EDUCATION IN 11TH AND 12TH PARLIAMENTS:
ASSESSING KENYA’S PARLIAMENTARY 10-YEAR LEGACY ON
THE ACTUALIZATION OF THE RIGHT TO EDUCATION

RESEARCH DONE BY MZALENDO TRUST FOR THE
RELI EAST AFRICA PARTNERS
WITH THE SUPPORT FROM THE
REGIONAL LEARNING INITIATIVE
(RELI AFRICA)
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<tr>
<td>APBET</td>
<td>Alternative provision of basic education Training</td>
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<td>ASAL</td>
<td>Arid Semi-Arid Land</td>
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<td>BCEFs</td>
<td>Basic Education Curriculum Framework</td>
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<td>BOMs</td>
<td>Board of Management</td>
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<td>CBA</td>
<td>Collective Bargaining Agreement</td>
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<td>CBC</td>
<td>Competence Based Curriculum</td>
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<td>CDF</td>
<td>Constituencies Development Fund</td>
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<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
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<td>CUE</td>
<td>Commission for University Education</td>
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<td>DLP</td>
<td>Digital literacy Program</td>
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<td>DRR</td>
<td>Disaster risk reduction</td>
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<td>EARC</td>
<td>Education and Research Centers</td>
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<td>EACC</td>
<td>Ethics and Anti-Corruption Commission</td>
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<td>EBK</td>
<td>Engineers Board of Kenya</td>
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<tr>
<td>ECDE</td>
<td>Early Childhood Development Education</td>
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<td>EFA</td>
<td>Education for all</td>
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<td>FDSE</td>
<td>Free Day Secondary Education</td>
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<td>FPE</td>
<td>Free Primary Education</td>
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<td>FSE</td>
<td>Free Secondary Education</td>
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<td>HELB</td>
<td>Higher Education Loans Board</td>
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<td>ICT</td>
<td>Information and Communication Technology</td>
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<td>IPUCCF</td>
<td>Inter Public University Council Consultative Forum</td>
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<tr>
<td>JCUAT</td>
<td>Jomo Kenyatta University of Agriculture and Technology</td>
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<td>JFK</td>
<td>John Fitzgerald Kennedy</td>
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<td>JSC</td>
<td>Judicial Service Commission</td>
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<td>KCPE</td>
<td>Kenya Certificate of Primary Education</td>
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<td>KCSE</td>
<td>Kenya Certificate of Secondary education</td>
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<td>KBSA</td>
<td>Kenya Booksellers and stationeries Association</td>
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<td>KDHS</td>
<td>Kenya Demographic and Health Survey</td>
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<td>KERB</td>
<td>Kenya Engineers Registration Board</td>
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<td>KHIS</td>
<td>Kenya Core Health Indicators</td>
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<td>KICD</td>
<td>Kenya institute of Curriculum development</td>
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<td>KIE</td>
<td>Kenya Industrial Estate.</td>
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<td>KIHS</td>
<td>Kenya Health Information Systems</td>
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<td>KLB</td>
<td>Kenya Literature Bureau</td>
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<tr>
<td>KMP&amp;DB</td>
<td>Kenya Medical Practitioners and Dentists Board</td>
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<td>KNUT</td>
<td>Kenya National Union of Teachers.</td>
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<td>KPSA</td>
<td>Kenya Private School Association</td>
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<td>KSES</td>
<td>Kenya School Equipment Scheme</td>
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<td>KUNSET</td>
<td>Kenyan Union of Special Needs Education Teachers</td>
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<td>KU</td>
<td>Kenyatta University</td>
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<td>LSK</td>
<td>Law Society of Kenya</td>
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<td>MDG</td>
<td>Millenial Development Goals</td>
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<td>MHM</td>
<td>Menstruation Hygiene Management</td>
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<td>MMUST</td>
<td>Masinde Muliro University of Science and Technology</td>
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<td>NEMIS</td>
<td>National Education Management Information System</td>
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<td>NYS</td>
<td>National Youth Service</td>
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<tr>
<td>SDG</td>
<td>Sustainable Development Goals.</td>
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<tr>
<td>SEE</td>
<td>Signing Exact English</td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>TPAD</td>
<td>Teachers and performance appraisals and development</td>
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<td>TSC</td>
<td>Teacher Service commission</td>
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<tr>
<td>TVET</td>
<td>Technical and Vocational Education and Training</td>
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<tr>
<td>TUM</td>
<td>Technical University of Mombasa</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
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<td>UASU</td>
<td>Universities Academic Staff Union</td>
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CHAPTER ONE
Background Information

Article 53 of the Constitution of Kenya 2010 provides that every child has a right to free and compulsory basic education while Article 55 (a) mandates the State to take up measures, including affirmative action programs that will ensure that the youth have access to relevant education and training. Minorities and marginalized groups under Article 56 (b) have a right to be provided with special opportunities in the field of education. Besides the Constitution, there are various comprehensive Statutes that have been enacted by Parliament to further protect and implement the right to education. These include: The Basic Education Act, the Children’s Act (2001) and the Persons with Disabilities Act among others. While these laws have been enacted, enforcement of some provisions remains a challenge.

Besides, additional proposed legislation has been put forward to amend and improve the existing legislation. They include, among others, Basic Education Act (Amendment Bill, 2017) and the Persons with Disabilities Act (Amendment Bill, 2014). In light of this, Mzalendo seeks to engage research assistants to undertake retrospective research that will seek to establish Parliament’s legacy on protecting, promoting and fulfilling the right to education. This will be followed by the publication of a report and communication of the same to facilitate broader discussion with stakeholders on how Parliament can maintain or improve their role in advancing the right to education. The research output would also serve as a useful platform for engaging Parliamentarians in education discourse.

Executive Summary
Parliament of Kenya has its mandate among others in defending the right of every Kenyan to education. Both houses of parliament have their distinct roles in the education sector dependent on the level of government. The functions of education are shared between senate and national government. The senate legislations on education fall on pre-primary education (ECDE), village polytechnics, home-craft centers, farming training centers and children facilities, while the National Assembly legislates education policy, standards, curriculum, examination, granting of university charters, universities, tertiary institutions, institutions of research, higher learning, primary, secondary, special education and promotion of sports and sports education. Parliament continues to enact laws and guidelines to protect the right to education.

