4. Mr. Daniel Psirmoi | - Media Officer |

MIN. NO. EDUC/2023/122: PRELIMINARIES

The meeting was called to order at 10.00 am by the Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Timothy Toroitich, MP and seconded by Hon. Abdul Haro, MP.

MIN. NO. EDUC/2023/123: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/124: PUBLIC HEARING IN MACHAKOS COUNTY

The Committee conducted public hearings into the alleged cheating in the 2022 KCSE examinations in Machakos County on Wednesday, 22nd March, 2023.

The key stakeholders in Machakos County included:

1. The County Commissioner
2. County Director of Education, Ministry of Education
3. County Director of Education, Teachers Service Commission
4. Machakos Youth, County Assembly of Machakos
5. KUPPET Representatives
6. KEPSHA Representatives
7. The General public

The following issues emerged from the public hearing in Machakos County:

a. Trend analysis

According to a respondent from the general public, there were students who had joined secondary school with 200 marks and yet scored an A grade in the 2022 KCSE examinations. He attributed this occurrence to examination cheating.

A retired principal stated that the 2022 KCSE examination results were not normal as there were Ninety (90) A Plain and Eighty (80) A Minus, resulting in an abnormal curve. He said that a lot of students drop out of universities because they entered wrongly and are not able to cope with the courses they are admitted into.

b. Monitoring and Administration of examinations

According to one of the respondents in the general public, the Committee on Education should amend the penalties for examination cheating

There should be a common examination from the Commission for University Education (CUE) to evaluate students before they join universities.

They suggested that KNEC should have offices around the country to be able to deal with complaints of examination cheating instead of making all reports of cheating or malpractices to the nearest police station or court.

Moreover, they recommended that KNEC should change examiners regularly, preferably after every two (2) years. It was reported that examinations are set by teachers in national schools leaving out teachers from the rest of the schools.

c. Underfunding of KNEC

Participants also informed the Committee that KNEC is underfunded and that the number of employees on permanent and pensionable terms is small and that most are on contract terms. They said that this may therefore be a loophole that may be used to cause exam cheating.

d. Use of ICT in facilitating examination malpractices

According to respondents in the general public, in regards to cheating through Social Media, there should be cyber police in place to find out the origin of examination cheating. It was reported that students use applications such as Telegram, Snapchat and Signal to distribute examination papers and answers without being detected.

e. Recruitment and capacity building for KNEC contracted employees

An education officer, Kathiani sub-county, informed the Committee that they had been assigned roles and that KNEC officials had organised an induction programme on examination monitoring and management, concentrating on the distribution containers, for them and the security team.

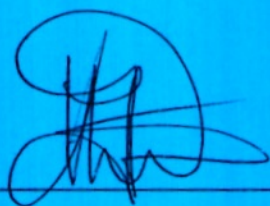
MIN. NO. EDUC/2023/125: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/126: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.05 pm. The next meeting will be held on Thursday, 23rd March, 2023 at 10.00 am in the Kenya Coast National Polytechnic Hall, Mombasa County.

SIGN _____



DATE _____

27/6/2023

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

MINUTES OF THE 15TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 21ST MARCH 2023, KENYA SCHOOL OF GOVERNMENT, EMBU COUNTY AT 10.00 AM

PRESENT

1. Hon. Julius Kibiwott Melly, MP – Chairperson
2. Hon. Abdul Ebrahim Haro, MP
3. Hon. Dick Maungu Oyugi, MP
4. Hon. Julius Taitumu M'Anaiba, MP
5. Hon. Timothy Kipchumba Toroitich, MP

ABSENT WITH APOLOGIY

1. Hon. Eve Obara, MBS, MP
2. Hon. Rebecca Noonaishi Tonkei, MP

COMMITTEE SECRETARIAT

- | | |
|---------------------------|-----------------------|
| 1. Ms. Grace Wahu | – Clerk Assistant III |
| 2. Mr. Paul Kashana Shane | – Serjeant-At-Arms |
| 3. Mr. Nimrod Ochieng | – Audio Officer |
| 4. Mr. Daniel Psirmoi | - Media Officer |

MIN. NO. EDUC/2023/117: PRELIMINARIES

The meeting was called to order at 10.00 am by the Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Dick Maungu, MP and seconded by Hon. Julius Taitumu, MP.

MIN. NO. EDUC/2023/118: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/119: PUBLIC HEARING IN EMBU COUNTY

The submissions on public hearings into the alleged cheating in the 2022 KCSE examinations were made in Embu on Tuesday, 21st March, 2023.

The key stakeholders included:

1. County Commissioner's Office
2. Office of the Governor
3. County Director of Education, Ministry of Education
4. KNUT Representative
5. KUPPET Representative
6. The general public

The following issues emerged from the public hearings in Embu County:

a. Trend analysis

Embu County Director of Education indicated that Embu recorded slight deviations in performance compared to the previous years.

b. Administration and management of examinations

Embu County Commissioner stated that it is important to adequately fund KNEC because without funding, the multi-agencies are not able to operate efficiently and effectively. She further indicated that examiners are accommodated in deplorable conditions and they are also poorly paid which leads to demotivation.

The County Commissioner further expressed that there is bureaucracy in reporting of examination malpractices which discourages examiners. She further expressed that markers fear that they may be victimized by senior officials.

Embu County Director of Education indicated that KNEC issued examination policy guidelines and circulars promptly to all players, adequately sensitized examination stakeholders at all levels and regularly monitored examination administration.

The county director of education expressed that examination setters should be vetted since this is where cheating originates from.

Kyeni Girls Board Chair indicated that examiners are accommodated in deplorable conditions and they are paid poorly leading to demotivation.

Embu University's Chair of Education Department pointed out that there is need to abolish ranking of schools which he said leads to cheating and malpractice cases in national examinations.

c. Abuse of ICT

Embu County Director of Education indicated that CCTV installations should be done for surveillance of examination centres.

Embu University's Chair of Education Department indicated that social media platforms such as telegram are used in propagating examination malpractices.

d. Compromise of examination management process

The County Commissioner informed the Committee that in the 2022 KCSE examinations, there was a case of attempted examination cheating whereby two Chemistry teachers and a school secretary were interdicted. She said that the principal was also interdicted due to negligence while the deputy principal was transferred.

Embu County Director of Education informed the committee that there two chemistry teachers who were involved in cheating, were arraigned in Embu Law courts and are currently on interdiction. The CDE further told the committee that the centre manager, the supervisor and invigilators were relieved of their duties of managing the 2022 KCSE examination for the remaining examination period since they had failed to perform their duties as required.

Embu County Director of Education informed the committee that there is need to review the penalties for examination malpractices as stated in the KNEC Act, 2012 so as to set more harsh penalties with hefty fines to enhance deterrence.

Embu County Director of Education alleged that some students had access to the coordinated marking scheme which belongs to KNEC. In some cases, the answers were similar to those in the scheme word for word.

Kyeni Girls Board Chair indicated that there should be harsh penalties for all the propagators of examination malpractices to serve as deterrence.

Embu University's Chair of Education Department expressed that KCSE is a high-stake examination and there is pressure from parents, teachers and peers to pass which leads to malpractices. He further indicated that there is bureaucracy in reporting of examination malpractices which discourages examiners.

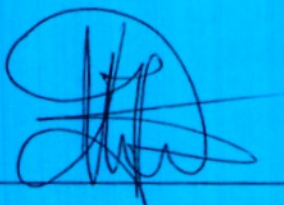
The Committee was further informed that practical sessions experience cheating whereby the students who perform the experiment in the first session participate in guiding the subsequent sessions.

MIN. NO. EDUC/2023/120: ANY OTHER BUSINESS

There was no other business.

MIN. NO. EDUC/2023/121: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.05 pm. The next meeting will be held on Wednesday, 22nd March, 2023 at 10.00 am in the Machakos Youth Centre.

SIGN  DATE 27/6/2023
HON. JULIUS MELLY, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION

MINUTES OF THE 14TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON MONDAY, 20TH MARCH 2023, NYERI YOUTH EMPOWERMENT CENTRE, AT 10.00 AM

PRESENT

1. Hon. Julius Kibiwott Melly, MP – **Chairperson**
2. Hon. Abdul Ebrahim Haro, MP
3. Hon. Dick Maungu Oyugi, MP
4. Hon. Julius Taitumu M'Anaiba, MP
5. Hon. Timothy Kipchumba Toroitich, MP

ABSENT WITH APOLOGY

1. Hon. Eve Obara, MBS, MP
2. Hon. Rebecca Noonaishi Tonkei, MP

COMMITTEE SECRETARIAT

- | | |
|---------------------------|-----------------------|
| 1. Ms. Grace Wahu | – Clerk Assistant III |
| 2. Mr. Paul Kashana Shane | – Serjeant-At-Arms |
| 3. Mr. Nimrod Ochieng | – Audio Officer |
| 4. Mr. Daniel Psirmoi | - Media Officer |

MIN. NO. EDUC/2023/117: PRELIMINARIES

The meeting was called to order at 10.20 am by the Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Julius Taitumu, MP and seconded by Hon. Timothy Toroitich, MP.

MIN. NO. EDUC/2023/118: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/119: PUBLIC HEARING IN NYERI COUNTY

The submissions on public hearings into the alleged cheating in the 2022 KCSE examinations were made in Nyeri on Monday, 20th March, 2023.

The key stakeholders included:

1. County Commissioner's Office
2. County Director of Education, Ministry of Education
3. KNUT Representative
4. KUPPET Representative
5. The general public

The following issues emerged from the public hearings in Nyeri County:

a. Recruitment of contracted professionals

The County Executive Committee Member of Education informed the Committee that supervisors and invigilators were recruited from the same area and in order to curb examination cheating, it is important that they be recruited and attached to different parts of the country.

b. Compromise of examination process

A former KASNEB official indicated that principals pay examiners who pose as motivational speakers to guide candidates on answering questions.

c. Administration and management of examinations

A former examiner informed the Committee that the areas identified as marking centres for exams were in deplorable condition and the teachers involved were poorly paid and the payments were delayed. He also informed the Committee that teachers were marking exams from 4:00A.M. to 11:00 P.M. leading to instances of illness and exhaustion of teachers.

A respondent indicated that KNEJC should cover all the irregularities and address the candidates' concern of any missing examination papers.

A respondent indicated that the marking period was short compared to the volumes of papers the teachers were assigned to mark and the pressure towards this had caused some deaths in the marking centres.

A quality assurance official from the county stated that there were less As in the 2022 KCSE examinations in Nyeri county compared to previous years.

d. Bureaucracy in reporting examination malpractices

A former examiner informed the Committee that most examiners do not report malpractices as the process is bureaucratic and teachers are subjected to writing many reports.

e. Abuse of technology

A KUPPET representative indicated that Telegram is a social media application that is being used to leak examinations to teachers and students and is preferred because the source of the information is not traceable.

A youth nominee recommended that examination papers should be sealed in such a way that evidence of opening of the examination packages is visible.

f. Compromise of examination process

A respondent indicated that there should be more harsh penalties on examination malpractices perpetrators so as to act as a deterrence and that universities should have entry examinations for admission into courses.

g. Teacher Promotions

Some of the participants asserted that examination cheating happens because promotion of teachers and principals is pegged on the registered mean grade. They indicated that promotion should be based on value addition.

MIN. NO. EDUC/2023/120: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/121: ADJOURNMENT

There being no other business, the meeting was adjourned at 1.05 pm. The next meeting will be held on Tuesday, 21st March, 2023 at 10.00 am in the Kenya School of Government, Embu County.

SIGN



DATE

27/6/2023

HON. JULIUS MELLY, MP

CHAIRPERSON, COMMITTEE ON EDUCATION

**MINUTES OF THE 13TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
EDUCATION HELD ON FRIDAY, 24TH MARCH 2023, GRACE OGOT SOCIAL HALL,
KISUMU COUNTY AT 10.00 AM**

PRESENT

1. Hon. Jerusha Momanyi, MP
2. Hon. Nabii Nabwera Daraja, MP
3. Hon. Peter Ochieng Otero, MP
4. Hon. (Prof.), Phyllis Jepkemoi Bartoo, MP
5. Hon. (Dr.) Christine Oduor Ombaka, MP

COMMITTEE SECRETARIAT

1. Mr. Clive Onyancha
2. Dr. Maina Mburu
3. Ms. Josephine Osiba
4. Ms. Rose Ndegí
- Clerk Assistant III
- Research Officer
- Hansard Officer
- Serjeant-At-Arms

MIN. NO. EDUC/2023/112: PRELIMINARIES

The meeting was called to order at 10.16 am by the Session Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Christine Ombaka, MP and seconded by Hon. Peter Otero, MP.

MIN. NO. EDUC/2023/113: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN. NO. EDUC/2023/114: PUBLIC HEARING IN KISUMU COUNTY

The public hearings in Kisumu were held on Thursday 23rd March 2023

The Key Stakeholders included:

1. County Commissioner's Office
2. County Director of Education, Ministry of Education
3. KNUT Representative
4. KUPPET Representative
5. KESSHA Representative
6. KEPSHA Representative
7. Kenya Private Schools Alliance
8. The general public

The following issues emerged from the public hearings in Kisumu County:

a. Trend analysis

Kisumu County's Director of Education (CDE) informed the committee that from 2019 to 2022, the county had recorded minimum deviations. In 2022, he said that a mean of 4.287 was recorded,

compared to a mean of 4.325 recorded in 2021, indicating a mean deviation of 0.502. He however indicated that there is a need for comparing abnormal performances in national examinations against the entry behaviour of candidates.

The committee was informed that the highest deviations came from Sub-County schools despite being them lacking sufficient infrastructure. The CDE explained that this was because Sub-County schools admit students who perform well but are unable to pay fees required in national schools.

Kisumu TSC County Director informed the committee that there was no significant improvement across the Sub-Counties in Kisumu between 2020 and 2022. He expressed that the schools' mean grade deviations were between 1 and 3 and no school recorded rapid performance.

b. Compromise of examination management process

The County Director of Education indicated there are cases of students who drop out of school after examination registration only to reappear to do examinations months later. The CDE suggested that such students should be deregistered and not allowed to sit the National Examinations since they were alleged to highly perpetrate examination malpractices.

KNUT Kisumu suggested that the country should adopt formative evaluation of students and deviate from summative evaluation since the former leads to cheating and examination malpractices.

Kenya Private Schools Association (KEPSA) Kisumu recommended that the penalties for those found guilty of engaging in examination malpractices be enhanced so as to deter.

c. Examination administration and management

The TSC County Director informed the committee that a multi-agency team from the Ministry of Interior, Ministry of Education and the TSC. He further indicated that examination materials were secured well in the eight containers and manned by the Kenya Police Service 24 hours round the clock.

Ranking of students and schools should be abolished since it makes them cheat so that they can be ranked highly.

A parent suggested that there should be periodic audits after release of national examinations results to identify any gaps in examination administration and management.

d. Teacher Promotions

KNUT Kisumu indicated that rewarding principals and teachers whose candidates perform well is a recipe for encouraging malpractices in examinations administrations. The union therefore suggested that co-curricular activities and views from Boards of Management and communities are the alternatives that may be used in teacher promotion.

The committee was also informed that parents pressure principals to have their students perform well which makes them to end up cheating.

e. Abuse of ICT

KESSHA Nyanza Region reported that Telegram is the social media platform mostly used to leak examinations since tracking it is very difficult.

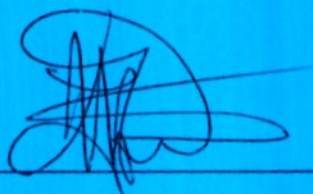
MIN. NO. EDUC/2023/115: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/116: ADJOURNMENT

There being no other business, the meeting was adjourned at 2.36 pm. The next meeting will be held on Monday, 27th March, 2023, at 10.00 am in County Hall, Parliament Buildings.

SIGN



DATE

27/6/2023

HON. JULIUS MELLY, MP
CHAIRPERSON, COMMITTEE ON EDUCATION

MINUTES OF THE 12TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON THURSDAY, 23RD MARCH 2023, NYAMIRA CDF HALL, NYAMIRA COUNTY AT 10.00 AM

PRESENT

- | | |
|---|-----------------------|
| 1. Hon. Jerusha Momanyi, MP | - Session Chairperson |
| 2. Hon. Nabii Nabwera Daraja, MP | |
| 3. Hon. Peter Ochieng Orero, MP | |
| 4. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP | |

ABSENT WITH APOLOGY

1. Hon. (Dr.) Christine Oduor Ombaka, MP

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------|
| 1. Ms. Cynthia Matara | - Clerk Assistant III |
| 2. Dr. Maina Mburu | - Research Officer |
| 3. Ms. Josephine Osiba | - Hansard Officer |
| 4. Ms. Rose Ndegi | - Serjeant-At-Arms |

MIN. NO. EDUC/2023/107: PRELIMINARIES

The meeting was called to order at 10.26 am by the Session Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Peter Orero, MP and seconded by Hon. Jerusha Momanyi, MP.