Scope of study
This report is hence an assessment of 10 years of parliament touching on the 10th, 11th and 12th parliament and extends to both houses of parliament; the national Assembly and the senate. This period has seen the education sector grow and change in many fronts with the 100 percent transition from primary school to secondary schools and the change to the new curriculum the 2-6-3-3-3 system of education. The project seeks to strengthen RELI members’ engagement in education issues in Parliament and to define the legacy of Parliament regarding the right to education. The study outcomes will serve as a great reference for stakeholders in the education sector for the 10 years period under study and in projections of current and future activities in the sector.

Methodology
The method of study used was desk review and involved reviewing parliament legislative business trackers and house committee’s reports for both houses of parliament. The documents reviewed were; Hansard reports, bills, Motions, Questions/Statements, Petitions, Parliament report and Departmental committee reports.
Purpose of study
The study seeks to assess the works of parliament in regards to education legislation, oversight and the impact resulting from submissions that have been deliberated conclusively in the period between 2010-2020. Further identify the drivers of debates and the triggers. To determine the nature and levels of public participation during the duration, to identify Parliaments strengths and weaknesses regarding its oversight functions as pertains to the right to education and hence identify key proponents in education issues further develop a database of parliamentary and sub-committee meetings references to education.

CHAPTER TWO
SENATE LEGACY ON EDUCATION
The senate of Kenya was re-established under the 2010 Kenya’s new constitution, (Article 96) with a mandate of protecting the interest of counties and their governments, allocation of national revenues to and among county governments and oversight. Education is partially devolved, hence its functions are distributed between the national government and county governments; the national government under the fourth schedule (15) education policy and curriculum development, (16) universities, tertiary education, institutions of research, higher learning, special education and institutions, primary schools, and secondary education, (17) the promotion of sports education. The devolved units in the fourth schedule of the constitution section (9) are pre-primary education, village polytechnics, home craft centers and childcare facilities. The senate therefore has an obligation in determining the affairs of education through revenue allocation and coming with laws to enhance the sector. The senate however does not limit its discussions to concerns under the county alone but also deliberates on issues affecting education in counties but under the national government by asking questions and seeking statements from the Ministry of education through the departmental committee on education in the senate. The discussions herein are recurring themes on education discussed/deliberated in the senate of Kenya affecting both county governments and national government.

EQUITY AND INCLUSION
The famous saying, leaving no one behind is a simple but effective way to explain equity and inclusion, ensuring that all persons despite how disadvantaged they might be are provided with the necessary resources to enable them compete fairly with persons not disadvantaged in anyway. Members of the senates discussed issues concerning unfair treatment of students and teachers from marginalized areas and ways to ensuring they were assisted to enjoy their rights as other Kenyans.

Marginalized Areas
Shortage of teachers in arid and semi-arid regions came out as a common challenge in different debates. Senator Catherine Mukite Nabwala on 6th August 2014 noted that schools such as Lokiriama Primary School in Turkana County had a severe shortage of teachers to the extent that police officers who were deployed to enhance security, volunteered to take on the role of teaching. The senate hence wanted to know the specific steps by the national government and county governments had taken to remedy the situation since the problem of under-staffing in public schools in marginalized areas had always been there and whether it was in anyway fair for such disadvantaged students to take the same national examinations with privileged students in well-equipped schools and staffed schools.
Sen. Ali on 22\textsuperscript{nd} March 2018 gave notice of motion concerning the intake, uptake, and quality of education in northern Kenya. He notes that education had been adversely affected due to the discrepancies in the public resource allocation, insecurity, skew staffing and teacher training in the region. He stated that the completion rate and national examination outcomes in the region are poor and the number of students who qualify for core courses in universities, colleges, technical schools and village polytechnics is minimal compared to other parts of the country. The senator also requested the standing committee on education to conduct an inquiry into challenges facing the education sector in the northern Kenya region.

On 19\textsuperscript{th} April, Sen. John Lonyangapuo, sought a statement from the Chairperson of the Standing Committee on National Security and Foreign Relations regarding affirmative action assistance to pastoralist communities especially in West Pokot, Turkana, Baringo, Elgeyo-Marakwet and Samburu counties. He sought to know when affirmative action related to activities such as irrigation projects and schools, will be initiated in these areas affected by cattle rustling.

**Special Needs Children**

Sen. Daniel Dickson Karaba on 12\textsuperscript{th} June 2014 underscored that learners with special needs and disabilities in Kenya are faced with serious challenges including inadequate educational institutions, facilities and specialized teachers to cover all levels of learning. He deboned upon the UN Convention on Rights of Persons with Disabilities, which became part of Kenyan law in 2008; appreciating that Article 54 (1) (b) of the Constitution gives persons with disabilities the right to access educational institutions and facilities that are integrated into society to the extent compatible with interests of such persons. He further appreciated that Article 53 (1) (b) of the Constitution provides for free and compulsory basic education to every child. Additionally, the Basic Education Act, 2013 emphasizes the need to provide equal opportunities for education to all children including those with special needs and disabilities. The Senate urged the National and County Governments to take measures to mainstream education and training for learners with special needs and disabilities by establishing and equipping at least one institution for children with special needs and disabilities in every county.

The Persons with Disabilities (Amendment) Bill (Senate Bill no.24 of 2014) to amend the Persons with Disabilities Act so as to compel the National Council for Persons with Disabilities to submit an annual report to the Senate. He stated that before a person with disability benefits from the idea of education, employment or access to facilities or services, part of the bad treatment and challenges that they go through, mostly results from myths and false perceptions about disabilities coupled with ignorance on how to handle a variety of disability conditions in society. The bill also provided the right of persons with disabilities to have access to education facilities as any other person.

There is need to enhance facilitation of boarding schools to enable them accommodate children with disabilities. Sen. Susan Kihika on 6\textsuperscript{th} December 2018 noted the poor physical environment of most schools combined with untrained teachers in issues concerning children with disability resulting in many disabled children not attending school at all, and those who are enrolled in school are far more likely than their nondisabled peers to drop out mainly due to the fact that they do not receive the amount and type of attention that they need in order to successfully complete their education. Thus, the need for the government through the Ministry of education and treasury to implement the National Special Needs Education Policy framework, and the Education Sector Policy for Learners and Trainees with Disabilities within the scope of the Convention on the Rights of Persons with Disabilities (CRPD). This will ensure that adequate resource allocation and infrastructural planning, expansion and implementation for the provision of free, quality, inclusive education and accommodation for children with disabilities in mainstream schools that can be replicated in all 47 counties, employment of
more technical disability-related staff,  (c)developing curricula to train and empower teachers and school staff to cope with the specific needs for learners with disability who are boarders and creating community led peer to peer groups with the aim of breaking down misconceptions and myths surrounding disability issues, and reversing the associated stigma.

Article 19 of the convention on the rights of persons with disabilities affirms that persons with disability who live in a community should have choices equal to others, i.e., equal access to services and facilities that are responsive to their needs. Thus Sen. (Dr.) Musuruve on Feb 21, 2019 called on the national government and the county governments to develop strategies to ensure that learners with special needs are included in school clubs in public schools beginning from the early childhood development classes all the way to high school level.

The Registration of Persons (Amendment) Bill read a second time on November 7, 2019 would cause inclusivity in many different sectors of the country if passed. For instance, in the education sector where one is either registered as either male or female leaving out the intersex people. Sen. Dr. Milgo in her submission envisioned that the bill would give a voice to the intersex population by allowing them to have proper placement in our learning institutions and even be able to get amenities in the hospitals.

**Adult education**

Article 43(1) (f) of the Constitution of Kenya states that every person has a right to education; recognizing that vision 2030 underscores the critical role of education in Kenya’s social economic development. The government established the Board of Adult Education to coordinate adult education. However, there are concerns that implementation of the adult education program is hampered by absence of appropriate policies, including policies on recruitment, training, deployment, discipline and termination of services. The Senate on 19th March 2014 called upon the National Government to take immediate measures to develop clear policy guidelines for adult education staff recruitment, training, deployment and discipline in order to promote adult education and hence ensure inclusion for all.

**School Feeding Program**

To ensure that learning was guaranteed for all students in schools and especially in marginalized regions and especially in the arid and semi-arid areas, Sen. Murkomen on 22nd March 2018 asked the government to come up with a school feeding program for all primary school, as a complementary to free education, he stated that the country needs to introduce school feeding programs so that we can have healthy children as a country. He also reiterated the importance on monitoring of school feeding programs all the way down to the county levels to ensure efficiency. He noted that the food and security bill was crucial in ensuring that the right to education is achieved.

**Street Families**

Article 43 (1) of the constitution of Kenya provides for the right to every person to the highest attainable standard among others education. Developing a clear policy on street families’ rehabilitation and reintegration at county level is the first step to realizing their right to education. Street children are gifted and talented differently just as other children apart that they are not privileged as them. Hence having a demographic record of them enhance coming up with a proper planning for their education, as Article 47(1) of the constitution of Kenya provides that every person has a right to education. On May 30, 2019 Sen. Omanga and Sen Wambua urged the senate to take equal measures in providing equal opportunities to both the girl child and boy child noting that a huge number of boys were wasting away in markets and grazing fields while their sisters went to school.
Early Childhood Education
On 28th November 2018 Sen. Langat read County Early Childhood Education Bill for the second time. The senator also noted that at the moment there was no legislative framework, especially in regulating early childhood education in Kenya with the private sector seeming to have monopolized the provision of early childhood education in the country. Objectives of the bill included; providing a framework for the establishment of a comprehensive early childhood development and education system by the Government, provide a framework for the establishment of the infrastructure necessary to support the provision of quality Early Childhood Education, provide a framework for the establishment of appropriate early childhood care and education systems, including the implementation of programme models, standards and curriculum based on research and best practices. The Bill specifically sets out the right of the child to education and imposes duties on the parents or guardians of the child, as well as teachers of the early childhood education centers, to ensure that children attend early childhood education centers.

Sen. Dr. Milgo on July 28, 2020 Gave notice of motion on concerning the development of daycare policy in the counties and department of basic education. She was Concerned about the state of daycare centers were not in a habitable state, hence there is need to capture this group of children in the new 2-6-3-3-3 curriculum. She sought the county governments to allocate 10 percent of their budget on early childhood development education (ECDE), further develop a policy to incorporate the needs of children who are less than three years of age.

ACCESS TO EDUCATION
The senate discussed issues hindering students from attending school/ accessing education even though education was and is free in primary schools and subsidized in secondary schools. They pointed out challenges emanating from these problems and possible remedies

Education funding
The senate discussed the delay of free primary and Secondary Education Funds and the challenges faced by schools. The delays locked schools from acquiring essential materials needed for learning including materials to be used for the exams.

The Chair education committee on education in response to a statement sought by Sen. Martha Wangari regarding the enrolment of pupils to Form One and the free primary education in 2015 informing the criteria used, comparison with past years, statistics of pupils admitted and not admitted stated that The Statement informed that the 2015 selection criteria used was similar to that of 2014 with slight variations in terms of the number of top students placed in national schools, the proportionate share between public and private candidates, and the number of national schools. There were 880,000 KCPE candidates in 2014 and 695,684 places in public secondary schools, leaving a shortfall of 192,574 places. The Ministry guaranteed right to education to every student by engaging Private-Public-Partnership to provide 50,000 places for Form One, 88,000 places in public youth polytechnics, and expansion of existing schools using Constituencies Development Fund (CDF). The Statement also stated that the Ministry was also in the process of implementing the report by Dr. Kilemi Mwiria’s Task Force.

The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015) obligates the national Government to provide facilities and infrastructure for the training of professionals in the rehabilitation of persons with disabilities, promote the integration of persons with disabilities in schools and employment within the public service and ensure access to free basic education and other social amenities to every child with a disability among other. Sen. Daniel Dickson Karaba sighted negligence on the part of the government in funding special needs schools in the country which leaves them with inadequate resources; food, equipment’s
and improper shelter. This leaves them in the hands of well-wishers such as churches and the community.

On the 20th of July, 2016, Sen. Martha Wangari also sought that the Education CS explain to the Senate how the implementation of the fixed fees ceiling for day schools is being done and the steps being taken to correct the errant head teachers and principals. She stated that some schools, for example, in her County, Nakuru, are charging up to Kshs 21, 000 per year in day schools instead of Kshs 9, 000.