MIN. NO. EDUC/2023/108: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/109: PUBLIC HEARING IN NYAMIRA COUNTY

The public hearings in Nyamira were held on Thursday, 23rd March 2023.

The Key Stakeholders included:

1. County Commissioner's Office
2. County Director of Education, Ministry of Education
3. KNUT Representative
4. KUPPET Representative
5. The general public

The following issues emerged from the public hearings in Nyamira County:

Trend analysis

Nyamira County Director of Education submitted that Nyamira County had recorded improved performance between 2019 and 2022 with positive deviations ranging from 0.8673 and 0.7912. Among the top 50 schools in 2022 KCSE examinations, he said that eight schools registered negative deviation index. It was noted that the top ten schools in the county had a constant improvement index except four schools which registered a positive deviation ranging from 2.763

MINUTES OF THE 10TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 21ST MARCH 2023, IN THE COUNTY GOVERNOR'S HALL, AT 10.00 AM

PRESENT

- | | |
|---|-----------------------|
| 1. Hon. Jerusha Momanyi, MP | - Session Chairperson |
| 2. Hon. Nabii Nabwera Daraja, MP | |
| 3. Hon. Peter Ochieng Orero, MP | |
| 4. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP | |

ABSENT WITH APOLOGY

1. Hon. (Dr.) Christine Oduor Ombaka, MP

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------|
| 1. Ms. Cynthia Matara | - Clerk Assistant III |
| 2. Dr. Maina Mburu | - Research Officer |
| 3. Ms. Josephine Osiba | - Hansard Officer |
| 4. Ms. Rose Ndegi | - Serjeant-At-Arms |

MIN. NO. EDUC/2023/97: PRELIMINARIES

The meeting was called to order at 10.00 am by the Session Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Peter Orero, MP and seconded by Hon. Clive Gisairo, MP.

MIN. NO. EDUC/2023/098: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/099: PUBLIC HEARING IN UASIN GISHU COUNTY

The public hearings in Eldoret were held on Tuesday, 21st March, 2023 at the County Governor's Hall.

The key stakeholders in Uasin Gishu County included:

1. County Commissioner's Office
2. Executive Committee (CEC) Member for Education
3. The general public

The following issues emerged from the public hearing in Uasin Gishu County:

a. Grading

The members of Uasin Gishu County asserted that summative evaluation was not the best way to grade children, it led to very high stakes making it a matter of life and death leading to cheating in national examinations. It was observed that CBC came in handy to focus on formative evaluation.

The stakeholders further suggested that refresher courses from the TSC were needed to remind teachers of the need for integrity and professionalism in examination handling. They expressed the concern that some CBC learners were already aware of cheating tools such as 'Mwakenya' at very early ages. Children need guidance on integrity and the value of hard work.

b. The abuse of ICT

It was submitted that technology had highly triggered malpractices through the use of phones and social media platforms. It was informed that some examination setters had leaked questions to candidates in advance through untraceable platforms like the WhatsApp and telegram. The committee informed that there was a need to be vigilant to enact laws on the use and abuse of the ICT in tandem with the changing times

c. Bribery

The respondents stated that schools often levied parents, that was often used to bribe officials in KNEC to aid cheating. The respondent also stated that teachers often complained of low remuneration for marking thus prone to the temptations of teaching.

d. Finality of the KCSE examination.

Respondents raised concerns that some students were unable to pursue courses that had been invited to pursue, raising the concern on the final KCSE grades to determine the future of students.

e. Bureaucracy in reporting examination malpractices.

The committee was further informed that invigilators fear reporting anomalies noted in exams because of the investigation rigors they are taken through. The respondents therefore recommended that those who report anomalies should be well protected.

f. National examination administration and Management

The respondent also informed the committee that adequate preparation in the management of examinations should be considered so that they were not affected by sudden changes like natural disasters, the election cycles among other challenges.

The Committee was further informed that markers were poorly paid and often worked under undignified and high-pressure conditions .

g. Early Exposure

The respondents observed that there should be an overhaul of examination setters, stating that some school's mock examinations and internal examinations resemble the KCSE Papers, thus suspected of leakages. The committee was informed that private schools may be more prone to exam leakage because of commercialization of education and the need for good results for marketing purposes. The committee was informed that KNEC should be safeguarding examinations from the containers to the examination centers.

h. Teacher Promotions

Respondents indicated that the promotions of principals should not be pegged on mean grades to prevent cheating. They emphasized timely payment for 2022 national examiners to boost motivation. Additionally, the need for thorough training in examination management for teachers

was stressed. The Committee learned about challenges in monitoring national exams, citing a lack of resources like vehicles and fuel. Respondents alleged some KNEC officials engaged in cheating to undermine predecessors, raising concerns about the integrity of the examination system.

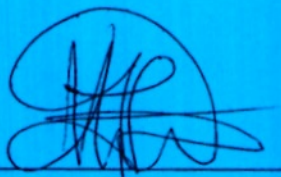
MIN. NO. EDUC/2023/100: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/101: ADJOURNMENT

There being no other business, the meeting was adjourned at 2.00 pm. The next meeting will be held on Wednesday, 22nd March, 2023 at 10.00 in the County Governor's Hall.

SIGN



DATE

27/06/2023

HON. JULIUS MELLY, MP

CHAIRPERSON, COMMITTEE ON EDUCATION

MINUTES OF THE 11TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON WEDNESDAY, 22ND MARCH 2023, COUNTY GOVERNOR'S HALL, KAKAMEGA COUNTY AT 10.00 AM

PRESENT

- | | |
|---|-----------------------|
| 1. Hon. Jerusha Momanyi, MP | - Session Chairperson |
| 2. Hon. Nabii Nabwera Daraja, MP | |
| 3. Hon. Peter Ochieng Orero, MP | |
| 4. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP | |

ABSENT WITH APOLOGY

1. Hon. (Dr.) Christine Oduor Ombaka, MP

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------|
| 1. Ms. Cynthia Matara | - Clerk Assistant III |
| 2. Dr. Maina Mburu | - Research Officer |
| 3. Ms. Josephine Osiba | - Hansard Officer |
| 4. Ms. Rose Ndegi | - Serjeant-At-Arms |

MIN. NO. EDUC/2023/102: PRELIMINARIES

The meeting was called to order at 10.15 am by the Session Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Clive Gisairo, MP and seconded by Hon. Phylis Bartoo, MP.

MIN. NO. EDUC/2023/103: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/104: PUBLIC HEARING IN KAKAMEGA COUNTY

The public hearings in Kakamega were held on Wednesday, 22nd March, 2023.

The key stakeholders included:

1. County Commissioner's Office
2. Deputy Governor's Office
3. Executive Committee (CEC) Member for Education
4. Kenya National Union of Teachers (KNUT)
5. Vice Chancellor- Masinde Muliro University
6. The County Executive Member of Education

The following issues emerged from the public hearings in Kakamega County:

Reporting irregularities

The County Executive Committee Member of Education in Kakamega County indicated that some examiners who identify cases of examination irregularities fear to report because of the bureaucracy involved and fear of victimization by the Ministry of Education officials.

Administration and management of examinations

Kakamega's County Commissioner expressed that examination container keys are always in the custody of Deputy County Commissioners and the Sub-County Directors of Education for the sake of accountability. He added that when opening the container, principals who double up as centre managers are also present to witness.

The County Commissioner indicated that enough officers, vehicles and fuel should be provided to help the multi-agency in carrying out proper monitoring of national examinations.

A respondent said that there is need to pay markers well and in good time and accommodated in dignified rooms so that they may be motivated. She further expressed that KNEC should be adequately funded so that it can manage national examinations properly to curb cases of cheating examination malpractices.

A respondent expressed that sick and pregnant candidates should not sit for examinations in that state but should instead be given a supplementary examination. He also proposed for abolishment of ranking of candidates and schools which is a recipe for engagement in examination malpractices.

Another respondent indicated that examiners are engaged in marking for many hours in a day which leads to exhaustion and illness. Moreover, the respondent informed the committee that the markers are accommodated in deplorable conditions while in the marking centres.

Early exposure

KNUT Kakamega indicated that students and KNEC contracted professionals who get the examination papers earlier share them using social media platforms.

Abuse of ICT

The Vice Chancellor of Masinde Muliro University pointed out that the gains of technology are irreversible but there is need to ensure that it is not used in perpetrating examination malpractices.

Compromise of examination process

The Vice Chancellor of Masinde Muliro University suggested to the committee that there should be a university entry examination so that the country does not over rely on KCSE results to reduce cases of cheating.

A respondent expressed that sick candidates sitting examinations in hospitals are rarely monitored and some of them therefore also engage in examination malpractices.

A respondent indicated that during entry of raw scores, data entry clerks whose background is not known are used. He suggested that they should be first vetted before being engaged in the exercise.

Another respondent suggested to the committee that KNEC should not rely on summative evaluation only but should also use formative evaluation so as to curb cases of examination malpractices associated with the former.

Teacher Promotions

Several respondents indicated that TSC should not peg promotion on KCSE mean grades only but should also use other parameters such as value addition, discipline and improvement in infrastructure.

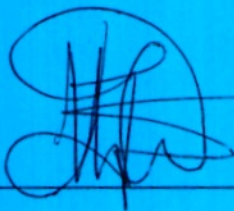
MIN. NO. EDUC/2023/105: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/106: ADJOURNMENT

There being no other business, the meeting was adjourned at 3.00 pm. The next meeting will be held on Thursday, 23rd March, 2023 at 10.00 in the Nyamira CDF Hall.

SIGN _____



DATE _____

27/6/2023

HON. JULIUS MELLY, MP
CHAIRPERSON, COMMITTEE ON EDUCATION

MINUTES OF THE 9TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON MONDAY, 20TH MARCH 2023, IN THE REGIONAL COMMISSIONER'S HALL, UASIN GISHU COUNTY, AT 10.00 AM

PRESENT

- | | |
|---|-----------------------|
| 1. Hon. Jerusha Momanyi, MP | - Session Chairperson |
| 2. Hon. Nabii Nabwera Daraja, MP | |
| 3. Hon. Peter Ochieng Orero, MP | |
| 4. Hon. (Prof.), Phylis Jepkemoi Bartoo, MP | |

ABSENT WITH APOLOGY

1. Hon. (Dr.) Christine Oduor Ombaka, MP

COMMITTEE SECRETARIAT

- | | |
|------------------------|-----------------------|
| 1. Ms. Cynthia Matara | - Clerk Assistant III |
| 2. Dr. Maina Mburu | - Research Officer |
| 3. Ms. Josephine Osiba | - Hansard Officer |
| 4. Ms. Rose Ndegı | - Serjeant-At-Arms |

MIN. NO. EDUC/2023/92: PRELIMINARIES

The meeting was called to order at 10.25 am by the Session Chairperson and a prayer was said. The Agenda was adopted having been proposed by Hon. Nabii Nabwera, MP and seconded by Hon. Clive Gisairo, MP.

MIN. NO. EDUC/2023/093: CONFIRMATION OF MINUTES

The Confirmation of Minutes was deferred to the next meeting.

MIN.NO.EDUC/2023/094: PUBLIC HEARING IN NAKURU COUNTY

The Committee conducted public hearings into the alleged cheating in 2022 KCSE Examinations in Nakuru Town on Monday, 20th March 2023 at 10.00 am.

The key stakeholders in Nakuru county included:

1. The County Commissioners' Office
2. The General Public
3. Kenya Secondary Schools Heads Association (KESSHA)
4. KEPSA

The following issues emerged from the submissions from Nakuru County:

1. National examination administration and Management

The respondents indicated the need for improvement in the preparation and quality management of the examination cycle. The respondents submitted that planning, implementation, monitoring and evaluation of examination processes and activities are key in the successful administration of examination; an activity that is often at the tail end of the cycle but impacts on lives, careers and generations to come.

They informed the committee that considering the fact that examinations are done once a year, and whose management and administration impacts and alters lives forever, there should never be a chance to compromise any process or stage. Thus, it must be done with utmost integrity, efficiency, effectiveness and in a timely manner to avoid the tendency of cheating.

The respondents emphasized on the need to have a good working environment for teachers and school principals from the onset. They indicated that in most cases the Head of Schools are usually under immense pressure to perform exceptionally well without the consideration that each class and school has its own unique challenges. This gives them the unnecessary pressure to bribe invigilators and security personnel to carry out examinations malpractices in favour of their schools with the quest of posting better results.

In further submissions, some respondents indicated that KNEC should often swap security, center managers, supervisors and invigilators during subsequent examination periods to curb the possibilities of colluding in cases and areas of familiarity.

The respondents also stated that there was a huge gap in examination monitoring and supervision. They indicated that in most cases examination supervisors and monitors never attend to the needs of schools found in far flung regions or with poor geography, instead they monitor schools concentrated on highways and in towns. They also stated that, in most cases, they only show up to sign guest books or take tea, they do not have guidance on what to look for in an examination setting.

2. Teacher promotions.

The Committee was informed that pressure is exerted on the teachers from their employer, the TSC. According to the TSC guidelines, teacher promotion is pegged on good performance for three consecutive years. The respondents decried that this is a motivation for malpractices to achieve a mean score that would earn teachers and head teacher promotions.

3. Finality of the KCSE examination.

The respondents stated that using KCSE examination as a finality to determine one's future is an injustice. They requested the committee to relook into laws governing examination and grading. They suggested there should be further Joint University entry examinations which will serve to reduce pressure and the stakes placed on KCSE examinations.

4. Early Exposure

The respondents stated that there were lapses in collection and protection of exams that are usually administered in the afternoon. They indicated that afternoon exams are prone to exposure leading to cheating through impersonation or sharing through the social media platforms like WhatsApp and telegram.

5. Amendment of KNEC laws

The respondents further stated that there should be punitive laws with hefty penalties to those found practicing examination malpractices. In addition, the procedure of reporting examination malpractices should be simplified and well outlined. They stated that the current bureaucratic processes discourages people from reporting

6. The recruitment process and Capacity building of KNEC contractual staff

According to the respondents, KNEC should pay attention to the calibre of professionals they recruit on contract to administer and supervise examinations. They indicated that contracted employees should be of high integrity and have the requisite competence and capacity to administer and supervise examinations.

7. The abuse of ICT

According to the respondents, the government should find a way of digitalising examination paper handling to minimize human contact and interaction with it so as to curb early exposure.

8. Marking and Grading

Various respondents stated that examiners should be given enough time to mark exams. The respondents requested that markers of examinations deserved a dignified marking environment and it should be given to them by the government through adequate funding of KNEC. They also submitted that a competitive pay, paid in a timely manner should be offered to the markers and invigilators as their right as well as source of motivation. They stated that pressure should not be exerted on the markers to mark from 7:00 am to 10:00pm, making it extremely exhausting to concentrate and susceptible to bribery.

9. Bribery Allegations

The respondents made submissions that ranking of schools brought about unhealthy competition thus requesting that ranking of schools should be abolished. This is because the quest to excel for promotional purposes are the main reasons most head teachers indulge in bribery and other examination malpractices.

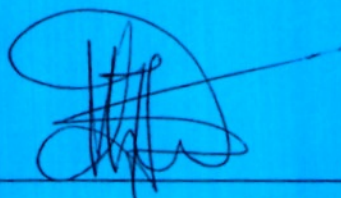
MIN. NO. EDUC/2023/095: ANY OTHER BUSINESS

There was no other business

MIN. NO. EDUC/2023/096: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.45 pm. The next meeting will be held on 21st March, 2023 at the County Governors Hall, Uasin Gishu County.

SIGN _____



DATE _____

27/6/2023

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

**PUBLIC NOTICE CALLING
FOR SUBMISSIONS FROM
THE MEMBERS OF PUBLIC
AND NOTIFICATION ON THE
DATES AND PLACE FOR
PUBLIC HEARINGS**

THE NATIONAL ASSEMBLY
13TH PARLIAMENT - SECOND SESSION
DEPARTMENTAL COMMITTEE ON EDUCATION



in the Matter of Inquiry by the National Assembly into the alleged malpractices in the 2022 Kenya Certificate of Secondary Education (KCSE) Examination

PUBLIC HEARINGS

WHEREAS article 116 (1) (a) of the Constitution of Kenya requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

FURTHER WHEREAS the Committee has noted concerns raised by the public regarding the alleged cheating and other malpractices in the 2022 Kenya Certificate of Secondary Education (KCSE) examination whose results were released on 20th January, 2023.