Security
Insecurity in northern eastern has been a major cause of non-local teacher withdrawal from the areas. Sen. Ali on 18th February 2020 noted that schools in Wajir county experiences teacher shortages due to security issues that prompt the others to seek transfers to other safer regions. This has resulted in some schools closing due to severe shortage of teachers. Further while making observations on the presidential speech, Professor Ekal talked of the insecurity along the borders of Turkana-Baringo and Turkana-Pokot. He mentioned that the insecurity has had massive impact to the extent that school going children are being killed yet they do not own any cattle. Meaning it’s not all about cattle rustling.

Sen. Kasanga gave a notice of motion on 6th June 2018 on concerns that some schools have remained closed even after the reopening of schools while others have been closed as a result of floods and instances of insecurity. She noted that this places students and pupils in those schools at a disadvantage as they are unable to access education. The senate resolved that the committee in education investigates this matter with a view to identify strategies to ensure that the affected students are able to access education as soon as possible, outline preventative measures to ensure that more students are not affected by the floods and insecurity and to submit a report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

Sen. Chebeni on April 11, 2019 made a statement regarding violence and insecurities in Universities and institutions of higher learning. This was elicited by the recent murder of Ivy Wangeci a sixth-year student at Moi University. Sen. Wetangula in his contribution asked the universities to come up with measures to ensure the students are well protected and parents to counsel and follow up on their children in the higher learning institutions. It is at this stage due hardships and peer pressure that young men and women fall prey to the evils of the society.

A petition on the plight & welfare of non-local teachers working in Mandera County by representatives of the non-local teachers employed by TSC and deployed in Mandera County. In the Petition, the petitioners state that they have and continue to suffer severe hardship in the discharge of their work which is composed by; Discrimination, ill treatment and denial of services by host communities on the basis of their being non-Muslim whereby they are also referred to in derogatory terms, frequent attacks by the Al-Shabaab terror group whereby non-locals and non-Muslims are unduly targeted, frequent attacks on the non-local teachers by their students based on the belief that a non-Muslim cannot discipline a Muslim student and differential treatment by education officials where non-local teachers are denied leave and promotions and also suffer threats of violence, sexual harassment and intimidation. The petitioners pray that the Senate urgently investigates this matter and makes appropriate recommendations thereon.

Teenage Pregnancies
Establishment of capacity building program for teenage parents: Teenage pregnancies have become a society problem over time which has greatly affected temporary or permanently the
education of most girls in primary and secondary schools and more so those in marginalized areas. As Senator Elizabeth Ongoro Sen Khaniri stated, in different instances poverty is a lead cause of teenage pregnancies as young girls try to make ends meet or acquire basic needs such as sanitary towels. This Problem propagates the vicious cycle of poverty in Kenya. Sen Khaniri noted that this has led to hundreds of girls missing exams due to pregnancy and most dropping out of school after being impregnated while others are forced into early marriages. This compromises education attainment and the ability to secure decent economic opportunities. Shockingly data from the Teachers Service Commission (TSC) shows that in 2015, 126 teachers were fired for various vices some of which included sexual offences.

The recommendations were to have a system of reintegrating young girls back to school immediately after whining to enable them complete their studies and further have organizations and facilities where disowned girls are taken care of.

The Care and Protection of Child Parents Bill read a second time on October 23, 2020 seeks to provide a framework ensuring that an expectant child or child parent may actualize their rights to basic education and at the same time ensuring proper care of their children as it is enshrined in the constitution, Article 53. It is a legal framework for the care and protection of child parents within the counties. The bill provides that the child remains in school during pregnancy and is allowed to take part in different programs as other students this bill recognizes that it is not the wish of the child to become pregnant but rather lack of knowledge and sex education. The bill will go a long way in ensuring reintegration of girls back to school.

**Teachers’ Shortage**

Shortage of teaching and non-teaching staff has been huge challenge in special unit schools in in the country. For instance, in Taita – Taveta County. Sen. Mwaura urged the government and the TSC to sort out the teacher shortage. Teacher shortage in special schools emerges as a common challenge from different contributions by other senators. There is need for the government to address challenges faced by PWDS, to set up a programme to train teachers on special skills to deal with children with disabilities and to zero rate equipment such as hearing aids so that people who need them can get them at no extra cost.

**Health and Sanitation**

The senate on March 31, 2020 established an Ad Hoc committee of the senate to oversight measures taken by the national government and the county government in addressing the spread and effects of COVID-19. The committee addressed measures to enable learners in educational institutions continue with their studies. On May 19, 2020. Sen. Kwamboka sought a statement from the standing committee on education regarding status of education in Kenya during the COVID – 19 pandemic that has led to closure of schools. The COVID-19 pandemic led to the closure of all learning institutions in the country. Senates sought information regarding all learners were equally accessing the online educational materials and measures to ensure that all students are able to access the materials and those who cannot are brought to par with the rest of the students. Sen. Musuruve sought a statement from standing committee on education concerning the learning progression of learners with disabilities during the covid-19 pandemic.

Sen. Dr. Milgo gave a statement on the continued learning and reopening of learning institutions due to the closure occasioned by the COVID-19 pandemic, measures which were put to slow down the spread of the virus, of which there is evidence that closure of schools reduced the spread of the disease. School closure resulted in online learning programs and digital platforms to deliver learning materials. The Ministry intends to reopen schools starting January of 2021, it is critical that the reopening of schools be guided by the best interest of the children and overall public consideration to prevent the resurgence of the virus. However,
the burden of having children at home cannot be ignored in that parents are not able to follow keenly on their children studying behavior due to their other duties and school’s assessment of learners is low.

According to the Directorate of Quality Assurance and Standards in the state department of Early Learning and Basic Education there is need to support the 1.6 million children in marginalized areas and urban poor who rely on school regular feeding and nutrition services. The Committee recommended on the following among others in the reopening of schools; Prioritize teaching on epidemic prevention and health care maintenance, social distancing guidelines, wearing of masks for all staff and learners, provide standard operating procedures for dealing with potential exposures to coronavirus and ensure proper sanitation.