NOW THEREFORE pursuant to the provisions of Article 95(2) of the Constitution, the Committee has resolved to conduct a public inquiry into the allegations whose terms of reference are as

under –) To establish the trend and commence a comparative analysis of 2022 KCSE examination results performance vis a vis performance of the preceding years (2019–2022).

2) to determine whether there were incidences of cheating or other examination malpractices in the 2022 examination;

3) to determine whether, in case there was cheating or other malpractices in the examination.

how these were co-ordinated, who were the players and who bears the ultimate responsibility. To determine whether there are adequate measures taken by the Ministry of Education and the Kenya National Examination Council (KNEC) to curb cheating and other malpractices and how adequate was KNEC prepared to administer the examination.

- 2) To determine the effectiveness of KNEC guidelines and rules in cutting examination malpractices;
- 3) To determine whether examination marking stations were adequately equipped to ensure the assessment with respect to examination.

the marking schemes, integrity of markers, award of marks and the moderation process.) to determine the efficiency, effectiveness and integrity of the Examination Management Officers from KNEC headquarters deployed to schools;

To carry out a comprehensive audit on KNEC's Examination Management Systems including examination setting, printing, transportation, storage and marking, and to determine whether there is need to review penalties on examination malpractices in order to

Compliance with Article 18(f) of the Constitution, it is NOTIFIED that the Committee will undertake public hearings in eleven (11) counties and hereby invites the public to appear and submit evidence and/or testimony.

Written memoranda and oral views on the specific terms of reference of the inquiry as outlined, and any other relevant issue.

DATE	COUNTY	VENUE	TIME
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20 th March, 2023	Nyeri	Nyeri Youth Empowerment Centre, 10.00am-2.00pm
20 th March, 2023	Nakuru	Rift Valley Regional Commissioner's Plenary Hall 10.00am-2.00pm

21 st March, 2023	Eldoret	Uasin Gishu County Multi-Purpose Hall	10.00am-2.00pm
21 st March, 2023	Embu	Kenya School of Government	10.00am-2.00pm

1.	22 nd March, 2023	Kakamega	Masinde Muliro University Hall	10:00am-2:00pm
1.	22 nd March, 2023	Machakos	Machakos Youth Centre	10:00am-2:00pm

12 th March, 2023	Nyamira	Cdf Hall	10:00am-2:00pm
12 th March, 2023	Mombasa	Kenya Coast National Polytechnic Hall	10:00am-2:00pm
14 th March, 2023	Kisumu	Grace Ogot Hall	10:00am-2:00pm

12 th March, 2023	Wajir	ICT Hall	10.00am-2.00pm
27 th March, 2023	Nairobi	Mini Chamber, County Hall, Postnet Building	10.00am-2.00pm

				S. NORRGE	CLEB OF THE NATIONAL ASSEMBLY
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8TH MARCH, 2023
HOUSE OF THE NATIONAL ASSEMBLY

COUNTY ASSEMBLY OF MERNU
OFFICE OF THE CLERK
THIRD ASSEMBLY (SECOND SESSION)
COUNTY ASSEMBLY OF MERNU (REGULAR SESSIONS)



NOTIFIED for general information that, pursuant to the provisions of Standing Order 28 of the County Assembly of Manukau, by a resolution made on Tuesday, 7 March, 2023, during the Meeting Setting, the County Assembly of Manukau has agreed to hold the following Special Meetings for 2023 as set out in the Schedule:

[illegible]

Sitting Days		Sitting Days	
Monday, 4 th April - Wednesday, 6 th May, 2023	Thursday, 7 th May - Friday, 8 th May, 2023	Monday, 4 th April - Wednesday, 6 th May, 2023	Thursday, 7 th May - Friday, 8 th May, 2023
Morning (8:00am - 12:00pm)	Afternoon (1:00pm - 4:00pm)	Morning (8:00am - 12:00pm)	Afternoon (1:00pm - 4:00pm)

Free Days May - Wednesday, 5th July, 2023 Weekdays (Morning & Afternoon) Wednesdays (Morning & Afternoon)	Long Business Friday 5th May - Monday 5th May, 2023 Second Party
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Monday, 10 th July - Wednesday, 12 th August, 2023	Tuesdays (Morning & Afternoon), Wednesdays (Morning & Afternoon)
Short Research Friday, 7 th July, 2023	

Monday, 17th September - Wednesday, 19th October, 2023	Thursdays (Morning & Afternoon), Wednesdays (Morning & Afternoon)
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Sitting Days Monday, 31st October – Wednesday, 01st December, 2023 Monday, 02nd November – Monday, 05th November, 2023	Afternoon Tuesdays (Morning & Afternoon), Wednesdays (Morning & Afternoon)	Lame Research Friday, 07th December, 2023 Monday, 12th February, 2024
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The County Assembly shall sit from 10:00 a.m. to 12:30 p.m. on Tuesdays and Wednesdays pursuant to the provisions of Standing Order 31 of the County Assembly of Meno Standing Orders, but more than one sitting may be directed during the same day.

the County Assembly of Murrumbidgee.

CLARK COUNTY ASSEMBLY OF MEMS



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INVITATION TO BID FOR SUPPLY AND INSTALLATION OF ICT

EQUIPMENT FOR DISEASE SURVEILLANCE IN KENYA
TENDER 91170625

ische Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH is implementing local cooperation measures on behalf of the Government of the Federal Republic of Germany

1. The bidder shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The bidder shall be responsible for obtaining all necessary permits and approvals from the relevant authorities. The bidder shall be responsible for obtaining all necessary permits and approvals from the relevant authorities.

of incomplete bids will be considered non-responsive.

For further information on 15.03.2023, thereafter no tender documents will be sent through the e-mail (KE.Inquiry@giz.de) by 20.03.2023.

Interested, please submit your complete proposal together with the requested documents in a sealed ENVELOPE clearly marked TENDER NO. GIZ/ 91170025, addressed as follows and to the tender box available in the Kenyan Country Office.

General Purchase Conditions and Procurement procedures of GIZ apply.

BIODIVERSITY LOCATION:
 GIZ COUNTRY OFFICE NAIROBI,
 RIVERSIDE SQUARE,
 8TH FLOOR GIZ OFFICE RECEPTION.

The tender deadline is on: 27.03.2023 at 2:00 P.M.

will not be allowed to contact or discuss any aspect of the tender with GIZ before closing of tender as this will lead to automatic disqualification. All clarifications should be sent through official email: KE_tenders@giz.de

**WRITTEN SUBMISSIONS
BY THE WITNESSES**



THE KENYA NATIONAL EXAMINATIONS COUNCIL

**PRESENTATION TO THE NATIONAL ASSEMBLY DEPARTMENTAL
COMMITTEE ON EDUCATION DURING THE VISIT AT NEW MITIHANI
HOUSE ON THURSDAY, 31ST AUGUST 2023 ON KNEC'S EXAMINATION
PROCESSES**

AUGUST 31, 2023

1.0 INTRODUCTION

- 1.1** The role of Education in the development of a country cannot be over emphasized. The knowledge and skills gained through education help in boosting economic growth. The Kenya National Examinations Council (KNEC) plays a critical role in the assessment of candidates and certification as proof of qualifications attained by individuals who have gone through the Kenyan education system. The integrity and credibility of KNEC examinations and certificates is therefore of uttermost importance not just to the Council, but to the entire nation.
- 1.2** KNEC has instituted several measures to ensure that the assessments conducted by the Council and the certification of candidates meet globally acceptable standards. Among other measures, membership to international and regional educational assessment associations enables KNEC to benchmark and involve other countries in the setting of standards for awarding and grading the various assessments done. KNEC is a member of the International Association for Educational Assessment (IAEA) and Association for Educational Assessment in Africa (AEAA). KNEC membership to these educational assessment associations ensures sharing of experiences and best practices through benchmarking meetings and participation in the annual conferences. KNEC is a founder and an active member of the AEAA. This month, KNEC has successfully hosted the 39th AEAA conference between 21st and 25th August 2023 at the Safari Park hotel, Nairobi.
- 1.3** As per KNEC Act, 2012, among functions of KNEC is required to undertake shall include:
- 1.3.1 set and maintain examination standards, conduct public academic, technical and other national examinations within Kenya at basic and tertiary levels;
 - 1.3.2 award certificates or diplomas to candidates in such examinations; such certificates or diplomas, shall not be withheld from the candidate by any person or institution;
 - 1.3.3 confirm authenticity of certificates or diplomas issued by the Council upon request by the government, public institutions, learning institutions, employers and other interested parties;
 - 1.3.4 undertake research on educational assessment;
 - 1.3.5 advise any public institution on the development and use of any system of assessment when requested to do so, and in accordance with such terms and conditions as shall be mutually agreed between the Council and the public institution;
 - 1.3.6 promote the international recognition of qualifications conferred by the Council;
 - 1.3.7 advise the Government on any policy decision that is relevant to, or has implications on, the functions of the Council or the administration of examinations in Kenya;

1.3.8 do anything incidental or conducive to the performance of any of the preceding functions.

1.4 At the basic Education level KNEC offers two examinations under the 8-4-4 system: KCPE and KCSE examinations. In addition, KNEC conducts formative and summative assessments at grades 3, 4, 5 and 6.

1.5 The Kenya National Examinations Council (KNEC) undertakes all the procedures from the test development, administration, marking and processing of the KCSE examination. The Council ensured that the rules and regulations are strictly adhered to during all the stages of the KCSE examination that enable timely release of credible examination results.

2.0 REGISTRATION OF CANDIDATES

2.1 The examination cycle begins with the registration of new examination centres and candidates. Candidates are registered either as school or private candidates. Private candidates register for examination at subcounty headquarters and are hosted in examination centres identified by the Subcounty Directors of Education.

2.2 Registration is a rigorous online process entailing the capture of accurate candidate's biodata and verification that the applicants meet qualifications to sit the KCSE examination. The subjects for which one is registered for are also captured according to defined clusters and a photo of the candidate is uploaded. The photo is used to generate photo album for identification of candidates during administration of examination. The photo is also embossed on the KCSE certificate as proof of candidate's identity. The use of photos is also a preventative measure taken by KNEC to curb impersonation of candidates.

2.3 Table 1 presents the candidature of KNEC examinations for 2022 and 2023

Table 1 Candidature

Examination/ Assessment	2022 Candidature	2023 Candidature	Increase / decline	% increase / decline	No.s examination / assessment centres
KCSE	884,117	903,260	19,143	2.17%	10,651
KCPE	1,244,333	1,415,315	170,982	13.74%	28,533
KPSEA	1,188,683	1,282,574	93,891	7.90%	32,584
KILEA	1,906	3,823	1,917	100.58%	484
Total	3,319,039	3,604,972	285,933	8.66%	

* KPSEA - Kenya Primary School Educational Assessment
KILEA - Kenya Intermediate Level Education Assessment

3.0 TEST DEVELOPMENT

- 3.1** This is a confidential exercise undertaken as soon as the candidature for the examination is determined. KNEC embraced a continuous improvement approach on the test development processes.
- 3.2** The drastic innovations introduced in 2016 have enabled availability of an adequate and secure pool of test items that can be combined to generate test papers at any time.
- 3.3** KNEC has a pool of subject experts who are setters and moderators and are not teachers at any secondary schools. The subject experts are continuously vetted and monitored.
- 3.4** KNEC has a large pool of test items in the bank and items are increased yearly. The way test papers for each year are put together, KNEC subject specialists, setters and moderators cannot predict.
- 3.5** The security of the test items has further been enhanced by procuring a confidential security printer to print all the basic education test papers with minimal human interactions.

4.0 ADMINISTRATION OF EXAMINATIONS

- 4.1** Examination materials are received from the printer packed in a secure carton that has four (04) layers of protection. The receipt of material and storage is done under the Multi-Agency approach that involves the General Service Unit, NIS, DCI and KNEC officers. A special team of General Service Unit (GSU) personnel provide a 24-hour security to the warehouse where the live examinations are stored.
- 4.2** The security measures at the warehouse includes CCTV Camera Surveillance; Access Control procedures; Fire management systems; Perimeter wall; Strong doors and locking systems; Adequate illumination; Signing of non-disclosure agreement; and Deployment of GSU officers.
- 4.3** In addition, KNEC has an offsite Command and Control post with phone and video capability to monitor any threats and handle them in real time. The Command Post which is manned by members of the DCI and NIS provides real-time feedback which can be retrieved on need basis.
- 4.4** Trucks delivering examination materials to the field are under security escort. Accountability documents are used for delivery of the materials by KNEC officers and receipt of the same by field officers.
- 4.5** Materials at the Distribution Centres are stored in metal containers, which have installed at the office premises of Deputy County Commander (DCC) or

Assistant County Commissioner (ACC). The containers have a double security padlock locking system, held by the Sub-County Director of Education (SCDE) and DCC/ACC.

- 4.6** KNEC has provided guidelines on the conduct and administration of the examination. These are stipulated in a document called the KNEC guidelines on the management and administration of KCSE examination. The document was distributed by KNEC and is in every examination centre under the custody of the centre manager for reference during the examinations. The roles and responsibilities of all persons involved in the administration and conduct of the KCSE examinations are outlined in this document as a measure to control standards and avert any attempts at examination malpractice.
- 4.7** KNEC also, before the national examination series, conducted briefing and sensitization to refresh all the contracted professionals on the expectations of KNEC and reiterate what is contained in the guidelines on the management and administration of KCSE examination. Briefing and sensitization workshop are conducted in all the counties in the country and the information cascaded to subcounty levels and further to the examination centres through the centre managers and supervisors.
- 4.8** Rehearsals are held in all the examination centres and monitored on sample basis by KNEC. During the rehearsals candidates are reminded of the rules and regulations governing the conduct of examinations and further taken through the penalties of examination malpractices as stated in the KNEC Act and printed on the examination timetables that each KCSE candidate is given.
- 4.9** During the rehearsals the supervisors in collaboration with the centre managers are expected to organize the seating arrangement of the candidates to ensure adequate spacing that will prevent malpractice. KNEC requires that there should be a spacing of 1.22m between candidates during the examinations.
- 4.10** Further, from 2016, KNEC uses containers located at the sub county headquarters as an innovation to improve and control the distribution of examination materials. This increased accountability in the storage and administration of examinations. Further, there was adoption of the multi agency approach with the involvement of the Ministry of Interior and Administration of National Government (DCC/ACC) and Ministry of Education (SCDE). These officers take full responsibility of the security and distribution of examination materials at the KNEC containers.
- 4.11** Geographically vast sub counties have additional containers to enable the far-flung examination centres get their examination material on time to start examinations within the stipulated time. During the 2022 KCSE examinations there were four hundred and eighty-nine (489) containers.
- 4.12** Another innovation is that centre managers (School Principals) are charged with the responsibility of collecting the examination materials for their respective

examination centres. Before 2016, this was the responsibility of supervisors. Each centre manager is escorted by 2 security personnel to their examination centre and the examination material is handed over to the supervisor in an examination room witnessed by security personnel. At the end of the examination day, the supervisor is required to handover sealed candidates' answer scripts packets to the centre manager who in turn returns them to the distribution centre for safe keeping as they await transportation back to KNEC. Centre managers are escorted to the distribution centre by armed security personnel.

- 4.13** In 2023 KCSE examination, KNEC is considering enhancing the security of examination materials to curb the challenges of early exposure by introducing a new schedule of collecting examination material twice in a day. The concept has been a success in other countries like Uganda. The concept has been applied in KNEC TVET examinations by administering examination in a single session that has reduced the duration of exposure of live question paper packets at the centre. It is however notable that introduction of this innovation will have huge financial implications related to increased transportation costs.
- 4.14** **295,582** teachers and **57,931** security officers are used across the country in the conduct and administration of examinations to ensure and check the integrity of the examination process.

5.0 MONITORING OF THE FIELD ADMINISTRATION OF EXAMINATIONS

- 5.1** The monitoring of the field administration of the KCSE examination is undertaken covering all the counties.
- 5.2** The key objectives of undertaking this exercise are as follows: -
- 5.2.1 Quality Assurance: To ascertain that all the regulations governing the conduct of the KCSE examination are adhered to.
 - 5.2.2 Deterrent measure against examination malpractices: To avert any threats to the credibility of the examination administration process.
 - 5.2.3 Registering the presence and active participation of KNEC while the KCSE examination is in progress as part of ownership of the process.
 - 5.2.4 Feedback mechanism for continual improvement as the observations made during the monitoring exercise are expected to inform and guide the future conduct of the examinations.
- 5.3** The national examination monitoring exercise is undertaken through a multi-agency approach involving security agencies and education stakeholders from the Ministry of Education (MoE) and other key stakeholders. Monitoring is also done at the grass roots level through the SCDEs, DCCs, ACCs and the teachers involved in supervision and invigilation. In addition, senior government officials from various Ministries, Departments and Agencies participates in the exercise.