**Learning Institutions**

On 27th September 2018, Sen. Professor Kamar moved a motion on the establishment of youth polytechnics also known and used to be known as Village Polytechnics and now Vocational Training Centers to respond to the increasing number of young people who have completed primary school education but have not joined secondary school. This was as a result of a concern that county governments have not prioritized youth polytechnic functions despite the polytechnics’ capacity to ultimately contribute to both social and economic development. The senate therefore called upon each of the 47 county governments to establish youth polytechnics in every location within their respective the areas of jurisdiction and to revamp the already existing youth polytechnics and to develop a structure or guidelines for sensitizing the youth who have completed their primary school education but have not joined Form One to embrace vocational training in order to acquire the necessary skills to join the labor market. Sen. Musuruve reiterated that it was time the senate included a disability perspective in whatever it did and that no one should be left to suffer and that children with disability need to be competent. Sen. Musuruve went ahead to state that everywhere there is a youth polytechnic, there must be a special unit that will address disability. Prof. Kamar went ahead to underscore the importance of Vocational Training Colleges when we talk of Vision 2030 or even employment as far as the SDGs are concerned.

**SCHOOL LEADERSHIP**

Destruction of schools and strikes in secondary schools lend and continues to lead to discussions around school leadership in school managements. Members of parliament brought out instance where students caused damages to school infrastructures and gave recommendation on to help end such occurrences in the future.

**Students Unrest**

The house discussed the burning issue on the destruction of infrastructure in schools across the country. At the time 27th of July, 2016, 110 school had lost property as a result of fire. Senators condemned the act and urged the CS for Education to take stern action against any person; be they students, teachers, and workers in the institutions who were involved in the destructions. The house called upon the CS education to take action explain what was happening in schools Sen. Judith Achieng urged that schools invest in security and have a provision of professional counsellors to deal with cases of children who are used to hostile environments home. Sen. Agnes Zani noted that this was a group of young people that has a different way of thinking and doing things unlike those in the 1960s and hence a unique solution suiting the problem was necessary. She urged stakeholders to understand the circumstances surrounding this problem and look into various factors such as social media among others. However, Sen. Wetangula condemned the government’s way of handing investigations in the schools noting that the government had set up a committee full of police men to investigate what is going on in schools and did not appoint professors, academics,
sociologists and people who can look at the psychological aspects of the children affected. He stated that the incidence in schools was not a crime, but a social problem.

**Students’ Abuse/ Harassment**

Senator Abdirahman Ali Hassan was concerned with how school heads kept on withholding certificates of very poor children, either orphaned or generally from poor backgrounds. He attributed this to the fact that the Ministry of Education had failed to give proper policy guidelines. He underscored that the National Examinations Council Act explicitly provided that no school principal could withhold a school certificate, and despite this provision, heads of schools frequently kept on withholding these certificates. Withholding prevented the students from furthering their studies either to universities or TVETs.

Cases of Child Sexual Abuse by Teachers in Kenyan School have seen an upward trend. The senate sought from the Ministry of education details of cases reported in the last five years and the action taken, confirmation on whether some of the cases had been settled out of court and what actions and measures the Government and TSC had taken to apprehend and discipline culprits and eradicate such cases. Further Hon. Daisy Nyongesa Kanainza and Hon. Judith Achieng Sijeny sought clarification regarding the measures taken to ensure that the lives of the victims were safeguarded and aftercare of the children impregnated while in school ensured. Hon. Wilfred Machage asked to have a data base on the prevalence of cases addressing the regional distribution of sexual molestation per county for the past five years which would be important in mapping out areas most affected and a probable cause of the same. Sen. Chebeni, emphasized that the safety of learners in schools is something that needed to be convened urgently and not overlooked. He encouraged the Ministry of education to be more proactive rather than reactive to this issue and ought to come up with effective and sustainable solutions to curb this menace. She referred to case where a Principal from a secondary school in Kitui was charged with raping a Form Four student among many other instances. The Government was put to task to ensure providence of funds to implement all the safety measures necessary in all schools.

On 1st March, 2016, Sen. Martha Wangari sought a statement from the Chairperson of the Committee on Education regarding the implementation of the Basic Education Act (2013) and the Kenya Gazette Notice of 13th March 2001, outlawing corporal punishment in schools. In the statement she wanted to know what steps have been taken by the government on the alleged extreme corporal punishment meted out on female students by male teachers in Keveys Girls High School, Vihiga County. Further On 18th October, 2016, Sen. Catherine Mukiite Nabwala sought to know what the Ministry had done to sensitize teachers against corporal punishment plus mechanisms put in place by the Ministry to monitor corporal punishment cases in schools, to ensure they are reported and action taken. This was after a teacher injured a student while administering corporal punishment at Nyabururu Girls’ high School in Kisii County.

**INFRASTRUCTURE/ EDUCATION MATERIALS**

The effectiveness of learning institutions falls heavily on the infrastructure available and its standards. Learning institutions in the country lack basic infrastructure to support proper learning, this is even worse in marginalized areas such as slums, arid and semi-arid lands. School infrastructures range from classrooms, libraries, offices, abolition blocks to water and food storage facilities, school security systems such as fences etc. Different schools have infrastructure challenges due to different reasons; some have never had any physical structures while some have been deprived by calamities such as floods, winds and fires. In various discussions the house asked the Ministry of education to ensure providence and maintenance of school infrastructures since the ministry had been allocated the resources.
The Persons with Disabilities (Amendment) Bill, (Senate Bill No.13 of 2015) obligates the national Government to provide facilities and infrastructure for the training of professionals in the rehabilitation of persons with disabilities, promote the integration of persons with disabilities in schools and employment within the public service and ensure access to free basic education and other social amenities to every child with a disability among other. Sen. Daniel Dickson Karaba sighted negligence on the part of the government in funding special needs schools in the country which leaves them with inadequate resources; food, equipment’s and improper shelter. This leaves them in the hands of well-wishers such as churches and the community.

Sen (Dr.) Zani on 26th March 2019 requested a statement from the standing committee on education on the status of implementation of the 100 per cent transition policy to secondary schools indicating the number of learners per school, indicate whether all learners had transited and give the challenges faced and the cost of implementing the policy and its sustainability. Sen. Wetangula that the Ministry states the number of teachers they have provided and the amount of funds sent to schools to cater for the increase in number of students and infrastructures.

Sen. Lesan rose to seek a statement from the chairperson on Education regarding the publication and distribution of books and other materials to public primary and secondary schools. In the statement, the chairperson was required to explain the process of publication and distribution of books and other education materials, the roles of institutions such as KLB, KIE, Kenya School Equipment Scheme (KSES), JFK, the heads of primary and secondary schools, state the total budgetary allocation the KLB, KSES, KIE & JFK and all publication of books and other education materials. Sen. Lesan also requested that the chair states the books and learning materials to pupil ratio since commencement of the free basic education programme. Lastly, the senator also requested that the chair explains the initiatives and strategies that the Ministry of Education is pursuing to integrate ICT in the publication of books and other educational materials to public schools.