- 5.4 All the officers involved in the monitoring are taken through a training on the guidelines on monitoring to ensure that there is a similar understanding and expectations. The intensity of the training varies depending on the number of years of experience in monitoring.
- 5.5 KNEC also has a call centre that receive queries and reports from the field during the administration of examinations. Prompt action is taken to cover regions or examination centres that are reported to be involved in examination malpractices.
- 5.6 Where supervision and invigilation teams in examination centres are observed not to be performing as expected, KNEC in collaboration with the SCDE- MOE and TSC organized for replacement of the staff.

6.0 MARKING OF EXAMINATIONS

- 6.1 KNEC only engages trained and practicing teachers in the marking of KCSE examinations. All examiners are taken through a training on marking by KNEC before their first engagement as examiners. KNEC trained new examiners for the examination papers that required additional examiners at various examiner training centres in Nairobi and its environs.
- 6.2 All examiners are required to declare interest before commencement of the marking exercise. Further, they sign an oath of secrecy not to divulge any information that they gain during the marking process to a third party to safeguard the confidentiality of the candidates' performance and the processes undertaken. They are expected to uphold integrity during the marking process and ensure all candidates are accurately scored according to the provided marking schemes.
- 6.3 Marking schemes are securely developed immediately after each examination paper is sat by the candidates. The marking schemes are securely stored for use during the marking exercise.
- 6.4 During administration of examinations, KNEC allocates random numbers to each school. This is to conceal identity of candidates' answer scripts by examiners during marking. During the packing of answer script for marking, KNEC mixes different schools' packets from different sub counties in a box. The boxes are issued to different teams for marking in a random manner. Only once a team completes it box is the next.
- 6.5 A total of **30,592** examiners participated in the 2022 KCSE marking exercise and were accommodated in **35** marking centres.
- 6.6 The KCSE examinations candidates' answer scripts are marked through a conveyor belt system. Each candidates' script is marked by more than one examiner in a conveyor-belt system under the team leader. This aimed at

enhancing objectivity, integrity and fairness in marking candidates' scripts. The Senior Examiners (Chief Examiners, Assistant Chief Examiners and Team Leaders) quality assure the marking process by coordinating a minimum of 10% of the candidates' answer scripts marked in their respective papers. The system adopted for marking ensures that the candidates are scored fairly, and the marks are consistent and reliable.

- 6.7 The Kenya National Examinations Council has also installed an integrated security surveillance system to monitor the marking process in all the marking centers. In addition, there is a multi-agency security deployment at the marking centres.

7.0 PROCESSING AND RELEASE OF EXAMINATIONS

- 7.1 A team of KNEC officers are deployed to each marking centre to ensure that candidates' marks are duly captured, validated and accounted for in all the papers. The KNEC quality assurance officers also quality assure all the examination processes including the processes at the marking centre.
- 7.2 At the end of the marking exercise all the Chief Examiners prepare and submit comprehensive reports on their papers for use during awarding and grade setting of the KCSE examination.
- 7.3 The KCSE examination is a **Criterion Referenced (C.R)** examination which aims at comparing each candidate's performance to a pre-defined set of criteria or a standard. The goal of the KCSE examination is therefore to determine whether the candidate has the demonstrated mastery of a certain skill or set of skills. This pre-defined set of criteria/ standard for each subject in the KCSE examination was developed at the inception of the examination to provide guidelines on the skills a candidate must be able to display as having mastered to be awarded a distinction, credit or pass.
- 7.4 A total of **thirty (30)** subjects were examined under the KCSE examination. These subjects are tested in **seventy-four (74)** papers. Candidates were required to sit for a minimum of **seven (07)** and maximum of **nine (09)** subjects.
- 7.5 KCSE examination awards and grade fixing is done on a 12 point scale as shown Table 3:

Table 3: The KCSE Examination 12-point grade system

Letter grade	Numeric grade (points)
A	12
A-	11
B+	10
B	9
B-	8
C+	7
C	6
C-	5
D+	4
D	3
D-	2
E	1

- 7.6** The KCSE examination results are presented to the KNEC Council for deliberation and approval.
- 7.7** Thereafter, the Cabinet Secretary, Ministry of Education approves the KCSE examination results after confirmation that all the procedures for the processing of the examinations were duly followed. The Cabinet Secretary briefs the President before the official release of examination results.

8.0 FUNDING CHALLENGES IN THE FY 2023/2024 ADMINISTRATION OF THE NATIONAL EXAMINATIONS (KCPE & KCSE AND GRADE 6 (KPSEA):

- 8.1** Prior to the FY **2014/2015**, the Council used to charge examinations fees for the KCPE and KCSE Examinations which the parents and institutions used to pay at the time of registration. The examinations are registered between February and March of every year. This arrangement gave the Council time to place these examinations fees in Fixed deposits with its approved bankers at least for a period of 6 months before the start of the administration of the examinations in August. The interest earned was able to assist the Council meet some of its personnel costs (PE).
- 8.2** From **2015** the Government of Kenya took over the payment of the Examinations fees first for Public funded candidates and in **2017** for all candidates including private schools' candidates. The payment of these fees by

Government are staggered throughout the financial year and thus the Council is unable to invest the fees in deposits for long periods before the administration of the examinations as before. This meant that the Council lost the interest income it used to earn.

- 8.3** For the new financial year **2023/2024** the Kenya National Examinations Council has been allocated **Kes.941,730,682** for KCPE and **Kes. 1,000,000,000** for KPSEA and **Kes.3,082,240,863** for KCSE. The estimated cost of administration of examinations has gone up coupled with increased candidature as a result of 100% transition policy.
- 8.4** The current capitation of **Kes.800** and **Kes.5,400** for KCPE and KCSE respectively were first introduced in **2013** and are insufficient for the new costs under the examination administration reforms that were introduced. These are the projected shortfalls in FY 2022/2023.

Table 4: Projected Shortfalls in Funding for administering National Examinations

	KCPE	FY	Kes.
a.	Projected Costs for Administering KCPE	2023/2024	1,079,313,393
b.	Recurrent Grant Allocation for KCPE	2023/2024	941,730,682
c.	Projected Shortfall for administering KCPE		(137,582,711)
d.	KCSE		
e.	Projected Costs for Administering KCSE	2023/2024	4,966,945,336
f.	Recurrent Grant Allocation for KCSE	2023/2024	3,082,240,863
g.	Projected Shortfall for administering KCSE		(1,884,704,473)
h.	KPSEA (Grade 6)		
i.	Projected Cost for Administering KPSEA	2023/2024	1,216,764,387
j.	Recurrent Grant Allocation for KPSEA	2023/2024	1,000,000,000
k.	Projected Shortfall for administering KPSEA		(216,764,387)

- 8.5** The Grants Allocations as well as the examinations administration costs are less Personnel Expenses and any Non-discretionary expenses. From the Financial Year 2019/2020 the Examinations fees grants have stagnated even in the face of increased candidature as shown below:

Table 5: KCPE Examinations Fees Grants

	FINANCIAL YEAR	TOTAL RECEIVED	CANDIDATURE
a.	2015/2016	631,261,080	938,912
b.	2016/2017	640,727,200	952,591
c.	2017/2018	788,868,800	1,003,446
d.	2018/2019	856,744,800	1,070,300
e.	2019/2020	942,130,682	1,088,989
f.	2020/2021	942,130,682	1,193,275
g.	2021/2022	942,130,682	1,225,546
h.	2022/2023	942,130,682	1,239,934
i.	2023/2024	941,730,682	1,415,534

Table 6: KCSE Examinations Fees Grants

	FINANCIAL YEAR	TOTAL RECEIVED	CANDIDATURE
a.	2015/2016	2,440,490,120	525,873
b.	2016/2017	2,568,141,512	577,256
c.	2017/2018	3,061,135,800	615,591
d.	2018/2019	3,167,123,912	664,586
e.	2019/2020	3,081,738,030	699,706
f.	2020/2021	3,081,738,030	752,706
g.	2021/2022	4,081,738,030	830,853
h.	2022/2023	3,081,738,030	884,122
i.	2023/2024	3,082,240,863	903,296

Table 7: KPSEA & SBA Fees Grants

	FINANCIAL YEAR	TOTAL RECEIVED	CANDIDATURE
a.	2022/2023	999,948,000	1,279,125
b.	2023/2024	1,000,000,000	1,283,170

8.6 OPERATIONS RECURRENT GRANT: Our operations recurrent grants have been falling over the years from a high of **Kes.300 million** in **FY 2014/2015**

to **Kes.149,100,000** allocated for **FY2022/2023** now increased to **Kes.742,410,000** for **FY 2023/2024**.

Table 8: Grants Received from FY 2014/2015 to 2023/2024

	FINANCIAL YEAR	TOTAL RECEIVED
a.	2014/2015	300,000,000
b.	2015/2016	200,000,000
c.	2016/2017	200,000,000
d.	2017/2018	200,000,000
e.	2018/2019	175,230,000
f.	2019/2020	177,000,000
g.	2020/2021	149,100,000
h.	2021/2022	149,100,000
i.	2022/2023	149,100,000
j.	2023/2024	742,410,000

- 8.7 NON - DISCRETIONARY EXPENDITURE - PERSONAL EMOLUMENT (PE):** Prior to 2016 the Council used to collect the KCPE and KCSE Fee from the parents and institutions on behalf of the Government as A-I-A. The collections used to be done at the time of registration which enabled the Council to invest the fees in short term deposits whose interest was used to pay the Personnel Expenses (PE). Thus, the Council saw no need to request for Personnel Expenses allocation from the National Treasury as this was fully catered for by these additional income streams. The Council's Personnel expenses (PE) projections for FY 2023/2024 stand at **Kes.1,145,492,366**.

8.8 THE DEFICIT SITUATION OF THE COUNCIL

	FINANCIAL YEAR	DEFICIT
a.	2014/2015	58,685,914
b.	2015/2016	125,260,182
c.	2016/2017	(227,005,443)
d.	2017/2018	(1,065,415,588)
e.	2018/2019	(854,467,244)
f.	2019/2020	(370,688,413)
g.	2020/2021	(684,840,731)
h.	2021/2022	(458,263,260)

i.	2022/2023 (Unaudited est.)	(370,870,771)
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Due to the deficits incurred from the **FY2016/2017** the Councils Revenue Reserves as at **30th June 2023** are negative **Kes.2,820,627,333** while as at the same date the Council was technically insolvent a matter which the Office of the Auditor General has raised as a qualification from the **FY 2017/2018 to date.**

8.9 RECOMMENDATIONS TO MEET THE FUNDING GAP

- a. **Funding of the Councils PE:** The Council being a service organization should be Funded for its PE by the National Treasury. For FY2023/24 the PE estimates are **Kes 1,145,492,366.**
- b. The National Treasury should Fund KCPE, KPSEA, SBA and KCSE at Cost at **Kes.1,200, Kes.750, Kes.150** and **Kes.6,400** respectively.
- c. The National Treasury to Fund KCPE, KPSEA, SBA and KCSE per capita, per candidate sitting the examination.
- d. The National Treasury should Fund the Council with a supplementary Budget of **Kes.2,003,829,970** which has been incurred using FY 2023/2024 Allocations to pay off the 2022 KCPE and KCSE Examiners expenses pending bills as at 30th June 2023.
- e. The National Treasury should fund the Council with a supplementary Budget of **Kes. 2,820,627,333** for the FY 2023/2024.

9.0 CHALLENGES EXPERIENCED IN THE KCSE EXAMINATIONS

- 9.1 **Inaccessible examination centres** - Difficulty in accessing examination centres that are in far-flung and insecure regions. This limited the ability of the Council to effectively quality assure the conduct of examinations in such examination centres.
- 9.2 **Inadequate funding from the National Treasury** - There has been an increase of over 50% candidature in KCSE examination but the government funding to KNEC has been unchanged since 2016. The funding has not been commensurate with the candidature change forcing KNEC to offer examinations under a constrained financial environment.
- 9.3 **Poor remuneration of contracted professionals** - Notably, the low funding has made it difficult for KNEC to improve the remuneration of field officers, supervisors, invigilators and examiners. This poses a risk to the examination process as some may be compromised in the process of executing their duties.

- 9.4 Unconducive working conditions for examiners** - The increase in candidature has led to the increased of the numbers of examiners and the capacity of the marking centres is becoming strained. This has resulted in congestion in marking centres and unfriendly remuneration hence increasing the turnover rates of examiners. An increase in capitation would help alleviate this but KNEC is also considering moving to e-assessment and e-marking to address such issues.
- 9.5 Abuse of social media platforms** - Misuse of social media by cartels through early exposure of examination material during examination period.

10.0 RECOMMENDED CHANGES IN THE 2023 KCSE EXAMINATIONS TO

- 10.1** Use of additional **eighty-seven (87)** containers for storage of examination material from **489** in the 2022 KCSE examination to **576** in 2023 and mapping of examination centres to the nearest distribution point (container).
- 10.2** Mapping of examination centres has been done to the nearest distribution point (container).
- 10.3** Collection of examination material twice a day to reduce incidents of early exposure.
- 10.4** Continuous vetting of contracted professionals before engagement in the 2023 examination exercise and reshuffling to reduce cases of comprise.
- 10.5** Engaging TSC to ensure timely and appropriate disciplinary action is taken against contracted professionals involved in examination malpractices by their respective employer and where necessary disengagement of those contracted professional perpetrating examination malpractices.
- 10.6** Closer working arrangements with DCI and CAK for prompt pulling down of social media walls sharing examination information and close monitoring of social media platform and informing the relevant institutions to act.
- 10.7** Amendment of KNEC Act to have stiffer penalties for persons perpetrating examination malpractices. This is especially the case of those who share examination questions on social media platforms and those who create fake accounts so as to hoodwink Kenyans into buying fake examination papers.
- 10.8** Increasing the duration for processing of examinations to enable detailed quality assurance process of all the examination processes.
- 10.9** Comprehensive sensitization of candidates, teachers, parents and other examination stakeholders.

- 10.10** Review of the contracted professional remuneration and working conditions especially during the marking process.
- 10.11** Ensure proper regional, ethnic, gender and school balance of examiners invited for the 2023 KCSE examination marking exercise.
- 10.12** Use of five additional marking centres for marking of the 2023 KCSE examination to decongest the marking centres.
- 10.13** Engagement with the National Treasury and the Ministry on changing of the funding model of examination from grants to per candidate.
- 10.14** KNEC to use its own warehouse for storage of examination materials.
- 10.15** Review computation of the overall grade at KCSE to consider Mathematics and English or Kiswahili and the best performed five subjects as per the recommendation of PWPER.
- 10.16** The reviewed grading systems will have a positive impact as it is expected to mitigate the stakes in national examination.

Dr. David Njengere, Mbs
Chief Executive Officer

KENYA NATIONAL EXAMINATIONS COUNCIL

Thursday, 31st August 2023



THE KENYA NATIONAL EXAMINATIONS COUNCIL

PROPOSED AMENDMENTS TO THE KNEC ACT

KNEC operates under the Kenya National Examinations Act, No. 29 of 2012. KNEC is in the process of reviewing the KNEC Act to update it to the current innovations and to strengthen the penalties for cheating and other malpractices. The review process began in October 2022. Among the areas considered for review to improve the conduct and administration of examinations as well as curb examination malpractices.