Dr. Langat issued a statement in response to a query on the publication and distribution of books and other educational materials to public primary and secondary schools. In response he said that the Ministry of Education implemented the Free Primary Education (FPE) in 2003 with a policy on distribution of books. They apportioned Kshs731 per pupil per year. However, this particular amount of money never met the intended objective of supplying one to one book to every child in school. This policy was changed with effect from January 2018 and a new textbook policy was adopted by the Government to enhance timely and cost-effective provision of textbooks for every pupil enrolled in primary and secondary school. This policy is in place and there is a lot of improvement. There is a comprehensive table showing the extent to which the textbooks have been provided in various schools currently in Kenya.

**TECHNOLOGY AND EDUCATION**

The benefits of assimilating technology and education are very elaborate. The government made and continues to make great strides in enhancing technology at all levels of education, the greatest of all being the issuing of laptops to junior primary pupils among others as deliberated below.

On 22nd February 2017 Sen. Karaba, suggested that the country should have a policy on the laptop project enabling the tracking of implementation and not haphazardly. He further suggested that the laptop project should take a process instead of having it done in some schools and that before it is done, there should be a process which will consider the implementation of this project in terms of sustainability. Further the standing committee on education was asked to give a statement on the implementation of the digital literacy Programme (DLP), commonly known as the computer programme. In the statement the
committee was to table a report on the uptake of the digital literacy programme and the number of learners issued with the digital devices per school in every county, give the cost of implementation of the programme and why the change in policy from giving each class one digital devices to building school laboratories.

Sen Prof. Ongeri gave a statement on July 4, 2019 regarding the activities of the standing committee on education. Regarding the statement requested by Sen. Wetangula on the digital literacy program, the committee found out that the program had been moved from the Ministry of education to the Ministry of information and communication. The findings were that the program had not been implemented in most schools and that few teachers had been trained on the subject and most of the gadgets were faulty with few technicians to repair them.

2nd June 2020: Sen. Mbito sought a statement from the standing committee on education regarding the status of ICT infrastructure connectivity and E-learning in the country. The committee was tasked to number all schools with ICT infrastructure and the measure taken to ensure all schools have connectivity including access to e-learning software, an application and Digital contents. Further explain the government’s plan on how to address capacity gaps in handling of ICT tools.

**UNIVERSIRTY AND TEARTIARY LEARNING INSTITUTIONS**

Higher learning institutions form the climax of education in the education ladder and are hence very crucial to any country across the world. These institutions are the largest contributors of skilled labour to the public and private institutions, hence the members of parliament has an obligation to ensure smooth and quality learning in these institutions.

Section 5 of the Universities Act, 2013 mandates the Commission for University Education to oversee the establishment and accreditation of universities and to ensure the maintenance of standards for courses of study and examinations in the universities. Sen. Karaba was concerned at the rate at which institutions of higher learning were mushrooming across the country, and that the growth of universities in Kenya has led to the regrettable demise of some reputable middle-level colleges. The standards and quality of the facilities available, the courses offered and examinations administered by some of these institutions were substandard, and this matter therefore called for scrutiny. The TUM is an example of a Higher learning institution facing non-accreditation of courses by CUE. This affected students in the engineering department who were informed that they would graduate from JKUAT since TUM was a college of JKUAT. However, after completion the student were told they would graduate by the Technical University of Mombasa which turned out not accredited by the Engineers Board of Kenya (EBK), hence meaning the degree courses were not recognized. Hon. Khalwale on behalf of the students of engineering at Masinde Muliro University of Science and Technology (MMUST), Kenyatta University (KU), and Egerton University. Presented a petition, to address the issue of failure of accreditation by the Kenya Engineers Registration Board (KERB). The petitioners prayed that they would like to get accreditation by the KERB.

The Universities (Amendment) Bill (Senate Bill No.31 of 2014) sought to amend the University Act so as to provide for liaison and coordination between the commission for university education and the county government on the matter of provision of university education at the county level. The Bill also proposed to amend Section 26 of the principal Act so as to enable the commission to report to the National Assembly and the Senate on the progress made on the establishment of universities in various parts of the country. The Bill also sought to amend Section 3 stating the objectives of universities, Section 5 concerning the functions of the Commission for University Education (CUE) as well as Section 26 concerning universities in each county to include the County Government in the spirit of devolution.

29th November 2017.
Sen. Kasanga Moved a motion improving of research fund to institutions of higher Learning. In his submission he noted that higher learning institutions concentrate more on teaching rather than on Research, further noting that funds availed are not sustainable or adequate. Therefore then, the senate asked the Ministry of education, science and Technology to provide a report detailing the status of research and innovation program in the country, re-assess policies and develop new work plans to improve allocation of funds for academic and sustainable community research and providing a platform for public and private institutions of higher learning to enable better collaboration in research and innovations for community and county development projects.

**TEACHERS**

Teachers are an important component in the education sector and hence the need to ensure their challenges are looked into most often. However in most cases this has not been the case. Teachers face challenges ranging from promotions to new job groups and transfers, issues which most often lead to teachers’ strikes. Teachers from different parts of the country and at different jobs have always had to over stay in one job group for more than the three required years. There is need to come up with fair policies to ensure equality in promotion of teachers throughout the country. These are legislations cases concerning teacher’s welfare as well as promotions.

**Teachers Strike**

Hon. Abdirahman Ali Hassan on 15TH September 2015 Sought a Statement from the Chairperson of the Standing Committee on Education regarding the ongoing teacher’s strike explaining the circumstances that led to the strike, what the Government was doing to address the demands of teachers to remedy the situation and also informing the House when learning would resume in schools. Sen Masika Wetangula noted that teachers had been asking for a nominal salary increment that is not even commensurate or comparable with the workload they have or salaries paid to other Kenyans in similar positions. He also reproached the Government for disregarding the Supreme Court’s ruling to pay teacher’s their dues.

Hon. Daniel Dickson Karaba responded that the Ministry had so far held a series of consultative meetings with Cabinet Secretaries of the Ministries of Labour, Treasury, Interior and National Coordination, Office of the Attorney-General, Teachers’ Service Commission (TSC) and the Salaries and Remuneration Commission among others, all aimed at resolving the salary increase demanded by the two unions on behalf of the teachers.