The proposed changes are as summarized as follows:

NO.	PROPOSED AMENDMENTS
1.	In view of the Country adopting the Competency Based Curriculum, the Council proposes to change its name from the <i>Kenya National Examinations Council</i> to the Kenya National Assessments Council. 'Assessments' cover both formative (school based), summative (examinations at the end of the learning cycle). Proposed amendment to the Preliminary would be as follows: <i>"An Act of Parliament to provide for the establishment, powers and functions of the Kenya National Assessments Council and the conduct of examinations; to provide for the repeal of the Kenya National Examinations Council Act, and for connected purposes"</i>
2.	The Council proposes to insert a new definition of 'assessment' to the definitions to Section 2 on Interpretations: Section 2. Interpretations "assessment" means the wide variety of methods or tools that the Council uses to evaluate, measure, and document the academic readiness, learning progress, skill acquisition, or educational needs of learners, performance and or achievement levels and includes examinations."
3.	The Council proposes to insert a new clause (4) to Section 4 allowing it to establish County or regional offices so that it is better placed to offer services to Mwananchi and for better and more efficient coordination and implementation of the Council's mandate. The new clause will state as follows:

	Section 4 (4) The headquarters of the Council shall be in Nairobi, but the Council may progressively establish such regional offices as are necessary for the efficient and effective coordination and implementation of the mandate of the Council.
4.	The Council proposes to offer Examination Results Certification in place of replacement of certificates. The Council will thus offer certification documents to replace lost or damaged certificates in Section 10 (1) (d) which will certify the results that they obtained before. Section 10 (1) (d) will be amended to state: <i>Section 10 (1) (d) <u>Issue examination results certification</u> to candidates in such examinations upon acceptable proof of loss of the original.</i> This will be in line with international standards and practise where it is impossible to replace certificates, especially old ones, wherein the definition of replacement would require substituting with an exact copy of the original, which is not possible. This is still a certificate and will have the same weight as an original certificate. Attendant to that would be the amendment to Section 10(2)(c) on the powers under replacement, with the proposed amendment to be: <i>Section (2) (c) - make rules regulating the conduct of issuance of <u>examination results certification</u> for certificates or diplomas <u>that have been lost or damaged</u> and for all purposes incidental thereto.</i>
5.	The Council proposes to include a new function of conducting equation of certificates issued by accredited foreign examining bodies (those who have studied and acquired certificates abroad) with qualifications awarded by the Council in Section 10 (1) (cc) being: <i>Section (1)(cc) <u>equate certificates issued by accredited foreign examining bodies with the qualifications awarded by the Council;</u></i> Currently it only exists as a power under Section 10(2) when it should also be a function under Section 10(1).
6.	The Council proposes to insert a superseding clause so that where there is a conflict between the provisions of the KNEC Act and the provisions of any written law with regard to the powers or functions of the Council to conduct national assessments. The proposed new clause shall be inserted as Section 10(3) and state:

	Section 10(3) Where there is a conflict between the provisions of this Act and the provisions of any written law with regard to the powers or functions of the Council under this Act, the provisions of this Act shall prevail.
7.	Global trends in education place more emphasis on achievement of individual learning outcomes without comparing with others' performance hence shifting away from the need for ranking. The Council proposes to replace Section 10A on Ranking of Schools with the requirement for dissemination of candidate performance analysis reports to stakeholders, schools, teachers and parents. The new provision would provide for dissemination of performance reports to every school and every student, which is the focus and purpose of the competency-based curriculum, so that focus is not on competition between schools and candidates, but on individual performance: Section 10A would not state as follows: Section 10A. Dissemination of performance reports (1) The Council shall cause performance analysis and progress reports for candidates to be disseminated to stakeholders and the public
8.	The Council proposes to make an amendment to Section 11 on Powers of the Council, to state as follows: Section 11. Powers of the Council <i>The Council shall have all powers necessary for the proper performance of its functions under this Act and shall not be subject to any form of accreditation by any other body, in particular, but without prejudice to the generality of the foregoing, it shall have power to-</i> This will ensure that the Council is not curtailed in the exercise of its powers with regard to national assessments conducted by the Council.
9.	The Council proposes to insert a new offence of sharing examination material on social media and other electronic mediums of mass communication, with a maximum imprisonment of five years and maximum fine of ten millions shillings. This is because the sharing of examination materials before or during the examination period on social media greatly impacts the credibility of national examinations in Section 27 (4). The new sub-section shall states as follows: Section 27 (4) A person who, before or during an examination, negligently or wilfully, assists or causes any examination paper, material or information or any part thereof, to be shared on any social media platform, electronically or on any means of mass

	<i>communication, commits an offence and is liable, upon conviction, to imprisonment for a term not exceeding five years, or a fine not exceeding ten million shillings, or to both.</i>
10.	The Council proposes an amendment to Section 28(d) to the offence of where scripts are inserted into the examination packet of candidates who did not sit the examination at the school in Section 28. Section 28. Examination malpractices <i>(d) fraudulently replaces the original answer script of a candidate or fraudulently inserts the script of a candidate who did not sit the examination in the examination centre;</i>
11.	The Council proposes the insertion of the new offence of failing to submit assessment scores for school-based assessment course work or project such as under KILEA and KPSEA, as the candidates will not be able to get certificates, in Section 28. Section 28. Examination malpractices <i>(h) Wilfully or negligently fails to submit scores for school-based assessments or projects scores to the Council, causing the candidate not to meet the requirements for the course.</i>
12.	The Council proposes the amendment of the offence of possession of offensive weapons or causing disturbances to include not just at the schools during administration of examinations, but also at marking centres in Section 33. Section 33. Possession of offensive material and <u>causing disturbances at assessments centres</u> <i>(1) A person who, at or near an examination venue or any other place appointed for an examination, processing or marking of an examination –</i> <i>a) has in his or her possession any offensive weapon or other material or uses any offensive weapon or other material on any other person; or</i>
13.	The Council proposes the amendment of Section 42 (2) to protect the integrity of the examination process and the privacy of candidates' data by amending Section 42(2) to include data or script or any material. The section shall now state as follows: 42. Limitation on right to access information <i>(2) The Council, being a public entity shall be under no obligation contemplated under Article 35 of the Constitution to give such information, data or script or any material, as would, in the opinion of the Council-</i>

14.	The Council proposes to add a new section that ensures that management of personal data is in accordance with the principles of personal data protection as set out in the Data Protection Act and that the Council data is a national repository of examination data held in the public interest, being Section 42A. 42A. Data protection. (1) The Council shall ensure the management of personal data is in accordance with the principles of personal data protection as set out in the Data Protection Act. (2) The Council is a national repository of examination data held in the public interest. Accordingly, in line with section 51(2)(b) of the Data Protection Act, national assessments data shall be exempt from the provisions of the Data Protection Act, 2019 in the public interest.
15.	The Council proposes a section to introduce e-assessment and e-marking gradually. This will involve the use of computer software and digital devices to develop, administer and mark assessments and examinations online. This will be a shift away from paper based examinations which are manual, costly and logistically challenging. The Council proposes the insertion of new rules in Section 48 for confirmation of examination results, issuance of examination results certification and conduct of e-assessment. The proposed new insertion is as follows: “48. Rules (ha) confirmation of examination results; (hb) issuance of examination results certification; (hc) Conduct of e-assessment.”
16.	Section 48(3) provided that at no examination fees or other examination charges shall be levied from Kenyan citizens in respect of KCPE and KCSE. In view of the discussions around the funding challenges of the Kenya National Examinations Council due to the stagnant capitation, funding not being pegged to candidature and the Government move towards parents progressively contributing towards examinations fees, especially private candidates, it is proposed that Section 48(3) be reviewed. The same is also soon being overtaken by events with the new competency-based curriculum, this being the last intake for KCPE.

PROPOSED NEW RULES	
17.	The Council proposes to include new rules for school-based assessment that is being conducted under KILEA and KPSEA in the KNEC <i>Conduct</i> and <i>Marking of Examinations Rules of 2015</i> .
18.	The Council is developing new Rules on E-Assessment covering the registration, administration, conduct and e-marking of examinations under e-assessment as well as the new irregularities that will exist in e-assessment that were not envisioned in the Rules of 2015.

KAKAMEGA CDE



REPUBLIC OF KENYA
MINISTRY OF EDUCATION
State Department of Basic Education

KAKAMEGA COUNTY PARLIAMENTARY HEARING RESPONSE

1. There were no cases of malpractices reported.

However, a candidate was found with a mobile phone that was confiscated and handed over to knec.

All exam centers got their knec results for 2022.

2. There were adequate preparations by KNEC and MOE:
 - A. There was proper briefing of CDES, SCDES, TSC county and sub county directors and DCCs.
 - B. There was thorough briefing by KNEC officials in all the 13 sub counties targeting all Centre managers, security personnel, TSC sub county directors
 - C. Exams were secured in containers that were guarded twenty-four hours.
 - D. Centres would always be opened between 0630hrs and 0700hrs.
 - E. The centre managers were using government and school buses escorted by the security.
 - F. Each center was allocated at least 2 security officers.
 - G. The exam papers would be taken to exam rooms where they were guarded by police officers.

- H. Opening of the exam papers would be done in the exam room. This was witnessed by candidates, center managers, invigilators, security personnel monitors.
- I. Exam papers would be returned to the envelop, stapled and placed Infront of the candidates.
- J. The candidates' scripts and exam papers remained under police guard until transported to the containers.
- K. The Centre managers were under police escort while returning the candidates scripts back to the containers.
- L. There was strict adherence to starting time as indicated in the KNEC time table
- M. Teachers were not allowed in schools during exam period. Only science teachers and lab technicians were allowed in schools to prepare for practicals.
- N. All centres had adequate number of supervisors and invigilators. The supervisors and invigilators were thoroughly briefed on their roles.
- O. There was thorough frisking of candidates.
- P. During science practicals, candidates who were coming in for next session were isolated and monitored by the invigilators.
- Q. Those who had done practicals were not allowed to mix with those who were set to do the practicals.
- R. There was regular monitoring by SCDEs, CDE, CC, ACCs and external monitors from KNEC



**KESSHA NYAMIRA COUNTY PRESENTATION ON ALLEGED
MASS CHEATING IN KCSE 2022 TO PARLIAMENT
DEPARTMENTAL COMMITTEE ON EDUCATION ON 23RD
MARCH 2023.**

The KESSHA appreciates the invitation and states as follows:

1. a) There was no reported case of cheating in KCSE 2022 in Nyamira County.
- b) Nyambaria Boys High School, a National School emerged the top school Nationally and the school has had a steady rise in performance from 2020 as follows:-

<u>YEAR</u>	<u>ENTRY</u>	<u>M.S.S</u>	<u>UNIVERSITY QUALIFIERS</u>
2019	477	8.015	365
2020	543	8.753	506
2021	580	9.309	567
2022	488	10.898	488

- c) Nyamira as a County managed 30 Plain A grades, 28 from Nyambaria High and 2 from Sironga girls, both National Schools.

d) That whereas Nyamira as a County recorded a positive deviation of 0.872, it was the last county in Nyanza Region.

2. On whether there were any incidences or malpractices in the examination, we wish to state no case was reported in Nyamira County.

When cheating occurs, it is because of some of the following ;

- i. Employer (TSC) writing/warning letters to principals when a school M.S.S drops without considerations of underlying reasons.
- ii. Ranking of schools that puts pressure on centre managers to appear at the top of rank for promotion and recognition by TSC .
- iii. Rogue KNEC officers releasing marking schemes to cartels early before exams.
- iv. Pressure on principals to post excellent results by certain stakeholders including politicians and community.
- v. TSC pegging promotions to KCSE performance.

3 . On whether there were adequate measures taken by MOE and KNEC to curb cheating and KNEC preparedness, we wish to state as follows:-

- a) MOE and KNEC did adequate briefing from early in the year to principals, Supervisors, CSOs etc.
- b) The opening of containers was done at 7.00 a.m in full view of the centre managers and other KNEC officers and education officers plus security witnessed the openings each morning.
- c) Security officers escorted examinations to schools and in some cases were changed weekly to reduce chances of compromise.

d) MOE and KNEC allocated its officers to monitor the progress randomly in schools and they did.

4. On effectiveness of KNEC guidelines to curb malpractices, we wish to state as follows:

a) The guidelines were clear and assisted the Supervisors to guide candidates before exams began.

b) The timetables were followed as drawn with examinations starting at the same time to avoid early exposure.

5. On adequate preparedness of marking stations with regard to marking schemes, integrity of examiners award of marks and moderation we wish to state as follows:-

a) Nyamira County did not host any marking centre.

b) Marking schemes are prepared and kept by KNEC.

The examinations body should be able to state to confirm if their marking schemes left their custody before hand but these were not observed in any of Nyamira Schools.

c) Examiners are trained and manned by KNEC at the Marking Centres.

d) Moderation process is hardly known even to the examiners who mark exams. The examiners only award raw marks as per the marking scheme and KNEC does the rest.

6. On efficiency and effectiveness and integrity of exam management officers from KNEC.

- a) The officers did their work presumably as instructed by the examinations body
- b) They stayed in some schools through the exam period, some for a week, some for a few days depending on instruction they received from KNEC.
- c) The officers had high integrity and they signed monitoring forms in schools where they visited.

7. On whether there is need to review penalties on malpractices:

The penalties are already punitive enough to discourage any officers found on the wrong.

There is therefore need to enforce the penalties already in place.

Signed by



JOB OIRA

Chairman for and on behalf of KESSHA Nyamira

Attachments

1. Schools overall performance in KCSE with M.S.S of 2020,2021 and 2022.
2. Sample monitoring lists.

MINISTRY OF EDUCATION

NYAMIRA COUNTY

2022 KCSE EXAMINATION RESULTS ANALYSIS

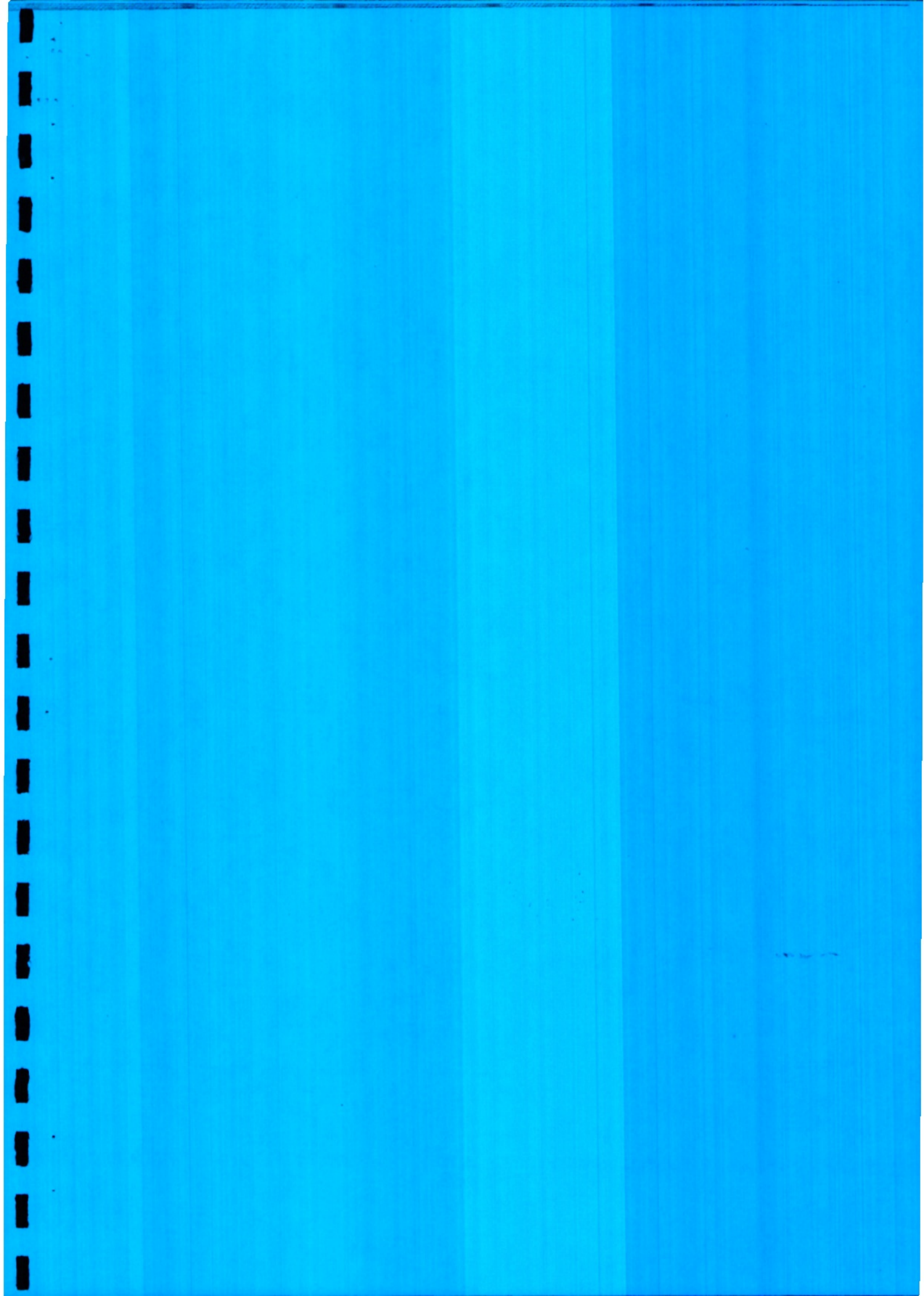
GRADES

TABLE 1: SCHOOLS ORDER OF MERIT

GRADES																											
CANDIDATURE				TOTAL																							
S/N	COU	SUB	NAME OF SCHOOL	B	C	TOTAL	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E	X	Y	U	P	W	2020 MS	2021 MS	2022 MS	DEV
0	NTY	COUNTRY																									
1	NYAM	MANGA	NYAMABARIA BOYS	488	0	488	28	383	76	1	0	0	0	0	0	0	0	0	0	0	0	0	0	8.753	9.309	10.898	1.589
2	NYAM	BOBARU	ST GOZAGACONZA	37	46	83	0	8	58	19	0	0	0	0	0	0	0	0	0	0	0	0	0	7.103	8.044	9.871	1.826
3	NYAM	MASABA	NYAKONGO BOYS H	194	0	194	0	6	91	82	14	1	0	0	0	0	0	0	0	0	0	0	0	6.650	8.720	9.540	0.820
4	NYAM	MANGA	TOMBE GIRLS	0	187	187	0	6	59	86	33	3	0	0	0	0	0	0	0	0	0	0	0	4.786	5.206	9.177	3.970
5	NYAM	BOBARU	ST PAULS GK KANO	234	203	437	0	8	129	227	62	11	0	0	0	0	0	0	0	0	0	0	0	5.403	8.125	9.140	1.014
6	NYAM	MANGA	ST PAULS GK KANO	142	0	142	0	1	31	88	20	2	0	0	0	0	0	0	0	0	0	0	0	6.320	6.300	9.063	2.763
7	NYAM	NYAMIRA	ST PAULS GK KANO	57	64	121	0	0	37	59	20	5	0	0	0	0	0	0	0	0	0	0	0	5.282	5.360	9.058	3.698
8	NYAM	BOBARU	NYANSIONGO BOYS	266	0	266	0	6	65	134	55	4	0	0	0	0	0	0	2	0	0	0	7.300	9.311	9.053	-0.026	
9	NYAM	BOBARU	MENTENYA SDA HIC	119	113	232	0	4	53	93	74	8	0	0	0	0	0	0	0	0	0	0	5.830	6.913	8.875	1.962	
10	NYAM	BOBARU	RIGOKO SECONDAR	23	29	52	0	1	13	19	15	4	0	0	0	0	0	0	0	0	0	0	4.926	5.728	8.846	3.116	
11	NYAM	NYAMIRA	RIGOKO SECONDAR	362	0	362	0	4	51	202	93	11	0	0	0	0	0	0	0	0	0	0	8.859	9.174	8.820	-0.353	
12	NYAM	MANGA	NYAKIRO MIXED H	100	97	197	0	1	26	88	72	10	0	0	0	0	0	0	0	0	0	0	5.900	8.052	8.695	0.643	
13	NYAM	BOBARU	ST ANDREW KACGW	0	37	37	0	0	3	18	15	1	0	0	0	0	0	0	1	0	0	0	6.237	7.206	8.622	1.442	
14	NYAM	NYAMIRA	ST ANDREW KACGW	40	44	84	0	0	7	37	34	4	1	0	0	0	0	0	0	0	0	0	3.494	4.140	8.500	4.560	
15	NYAM	NYAMIRA	ST PETERS NYAKEM	255	254	509	0	1	31	176	225	73	3	0	0	0	0	0	0	0	0	0	8.041	8.844	8.318	-0.525	
16	NYAM	NYAMIRA	KIABONYORU SEC	38	38	76	0	0	4	27	28	12	4	1	0	0	0	0	0	0	0	0	5.162	5.930	8.160	2.230	
17	NYAM	MASABA	MATUTU P.A.G SEC	35	21	56	0	0	4	19	21	7	4	1	0	0	0	0	0	0	0	0	2.556	5.000	8.139	3.139	
18	NYAM	NYAMIRA	P.A.G. MASABA	36	39	75	0	0	2	20	41	8	2	2	0	0	0	0	0	0	0	0	5.243	7.240	8.080	0.840	
19	NYAM	NYAMIRA	KEBABE GIRLS	0	142	142	0	0	4	34	73	31	0	0	0	0	0	0	0	0	0	0	5.413	4.867	8.078	3.210	
20	NYAM	MANGA	ST THERESA GK KANO	0	36	36	0	0	1	6	20	9	0	0	0	0	0	0	0	0	0	0	5.618	5.621	7.972	2.351	
21	NYAM	NYAMIRA	MATONGO BOYS H	148	0	148	0	2	7	43	42	33	15	4	2	0	0	0	0	0	0	0	5.963	7.077	7.865	0.786	
22	NYAM	NYAMIRA	IKONGE PAG GIRLS	0	59	59	0	0	1	13	24	16	5	0	0	0	0	0	0	0	0	0	4.121	4.597	7.814	3.217	
23	NYAM	BOBARU	MANGA GIRLS	0	106	106	0	0	4	27	35	29	8	2	0	0	0	0	0	0	0	0	5.670	5.560	7.774	2.288	
24	NYAM	NYAMIRA	ST JOSEPHS BIEGO	24	27	51	0	0	0	12	21	14	3	0	1	0	0	0	0	0	0	0	5.275	5.567	7.765	2.198	
25	NYAM	NYAMIRA	NYAMIRANGA SEC	76	84	160	0	0	0	12	29	39	52	22	6	0	0	0	0	0	0	0	4.378	4.187	7.619	3.432	
26	NYAM	NYAMIRA	SIRONGA GIRLS	0	314	314	2	12	27	57	57	82	43	27	7	0	0	0	0	0	0	0	7.675	7.650	7.611	-0.039	
27	NYAM	NYAMIRA	ST JOSEPHS BIEGO	136	0	136	0	0	0	17	71	38	8	0	0	0	0	0	0	0	0	0	8.085	7.150	7.610	0.460	
28	NYAM	NYAMIRA	GESIGA SECONDAR	251	301	552	0	0	19	87	189	191	58	6	0	0	0	0	1	0	1	0	5.603	7.687	7.609	-0.078	
29	NYAM	NYAMIRA	MERCY KANGENYO	0	153	153	0	0	6	26	40	54	21	6	0	0	0	0	0	0	0	0	5.978	7.944	7.503	-0.441	
30	NYAM	NYAMIRA	GEKONGE SECONDAR	51	57	108	0	0	2	14	29	46	12	5	0	0	0	0	0	0	0	0	4.393	4.513	7.380	2.867	
31	NYAM	MASABA	RIOGA MIXED SEC	180	258	438	0	0	8	52	126	136	72	38	4	0	0	0	1	0	0	0	4.857	4.448	7.222	2.774	
32	NYAM	MASABA	KEKONGETA SEC	47	27	74	0	0	7	16	14	9	11	10	6	1	0	0	0	0	0	0	4.446	4.828	7.220	2.592	
33	NYAM	NYAMIRA	KIABONYORU GIRLS	0	71	71	0	0	0	7	22	24	15	2	1	0	0	0	0	0	0	0	3.800	3.742	7.198	3.456	
34	NYAM	MASABA	KIYABE MIXED SEC	101	110	211	0	1	4	24	54	77	38	10	0	0	0	0	3	0	0	0	4.230	6.832	7.182	0.350	
35	NYAM	NYAMIRA	BOSIANGO S.D.A	43	47	90	0	0	1	16	29	14	9	16	4	1	0	0	0	0	0	0	6.098	6.750	7.078	0.322	
36	NYAM	BOBARU	ST MATTHIAS MULUN	0	65	65	0	0	1	2	18	25	16	2	0	0	0	0	0	0	0	0	4.717	5.035	6.969	2.057	
37	NYAM	BOBARU	ST THOMAS MOORE	54	36	90	0	0	3	13	28	17	8	15	2	1	0	0	2	0	0	0	4.136	3.763	6.933	3.389	
38	NYAM	BOBARU	ST THOMAS MOORE	0	33	33	0	0	0	3	8	13	6	2	0	0	0	0	1	0	0	0	4.930	4.300	6.909	2.830	
39	NYAM	NYAMIRA	ST THOMAS MOORE	20	24	44	0	0	0	0	16	14	9	4	0	1	0	0	0	0	0	0	3.643	3.514	6.866	3.372	
40	NYAM	NYAMIRA	ST THOMAS MOORE	159	251	410	0	0	3	10	113	141	94	45	4	0	0	0	0	0	0	0	5.672	9.060	6.821	-2.192	
41	NYAM	NYAMIRA	MOTAGARA GIRLS	0	39	39	0	0	0	3	9	10	12	5	0	0	0	0	0	0	0	0	4.286	6.677	6.821	0.144	
42	NYAM	NYAMIRA	ST JOSEPHS BIEGO	20	11	31	0	0	0	1	7	10	9	4	0	0	0	0	0	0	0	0	3.667	2.490	6.742	4.252	
43	NYAM	NYAMIRA	NYAKOKANI SEC	77	0	77	0	0	3	4	14	15	29	10	1	0	0	0	0	0	0	0	5.648	5.028	6.724	1.695	
44	NYAM	NYAMIRA	GEKENDO SECONDAR	44	10	54	0	0	0	7	12	5	11	14	5	0	0	0	0	0	0	0	3.580	3.719	6.482	2.763	

[illegible]

96	NYAM MASABA	ST DANIEL ERONGE	43	31	76	0	0	0	0	0	0	2	3	4	10	19	14	1	0	0	0	0	0	0	3.807	3.362	4.392	1.030
97	NYAM NYAMIRA	MAAGONGA SECONDARY	36	59	115	0	0	0	0	0	0	4	4	15	26	32	28	6	0	0	0	0	0	0	4.330	3.377	4.383	1.006
98	NYAM NYAMIRA	TECHNICAL	9	7	16	0	0	0	0	0	1	1	2	2	4	5	1	0	0	0	0	0	0	1.635	1.970	4.375	2.405	
99	NYAM MASABA	ESANI SECONDARY	25	24	49	0	0	0	0	0	0	5	7	27	28	7	2	0	0	0	0	0	0	3.608	2.341	4.355	2.014	
100	NYAM NYAMIRA	NYACH HOKOCHOGIC	25	15	40	0	0	0	0	0	0	4	4	4	7	12	10	3	0	0	0	0	0	2.630	3.380	4.275	0.895	
101	NYAM BOBARU	MOKUSHI SECONDARY	20	18	38	0	0	0	0	0	0	2	2	3	7	11	9	4	0	0	0	0	0	4.830	3.947	4.263	0.316	
102	NYAM MANGA	MANGA GILIS MOI	0	63	63	0	0	0	0	0	1	1	1	14	9	20	13	6	0	0	0	0	0	4.948	5.220	4.254	0.966	
103	NYAM MANGA	NYAGIJKU SECONDARY	22	15	37	0	0	0	0	0	0	1	1	5	9	11	4	5	1	0	0	0	0	3.929	3.659	4.243	0.585	
104	NYAM NYAMIRA	ST JOSEPH	34	32	66	0	0	1	0	0	0	4	6	14	15	23	3	0	0	0	0	0	0	3.051	3.820	4.227	0.407	
105	NYAM MANGA	NYALSA MANGA	101	76	177	0	0	0	0	0	0	4	7	27	41	35	44	17	0	2	0	0	0	4.610	4.757	4.211	-0.546	
106	NYAM BOBARU	ST JOSEPH LIETEGO	21	10	31	0	0	0	0	0	0	1	1	1	4	18	4	2	0	0	0	0	0	3.394	4.240	4.161	-0.080	
107	NYAM NYAMIRA	KEJOKI P.A.G MIXED	21	42	63	0	0	0	0	0	0	3	1	5	15	30	0	3	0	0	0	0	0	4.277	4.750	4.159	-0.591	
108	NYAM MASABA	KEJOKI P.A.G MIXED	35	17	52	0	0	0	0	0	1	3	4	12	13	16	3	1	1	0	0	0	0	2.930	2.771	4.147	1.376	
109	NYAM MASABA	MACHIGURUATI SECONDARY	16	17	33	0	0	0	0	0	0	0	0	8	6	5	11	3	0	0	0	0	0	3.091	3.705	4.144	0.438	
110	NYAM NYAMIRA	KENYORO ELCK SEC	31	39	70	0	0	0	0	1	1	5	7	11	15	17	16	0	0	0	0	0	0	3.922	3.163	4.085	0.922	
111	NYAM NYAMIRA	ST JOSEPH	26	14	40	0	0	0	0	0	1	2	4	4	7	10	11	4	1	0	0	0	0	3.726	4.160	4.075	-0.085	
112	NYAM MASABA	ST YVINALIS NYAM	16	11	27	0	0	0	0	0	0	1	1	2	6	10	10	5	0	0	0	0	0	3.965	3.700	4.052	0.372	
113	NYAM MASABA	KEIRIKHI SECONDARY	21	15	36	0	0	0	0	0	0	1	1	3	7	7	3	1	2	1	0	0	0	3.066	3.104	4.058	0.894	
114	NYAM NYAMIRA	GETARE MIXED SEC	27	18	45	0	0	0	0	0	1	2	2	5	16	17	2	0	0	0	0	0	0	3.312	2.790	4.047	1.257	
115	NYAM NYAMIRA	ST JOSEPH'S NYAMIC	25	18	43	0	0	0	0	0	1	1	2	4	5	7	16	7	1	0	0	0	0	2.953	2.560	4.000	1.440	
116	NYAM MASABA	ROMANGA DEB SEC	19	20	39	0	0	0	0	0	1	2	4	2	12	16	2	1	0	0	0	0	0	2.760	2.833	3.999	1.162	
117	NYAM NYAMIRA	ST YVINALIS	28	15	43	0	0	0	0	1	0	4	6	6	8	6	9	9	0	0	0	0	0	3.323	2.640	3.930	1.290	
118	NYAM NYAMIRA	ST PHILIPS KATETI	53	37	90	0	0	0	0	0	0	2	2	6	16	24	28	12	0	0	0	0	0	3.279	3.520	3.889	0.369	
119	NYAM NYAMIRA	NTANA SECONDARY	51	62	113	0	0	0	0	0	0	2	0	9	12	46	36	8	0	0	0	0	0	3.333	3.726	3.876	0.150	
120	NYAM MASABA	ST DON BOSCO SEC	45	40	85	0	0	0	0	0	0	3	6	7	10	4	0	0	0	0	0	0	0	4.860	4.421	3.875	0.546	
121	NYAM MASABA	ST LUKES NYASIMI	10	20	30	0	0	0	0	0	1	3	8	16	19	30	12	0	0	0	0	0	0	3.674	3.411	3.875	0.464	
122	NYAM MANGA	MOKWERIRO	17	20	37	0	0	0	0	0	1	0	3	3	4	11	15	7	0	0	0	1	0	3.375	3.664	3.861	0.197	
123	NYAM NYAMIRA	SECONDARY	29	37	66	0	0	0	0	0	0	4	6	7	17	24	7	0	0	0	0	0	0	3.609	3.000	3.833	0.833	
124	NYAM NYAMIRA	ST JOSEPH	14	17	31	0	0	0	0	0	0	0	2	4	14	7	4	0	0	0	0	0	0	3.939	2.810	3.774	0.964	
125	NYAM BOBARU	ST JOSEPH	8	16	24	0	0	0	0	0	1	1	1	3	8	8	3	0	0	0	0	0	0	2.771	3.214	3.730	0.536	
126	NYAM NYAMIRA	TECHNICAL	17	19	36	0	0	0	0	0	1	1	2	5	10	9	8	0	0	0	0	0	0	4.128	2.590	3.750	1.170	
127	NYAM NYAMIRA	TECHNICAL	35	45	80	0	0	1	0	0	0	7	7	3	8	17	27	17	0	0	0	0	0	4.139	3.510	3.780	0.240	
128	NYAM NYAMIRA	TECHNICAL	39	27	66	0	0	0	0	2	0	2	3	3	9	17	18	15	0	0	0	0	0	3.945	2.850	3.742	0.892	
129	NYAM NYAMIRA	TECHNICAL	36	37	73	0	0	0	0	0	0	0	5	18	13	28	8	1	0	0	0	0	0	3.565	3.707	3.740	0.033	
130	NYAM MANGA	MIRINI SECONDARY	12	23	35	0	0	0	0	0	1	1	4	5	5	9	9	1	0	0	0	0	0	4.200	3.393	3.714	0.321	
131	NYAM BOBARU	MIXED	37	26	63	0	0	0	0	0	1	0	6	4	20	26	5	1	0	0	0	0	0	3.600	2.737	3.698	0.961	
132	NYAM MANGA	KINDICE SECONDARY	14	12	26	0	0	0	0	0	0	2	2	5	7	6	6	0	0	0	0	0	0	3.139	1.973	3.654	1.681	
133	NYAM NYAMIRA	OMORARE P.A.G MIXED	2	9	11	0	0	0	0	0	0	0	0	1	6	3	1	0	1	0	0	0	0	1.660	1.900	3.640	1.740	
134	NYAM NYAMIRA	GEORE P.A.G SECONDARY	23	23	46	0	0	0	0	0	0	0	1	8	19	17	5	0	0	0	0	0	0	3.240	2.330	3.630	1.300	
135	NYAM NYAMIRA	GITWERE D.E.B SEC	10	11	21	0	0	0	0	0	0	0	0	0	2	8	10	0	0	1	0	0	0	3.420	2.500	3.600	1.100	
136	NYAM MANGA	ST ALEXANDER KION	18	24	42	0	0	0	0	0	1	1	2	4	7	13	13	1	0	0	0	0	0	3.771	3.564	3.571	0.207	
137	NYAM MASABA	ST FRANCIS NYATIER	21	15	36	0	0	0	0	0	0	1	1	4	10	16	2	1	0	0	0	0	0	3.582	3.590	3.562	-0.029	
138	NYAM NYAMIRA	IKAMU SECONDARY	42	36	78	0	0	0	0	0	1	3	1	8	24	25	14	2	0	0	0	0	0	3.034	2.778	3.539	0.761	
139	NYAM NYAMIRA	OUR LADY OF MERCY	15	18	33	0	0	0	0	0	0	1	6	7	14	5	0	0	0	0	0	0	0	2.896	3.442	3.515	0.073	
140	NYAM NYAMIRA	NYASIO ELCK GILIS	0	43	43	0	0	0	0	0	0	5	2	5	3	8	18	1	1	0	0	0	0	3.500	3.359	3.453	0.094	
141	NYAM NYAMIRA	KENGLISO SECONDARY	20	11	31	0	0	0	0	0	0	0	1	4	11	7	8	0	0	0	0	0	0	3.090	3.150	3.452	0.302	
142	NYAM MANGA	GEJURE ELCK SEC	123	91	214	0	0	0	0	0	2	6	4	11	62	94	33	2	0	0	0	0	0	3.928	2.715	3.444	0.729	
143	NYAM NYAMIRA	ST JOSEPH MIXED	19	11	30	0	0	0	0	0	2	2	0	3	5	3	13	2	0	0	0	0	0	2.563	1.940	3.400	1.460	
144	NYAM NYAMIRA	TECHNICAL	15	20	35	0	0	0	0	0	0	0	4	4	5	12	3	0	0	0	0	0	0	3.246	2.412	3.400	0.988	
145	NYAM MASABA	BIOSIAGO SECONDARY	6	4	10	0	0	0	0	0	0	0	0	2	3	1	4	0	0	0	0	0	0	2.610	1.412	3.383	1.971	
146	NYAM NYAMIRA	KENYENYA MIXED I	17	15	32	0	0	0	0	0	1	1	1	6	2	12	10	0	0	0	0	0	0	4.109	2.670	3.344	0.674	