Senator Agnes Zani brought a motion to discuss the ongoing stalemate of the lecturer’s strike that had been on for six days. The subject matter of the stalemate was as a result of a Collective Bargaining Agreement (CBA) between 2010 and 2013 that was entered into by all public universities and the government, amounting to Kshs7.8 million. The agreement was to be actualized in payment of two batches. The first payment of Kshs3.9 billion was distributed, but there was a dispute even about that distribution. The first payment was effective December, 2012 and it was paid to the university staff. The second phase was the one that was problematic where there was a dispute whether it was paid to the universities or not. Dr. Zani mentioned that the strike had resulted to students being forced out of class. Dr. Zani also raised the issue of CBA’s noting that CBA agreement has not been adhered to & various meetings and discussions have taken place between the university unions and the Inter Public University Council Consultative Forum (IPUCCF) but no clear direction has been given.

**Teacher Promotion**

On 22nd February 2017 Sen. Karaba reiterated that teachers should be promoted on technical education and vocational training so that they can create employment and opportunities for the nation’s ever-increasing population so that we can handle the technical education that is
relevant according to UNESCO. Further Sen. Adan sought to know from the standing committee on education on the delay by the Teacher Service commission (TSC) to promote teachers in Isiolo County, and the decision by the TSC to suspend promotion of others. Further he requested that the chairman of the standing committee on education explain the criteria the TSC uses to promote teachers, explain the delay in promotion of teachers, explain when the TSC intends to promote teachers and further explain the reason for not promoting teachers.

In response Sen. Dr. Zani gave the criteria used by the TSC in the promotion of teachers. She gave the following as considerations for promotions; Successful undertaking of the relevant professional module, availability of funded posts in the establishment and performance of duties by the teacher. Sen. Zani went further to explain the delay in promotion teachers from Isiolo County who had upgraded to degree since January 2014 to date. The number of teachers submitting diploma and degree certificates has surpassed the funded establishment. The Commission received 21,397 new higher qualification certificates between 9th January, 2014 and 31st December, 2016. Out of which, 10,245 were degree certificates.

On April 10, 2019 the standing committee on education was asked to provide a statement on the policy by TSC to promote teachers in job group M and N to head schools. In the statement Sen. Senator sought from the committee a statement clarifies among others how the promotion exercise was to be conducted in Arid and Semi- Arid Lands (ASAL) areas which have shortage of teachers in the mentioned job groups without enhancing further marginalization in this area. Further explain the affirmative action measures taken by TSC to ensure that the policy does not further marginalize the marginalized communities.

**Teachers Transfer**

20th March 2020. Sen. Farhiya requested that the chairperson standing committee on education provide a statement regarding the transfers of teachers from Northern Kenya especially Wajir County. In the statement, she requested that the chairperson explains why the government resulted to transfer of teachers from schools in northern Kenya whenever the area faces insecurity challenges. She also requested from the measures taken by the government to ensure schools in Wajir county and others areas in northern Kenya are properly secured. Sen. Farhiya also requested that the chairperson explains the measures taken by the Ministry of education to compensate for the time lost and ensure that the syllabus is covered, given that many of the schools remain without teachers.

On February 19, 2020 the standing committee on education was asked to give a statement on the recent transfer of teachers by TSC from the North Eastern Kenya region. In the statement Sen. Iman asked the committee to clarify whether any stakeholders were consulted by the TSC before the transfers were affected. He further asked the committee to state measures taken by TSC to ensure that these areas don’t experience shortage of teachers. He sought an explanation as to why only one region was targeted. Sen. Farhiya stated that terrorism was a global challenge and hence withdrawing teachers every other time there was an attack was punishing the students from this region, which has seen large number of students continually get low grades. Senators’ agreed that there is need for an affirmative action to have a long-term solution.

**EDUCATION CURRICULUM**

Kenya is in the process of implementing the adoption of a new curriculum in our schools. Members of parliament deliberated on various issues concerning the implementation of the new programme to ensure quality of education.
Sen. Kihika enquired about the status of implementation of the new curriculum in the country. In the statement the house sought information on; an overview of the new school curriculum, its implementation status, state what extent the teachers have been trained to handle the new curriculum and state the extent to which study materials have been availed in schools for the new curriculum. Sen. Khaniri asked the Ministry of education and the Kenya institute of Curriculum development to consult all stakeholders to have the differences solved to ensure posterity of the new curriculum. The senator emphasizes on the need of having the parents, academic scholars, students and experts on board in deliberating on the change to the new curriculum.

Sen Dr. Milgo sought a statement from the standing committee on education on the incorporation of drama and other co-curricular activities in the education curriculum. She sought information regarding the measures taken by the national government in ensuring the incorporation of co-curricular activities in the education curriculum further state steps taken in addressing emerging trends such as performing arts which has become popular to have them included in the competency Based Curriculum (CBC).

Dr. Eric Mugambi Kinyua a petitioner on the review of the basic education curriculum Framework by the Ministry of education asked the government to recognize nursery schools, kindergartens, day care centers and adult education centers in the Basic Education Curriculum Framework (BCEF), recognize the 85 subjects proposed for teaching in the in upper primary junior, and senior secondary schools and merge subjects where necessary.

The petitioner had sought the following; the intervention of the Senate to ensure that the Ministry of education oversees and review to improve the design and quality of the new curriculum. Requested the Senate to direct the Ministry of Education to convene a national conference open to the public to review and discuss, adopt, guide and resolve the 2-6-3-3 Basic Education Curriculum Framework and direct the KICD to review and edit the Basic Education Curriculum Framework document, requested that the Senate direct that the Sessional Paper on Reforming Education and Training for Sustainable Development be presented by the Ministry of Education to actualize the 2-6-3-3 Basic Education Curriculum.

**LANGUAGE IN SCHOOLS**

Language is an important aspect of communication to human beings including those with special needs such as the blind and deaf. Language in schools is taught in English and Swahili. However, there is need to incorporate Kiswahili and English language in schools of the deaf. There is also need to promote vernacular languages in primary schools as stated in the Kenyan constitution. Below are illustrations of language in schools.