NAME

ADDRESS

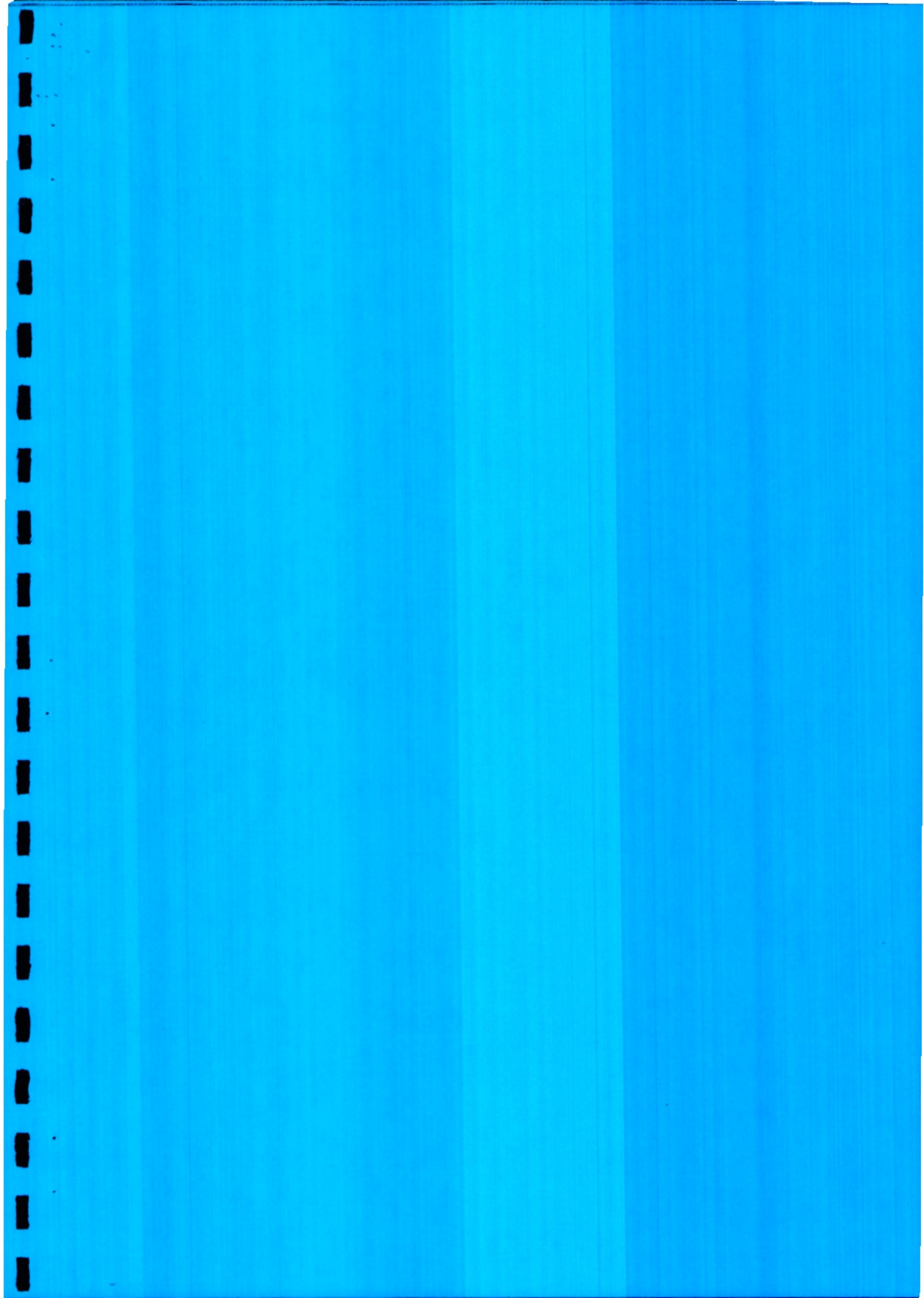
COMMENTS

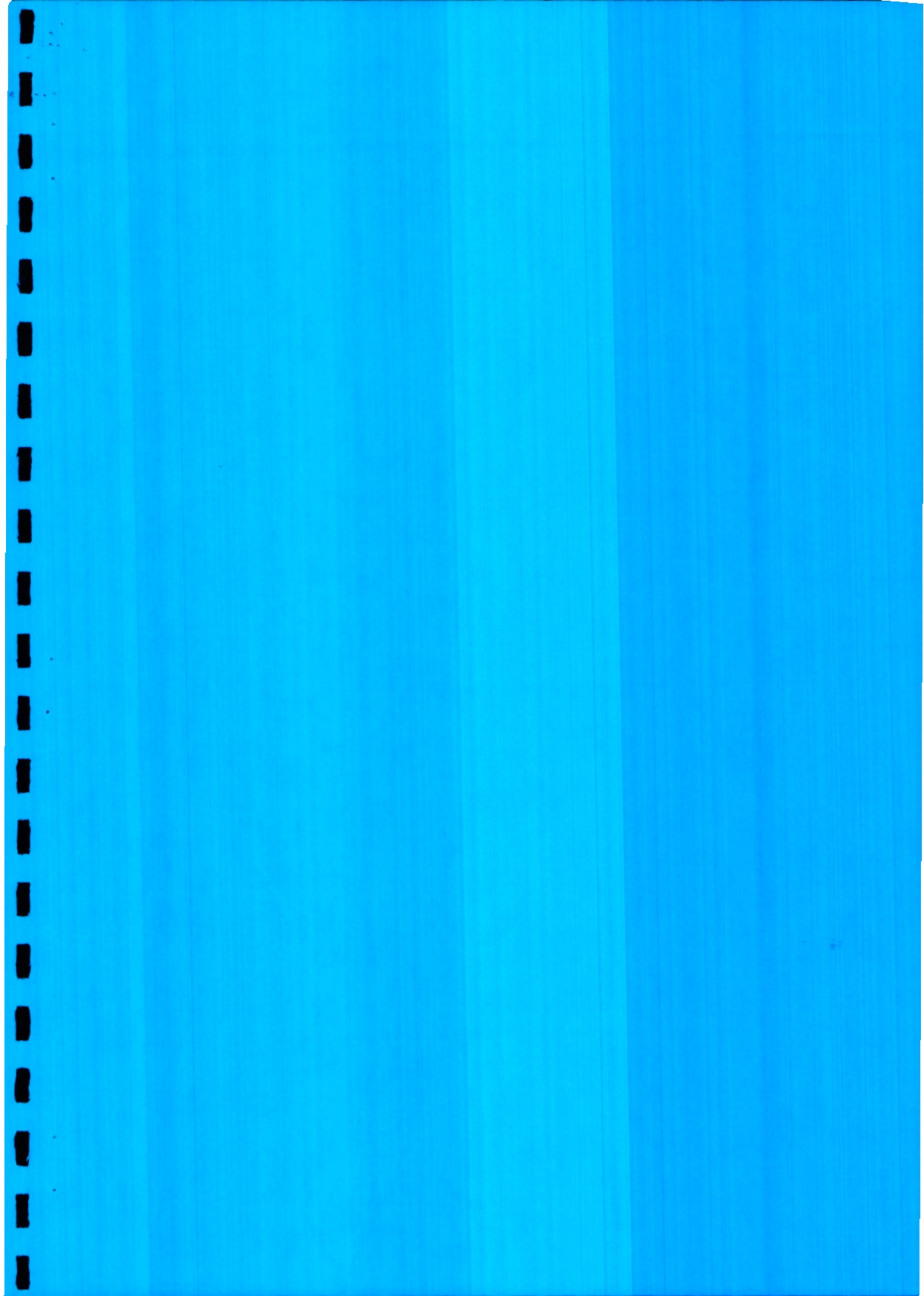
SEVEN W
DE WYANDOTA

WINDY + SUNNY W CLOUDS



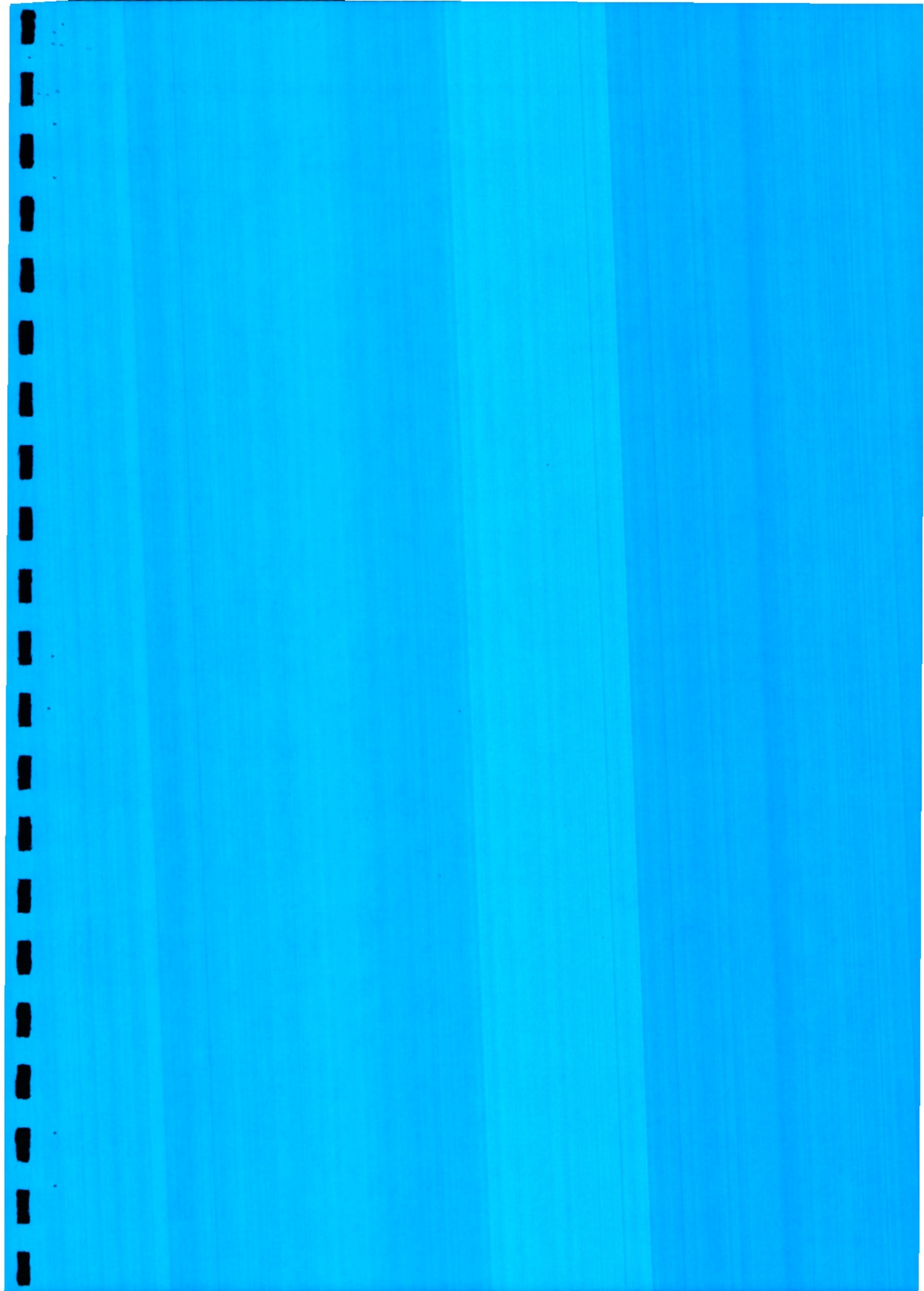
RIAN
P.O. BOX 62 - 40503, GESIMA
DATE: 11/11/01





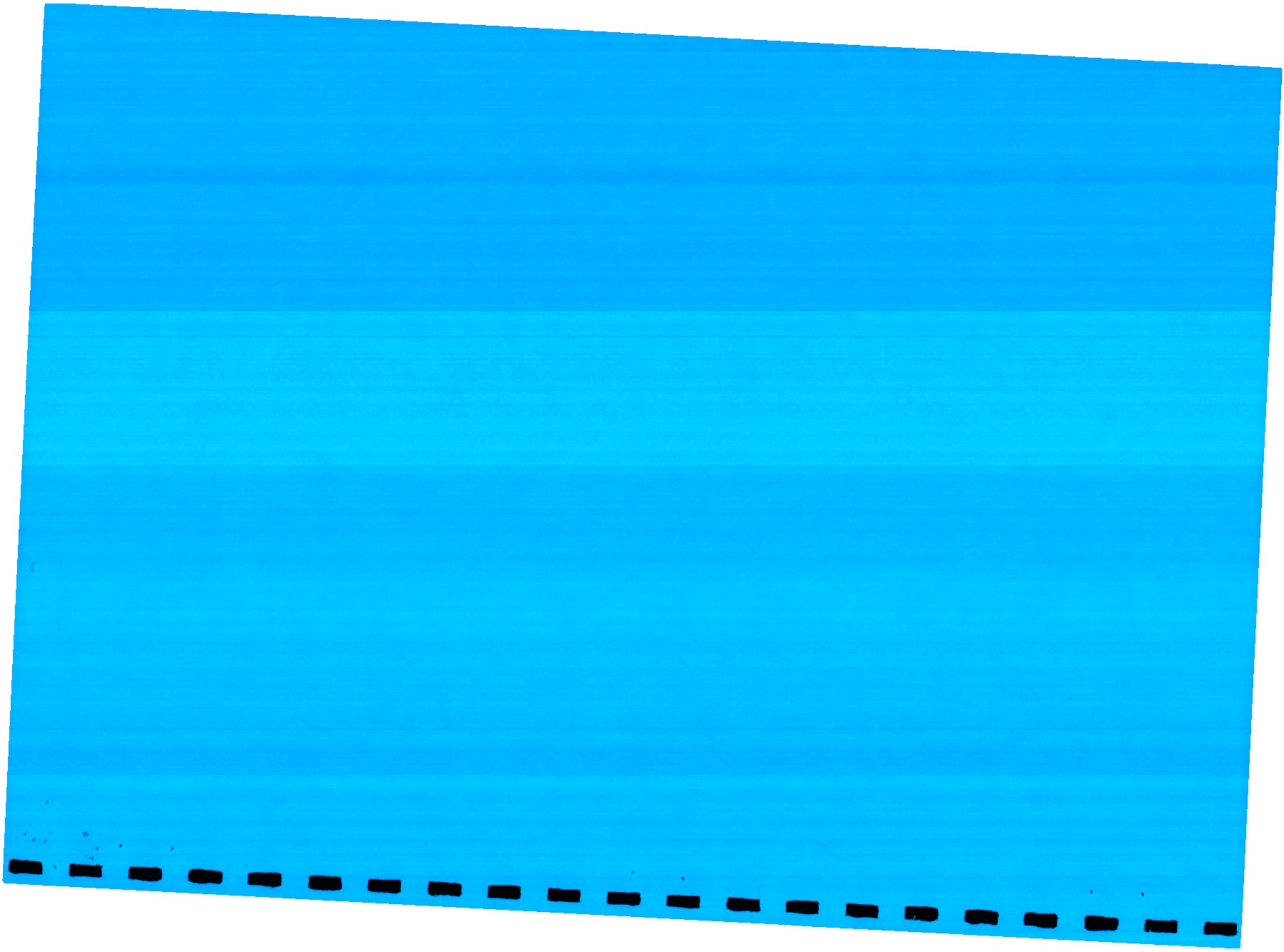
DATE	NAME	ADDRESS	COMMENT
13/	S. Jellison	A. J. Jellison	KESC
2000	TSC-AD	NY 10020	Promoter
15/12/22	Colin A. Clark	DC Metro Area	KESC 2022
		CPA 0713624	New York

RIAHON SCHOOL
 P.O. BOX 62-40503, GESIMA
 DATE:..... SIGN:.....



DATE	NAME	ADDRESS	COMMENTS
06/12/2022	Catherine G. Nwando (Mrs)		
12/2022	TSC County Director, Nyamira County		
06/12/2022	Jointing KCS	Jointing KCS	Monitoring KCS
06/12/2022	Dr. Leje & Mwana	MOE-PAS NTA 01164 0720510465	Monitoring KCS
06/12/2022	James K. Mugo CF		
06/12/2022	County Police Commander - Nyamira		
06/12/2022	Monitoring KCS	0720510465	

RATION 5
 P.O. BOX 62 - 40503, GESIMA
 SIGN: _____
 DATE: _____



COUNTY M.S.S 2022

4.843 0.872

DIRECT ENTRY C+ AND ABOVE = 7627

PERCENTAGE = 48%

CHAIRMAN
NYAMIRA COUNTY KESSHA
22 MAR 2023
P.O. Box
SIGN.....

[illegible]

A A- B+ B b c c- D+ D D- E

NYAMIRA CDE

NYAMIRA COUNTY REPORT ON ALLEGED CASES OF MASS EXAMINATION IREGULARITY.

Gesiaga secondary was alleged that cheating was taken place in 2022, however, the KNEC monitoring team, County investigative carried an assessment and no irregularity was detected. The school performance was 7.695(2022), 7.68 (2021) 5.6 (2020) 6.2(2019).

From the 2019 – 2022 KCSE analyzed results the following were observed in Nyamira County;

1. There was an improved performance from 2019 to 2022.

YEAR	M.S.S	DEVIATION
2019	3.7175	
2020	4.0423	+ 0.8673
2021	4.0518	+0.0095
2022	4.8430	+0.7912

2. It was also noted that among the top 50 schools in 2022 KCSE examination 8 schools registered a negative deviation index as shown below;

S/NO	SCHOOL	2021	2022	DEVIATION
1	Nyansiongoboy	9.311	9.053	0.026
2	KebirigoBoys	9.174	8.820	0.853
3	St.PetrsNyakemincha	8.844	8.318	0.525
4	Sironga Girls	7.650	7.611	0.039
5	Gesiaga	7.687	7.609	0.078
6	RAnjenyo Girls	7.944	7.503	0.4407
7	Nyakeore sec.	9.060	6.868	2.192
8	NyamiraBoys	7.250	6.343	0.907

It was further noted that among the top 10 schools in the County all had a constant improvement index except four schools which registered a positive deviation ranging from **2.763 to 3.970**.

- It was also noted that 36 schools that presented candidates in the 2022 KCSE examination registered a negative deviation index.

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DATE: 22/3/23

- In addition, it was observed that the overall improvement margin was between 0.004 to 4.36 as follows;
- 0.004 -0.999 -87 schools
- 1.000 -1.999 -36 schools
- 2.000 -2.999 -22 schools
- 3.000 -3.999 -10 schools
- 4.000 -4.636 -2 schools

-Out of 194 schools that presented candidates during the 2022 KCSE examination 139 schools registered a M.S.S of below 6 which was the average mark.

Ministry of Education Nyamira County prepared a monitoring program for the 2022 KCSE exams from the County (Appendix II) to the sub-County level (Appendix iii). During the entire monitoring exercise there were no cases of irregularities noted. KNEC officers also carried out random check on selected examination centres. KNEC officers further camped in the following schools for the entire exam period;

1. Gesiaga secondary school.
2. Nyakeore secondary
3. Nyamira Boys
4. Rangenyo Girls
5. Nyachururu mixed
6. Nyameru secondary
7. Nyakemincha mixed secondary

KNEC prepared guidelines for effective administration and management of examination e.g frisking of learners, no mobile phone in schools, escorting of examination by security among other measures.

KNEC was prepared well to administer examinations, however some amendment can be done such as invigilators and supervisors doing only one centre in one year, use of unemployed educated, administration of only one exam per day or administer and then return script and be provided with afternoon papers etc.

Harmonize penalties and punishment for examination cheating in relation to TSC and justice system in the republic.

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Confirms

There is need for ~~containers~~ review of examination guideline since the society is dynamic and school children always strive to outsmart the adults.

COUNTY EDUCATION OFFICE
P.O. Box 725, 40000, NAIROBI
23/3/23



Appendix III

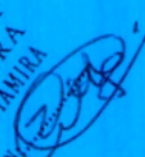
LIST OF SCHOOL MONITORED DURING KCSE, 2022

BORABU SUB-COUNTY

1. MENYENYA SECODNARY
2. NYANSIONGO BOYS
3. MONGORI SDAMIXED SEC.
4. MANGA GIRLS
5. ST. THOMAS MOORE
6. OSANDO GIRLS
7. ST. MATHUS MULUMBA
8. ST. PUALS NYANDOCHE II
9. TINDERET DEB
10. GONZAGA GOZA
11. RIGOKO
12. ERONGE SDA
13. MUGUSII DEB
14. ST. JAMES NYARONDE
15. MATUTU SDA
16. MECHEO SDA
17. MAGURA DEB

MASABA NORTH SUB-COUNTY

1. BITICHA
2. DON BOSCO
3. METAMAYWA
4. RIGOMA GIRLS
5. MOCHENWA
6. NYAKONGO BOYS
7. OMOYO GIRLS
8. RIYABE
9. RIOOGA
10. MATUTU

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NYAMIRA SOUTH

1. NYAMIRA BOYS
2. NYAIGWA GIRLS
3. RANGENYO GIRLS
4. GEKOMONI MIXES
5. ST. JOSEPHS KEMASARE
6. NYAMAIYA
7. NYANSABAKWA BOYS HIGH
8. ST. TERESAS BUGO
9. GETARI
10. MASOSA SECONDARY
11. BONYUNYU
12. ST. PETERS NYAISA
13. EMBONGA SEC.
14. OMOSASA
15. ST. JOSEPHS ETONO
16. BOMORITO
17. GIACHORE
18. GETA
19. NYAKEORE
20. KUURA
21. MAKAIRO
22. BOSIANGO
23. NYACHURURU
24. ST. PHILIPS RATETI
25. ST. TIBERIUS NYAMOTETEMI
26. RIRUMI
27. KENYENYA
28. MOTAGARA
29. GESORE
30. NYAMERU
31. GESIAGA
32. NAMI
33. MARINDI

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- 34.ST. JOSEPHS ENCHORO
- 35.ST. MARYS MONGORISI
- 36.NYABISIMBA
- 37.KEBIRIGO BOYS

MANGA SUB-COUNTY

1. MANGA MODEL GIRLS
2. SENGERA MANGA
3. IKOBE
4. MORAKO
5. ST. MARYS EKERUBO
6. IKONGE SDA
7. ST. PAULS NYACHICHI
8. ST. ANDREWS NYAMWANGA
9. ST. ANDREWS NYABIGEGE
- 10.ST. JOSEPHS NYAGUKU
- 11.MIRIRI
- 12.ST. THOMAS GEKANO
- 13.ST. TERESA GEKANO
- 14.MOKONONI
- 15.NYAIKURO
- 16.BOGWENDO
- 17.IRIANYI
- 18.KENYERERE
- 19.KIENDEGE
- 20.TOMBE GIRLS
- 21.TOMBE MIXED
- 22.MOKWERERO
- 23.NYAIISA MANGA
- 24.KIABIRAA
- 25.ST. ALEXANDER KIOMAKONDO
- 26.GEKE
- 27.GESURE ELCK
- 28.NYAMBARIA BOYS
- 29.SENGERERI

COUNTY DIRECTOR OF
EDUCATION-NYAMIRA
P.O. Box 745 - 40500 NYAMIRA
DATE 23/2/2022
SIGN 

MINISTRY OF EDUCATION
NYAMIRA COUNTY
2022 KCSE EXAMINATIONS RESULTS ANALYSIS

APPENDIX 1

TABLE 1: SCHOOL-WISE NUMBER OF ACADEMIC

COUNTY		SUB COUNTY		NAME OF SCHOOL		CANDIDATURE			GRADES																						
S/N	COUNTY	SUB COUNTY	NAME OF SCHOOL	B	C	TOTAL	A	A-	B+	B	C+	C	C-	D+	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R		
1	NYAMIRA	MANGA	NYAMIRAKA BOYS	488	0	488	28	383	76	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
2	NYAMIRA	NYAMIRAKA	ST.GIOVAGGIONE HENCE	37	48	85	0	8	58	19	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
3	NYAMIRA	MANGA NORTH	NYAMIRAKO BOYS HIGH	194	0	194	0	6	91	95	14	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
4	NYAMIRA	MANGA	TOMBE GIRLS	0	187	187	0	6	59	86	33	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
5	NYAMIRA	NYAMIRAKA	MWONG'ORI MIXED	254	203	457	0	8	129	227	62	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
6	NYAMIRA	MANGA	ST. PAUL'S GKKANO BOYS	142	0	142	0	1	51	86	20	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
7	NYAMIRA	NYAMIRAKA	ELILUA MIXED SECONDARY	37	64	121	0	0	37	89	20	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
8	NYAMIRA	NYAMIRAKA	NYAMIRAKO BOYS	266	0	266	0	6	65	134	35	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
9	NYAMIRA	NYAMIRAKA	AMANTENYA SEM HIGH	119	113	232	0	4	53	30	74	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
10	NYAMIRA	NYAMIRAKA	BIGWANGI SECONDARY	25	29	52	0	1	13	19	15	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
11	NYAMIRA	NYAMIRAKA	KIBIKO BOYS HIGH SCHOOL	362	0	362	0	4	51	202	93	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
12	NYAMIRA	MANGA	NYAMIRAKO MIXED HIGH	100	97	197	0	1	26	68	72	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
13	NYAMIRA	NYAMIRAKA	ST ANDREW KAGGWA GIRLS	0	37	37	0	0	3	18	15	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
14	NYAMIRA	NYAMIRAKA	KIAMUNGU SECONDARY	40	44	84	0	0	7	37	34	4	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
15	NYAMIRA	NYAMIRAKA	ST. PETERS NYAMIRAKA	255	254	509	0	1	31	176	225	73	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
16	NYAMIRA	NYAMIRAKA	KIAMUNGU SEC	36	36	72	0	0	4	27	28	12	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
17	NYAMIRA	MANGA NORTH	MATITU P.A.G. SECONDARY	35	21	56	0	0	4	19	21	7	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
18	NYAMIRA	NYAMIRAKA	NYAMIRAKA P.A.G MIXED	36	39	75	0	0	2	20	41	8	2	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
19	NYAMIRA	NYAMIRAKA	KIBIKO GIRLS	0	142	142	0	0	4	34	73	31	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
20	NYAMIRA	MANGA	ST. THOMAS GKKANO GIRLS	0	36	36	0	0	1	6	20	9	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
21	NYAMIRA	NYAMIRAKA	MATONGO BOYS HIGH	148	0	148	0	2	7	43	42	35	15	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
22	NYAMIRA	NYAMIRAKA	KIAMUNGU P.A.G GIRLS	0	59	59	0	0	1	13	24	16	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
23	NYAMIRA	NYAMIRAKA	MANGA GIRLS	0	106	106	0	0	4	27	35	29	8	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
24	NYAMIRA	NYAMIRAKA	ST. JOSEPH'S BIGO	24	27	51	0	0	0	12	21	14	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
25	NYAMIRA	NYAMIRAKA	NYAMIRAKA SECONDARY	76	84	160	0	0	12	29	39	52	22	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
26	NYAMIRA	NYAMIRAKA	SIKONGA GIRLS	0	314	314	2	12	27	57	57	82	43	27	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
27	NYAMIRA	NYAMIRAKA	NYAMIRAKA SECONDARY	136	0	136	0	0	17	31	38	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
28	NYAMIRA	NYAMIRAKA	GISSAGA SECONDARY	251	201	452	0	0	19	87	189	191	56	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
29	NYAMIRA	NYAMIRAKA	OUR LADY OF MERCY RANGENYO	0	153	153	0	0	6	26	40	34	23	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
30	NYAMIRA	NYAMIRAKA	KIAMUNGU SECONDARY	51	57	108	0	0	2	14	29	46	12	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
31	NYAMIRA	MANGA NORTH	KIAMUNGU MIXED SECONDARY	180	256	436	0	0	8	52	126	136	72	36	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
32	NYAMIRA	MANGA NORTH	KIAMUNGU SECONDARY	47	71	118	0	0	7	16	14	9	11	10	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0		
33	NYAMIRA	NYAMIRAKA	KIAMUNGU GIRLS	0	71	71	0	0	0	7	22	24	15	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
34	NYAMIRA	MANGA NORTH	RYABARE MIXED SECONDARY	101	110	211	0	0	1	4	24	54	77	58	10	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
35	NYAMIRA	NYAMIRAKA	KIAMUNGU S.D.A	43	47	90	0	0	1	16	29	14	9	16	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0		
36	NYAMIRA	NYAMIRAKA	ST. MATTHIAS MULUMBA	0	65	65	0	0	1	18	29	14	9	16	4	1	0	0	0	0	0	0	0	0	0	0	0	0	0		
37	NYAMIRA	NYAMIRAKA	ST. THOMAS KAGGWA	34	36	70	0	0	0	3	13	28	17	8	15	2	0	0	0	0	0	0	0	0	0	0	0	0	0		
38	NYAMIRA	NYAMIRAKA	AIC GIETIA SECONDARY	0	35	35	0	0	0	3	8	13	6	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
39	NYAMIRA	NYAMIRAKA	KIAMUNGU SECONDARY	20	24	44	0	0	0	0	16	14	9	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
40	NYAMIRA	NYAMIRAKA	NYAMIRAKA SECONDARY	159	251	410	0	0	3	10	113	141	94	45	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
41	NYAMIRA	NYAMIRAKA	MATAGARA GIRLS	0	39	39	0	0	0	3	9	10	12	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
42	NYAMIRA	NYAMIRAKA	ST. JOSEPH KIONO SECONDARY	20	11	31	0	0	0	1	7	10	9	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
43	NYAMIRA	NYAMIRAKA	NYAMIRAKA SECONDARY	77	0	77	0	0	3	4	14	15	29	10	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
44	NYAMIRA	NYAMIRAKA	KIAMUNGU SECONDARY	44	10	54	0	0	0	7	12	5	11	14	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
45	NYAMIRA	MANGA	SENGERA MANGA	28	63	91	0	0	2	8	13	17	22	25	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
46	NYAMIRA	MANGA NORTH	ST. PAULUS OMARAYO SEC	27	14	41	0	0	0	6	6	7	8	6	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
47	NYAMIRA	NYAMIRAKA	NYAMIRAKA SECONDARY	41	54	95	0	0	1	2	5	35	34	14	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
48	NYAMIRA	NYAMIRAKA	NYAMIRAKA BOYS	248	0	248	0	1	2	35	78	60	42	12	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
49	NYAMIRA	NYAMIRAKA	ST. PAUL'S NYAMIRAKA HENCE	0	121	121	0	0	0	1	13	40	36	24	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
50	NYAMIRA	NYAMIRAKA	KIAMUNGU E.L.C SECONDARY	0	35	35	0	0	0	0	6	7	15	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
51	NYAMIRA	NYAMIRAKA	IRONGE SEM SECONDARY																												

[illegible]

COUNTY DIRECTOR OF EDUCATION
NYAMIRA COUNTY
P. O. BOX 745 - 40
NYAMIRA - 4000