Senator Kiraitu Murungi requested a Statement regarding the use of indigenous languages in primary schools, which is covered both by the Constitution and the Education Act. The House wanted to know when that policy was going to be implemented and how much money the government had allocated to it so that the program could start the next financial year. Senator Karaba stated that there was a policy that vernacular or mother tongue should be used in all schools in Kenya as a medium of instruction, especially from Class One to Class Three. The said policy started as early as 1954 with the Ominde Commission and the Gachathi Report of 1976. However, he failed to indicate when the program would start prompting for more information.

Sen. Musuruve gave moved a motion with concerns that under the new curriculum of education in Kenya that is being piloted, she noted that learners with hearing disability are not offered Kiswahili language in primary schools, secondary schools and primary teachers training colleges therefore calling upon the Ministry of Education, Science and Technology and
other relevant state agencies to offer Kiswahili language as a core subject to learners with hearing disability in primary schools, secondary schools and primary teacher colleges and as an optional subject for learners with no hearing disability.

Sen. Pareno noted that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English. Sen Pareno was cognizant that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE) The senate called upon the Ministry of Education, Science and Technology to ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable, develop SEE instructional materials for learners with hearing impairment; work with linguists and researchers to develop sign language resources & ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

**PARTNERSHIPS IN EDUCATION**

Sen. Chris Obure read the Kenya National Examination Council Amendment No.2 Bill (Senate Bill No.14 of 2015) for the second time on 18th February, 2016. The Bill seeks to pave way for an independent appeals tribunal with county governments taking into consideration on education provision and exam administration towards devolution success, performance and service delivery under Part 2 of the Fourth Schedule of the Constitution. The composition of the tribunal is to include a chairperson nominated by the Judicial Service Commission (JSC), an advocate of the High Court of Kenya with at least 15 years of service, one person nominated by the head teachers’ association and principals of schools jointly, one person nominated teachers’ unions, one person nominated by parents’ associations and one person nominated by technical and vocational education authority among others. Sen. Moses Wetangula sought for the expansion of the composition of the National Examination Appeals Tribunal to include representatives from religious organizations, because most schools and the best schools in this country are sponsored by religious organizations.

Sen. Kipchumba Murkomen moved for the second reading of the Basic Education (Amendment) Bill (National Assembly Bill No.38 of 2014) on the 5th of July, 2016. The Bill introduces another level of representation, Sub-County Education Board from the traditional National Education Board to County Education Boards. It also provides for members who will sit in that board, the members are modelled along the same lines as the current membership of the County Education Board but at the sub-county level. The Bill also highlighted the role of sponsor’s especially religious institutions and allow sponsors to participate and offer proposals on matters of syllabus, text books, and digital content during curriculum development. The sponsors’ role is to offer material and financial support to institutions of basic education with regard to infrastructure improvement or any other project to support academic programs. Sen. Boniface Khalwale proposed to have increasing the academic qualifications for the members who sit on the county education board increased to a degree level, so that they will be women or men of golden letters who can be copied by the children.

On 1st December, 2016, Sen. Wilfred Rotich Lesan sought a statement from the Standing Committee on Education regarding the publication and distribution of books and other educational materials secondary and primary schools with the Chairperson tasked in identifying the process of publication and distribution of books and other educational materials to schools under free basic education programme. He also sought another statement form the committee with the roles of various institutions in the publication, distribution of books and other educational materials which are: Kenya Literature Bureau, Kenya Institute of Education, Kenya Schools Equipment Scheme, Jomo Kenyatta Foundation and the Heads of Public Primary and Secondary Schools. He also sought the total budgetary allocation to the free basic
education programme showing the corresponding budgetary allocations to the various institutions mentioned above.

NATIONAL GOVERNMENT AND COUNTY GOVERNMENT
Education is a devolved function with both the national government and the county government with distinct roles. However, the two levels of government can only be success by working together in coming with policies to better the sector.

On October 31, 2013 Senator Daniel Dickson Karaba brought the motion concerning Measures to Assist County Government Develop Capacity in Pre-Primary Education noting that Article 6 (2) of the Constitution recognizes that the National and County governments are distinct and inter-dependent and that devolution is an important principle in the new structure of governance. He noted that the fundamental role of education world-wide has been fostering economic and social transformation prompting governments to create specialized agencies to among other functions, regulate the training, registration, recruitment and deployment of teachers. He noted with concern that one of the main obstacles to the efficient and effective operation of County Governments is inadequacy of appropriate capacity and he called on the National Government to take measures to assist County Governments to develop capacity in the training, recruitment and deployment of teachers for pre-primary education.

Senator Daniel Dickson Karaba brought the motion concerning Measures to Assist County Government Develop Capacity in Pre-Primary Education. He noted that the fundamental role of education world-wide has been fostering economic and social transformation prompting governments to create specialized agencies to among other functions, regulate the training, registration, recruitment and deployment of teachers. He noted with concern that one of the main obstacles to the efficient and effective operation of County Governments is inadequacy of appropriate capacity and he called on the National Government to take measures to assist County Governments to develop capacity in the train.

Sen. Stephen Kipyego Sang on 18th October, 2016, supported a motion on Adoption of Report on Appeal for Transfer of Functions by County Governments noting that within the education sector the national government was responsible for universities, primary and secondary schools leaving Early Childhood Development (ECD), home craft centers and village polytechnics under county governments care he noted that county governments have neglected ECD infrastructure.

NATIONAL ASSEMBLY LEGACY ON EDUCATION
ACCESS TO EDUCATION
Education is the key to success as many put it, however even with the providence of free education by the government there are still factors that hinder different groups of students from accessing education. Poverty was mentioned as a major hindrance which acts in different forms as indicated in the illustrations below.

Education Funding
The House discussed the timelines for disbursement of free Primary and Secondary Funds on 7th June 2012. The Assistant Minister for Education responded stating that the Government had made arrangements to immediately release the balance of 21 per cent for the FPE which is Kshs1.85 billion and 28 per cent for the FDSE programme which is Kshs5.15 billion. With that disbursement, he noted that the funding for the FPE would be 100 per cent while that of the
FDSE will be 77 per cent. He further remarked that the remaining 23 per cent for the FDSE will be released in early July, 2012.

Hon. Emmanuel Wangwe moved that the Kenya National Examinations Council (Amendment) Bill, 2015, be read a Second Time. The bill was meant to amend the Kenya National Examinations Council Act, 2012 to abolish the examination fees payable by candidates as they book to sit for the KCPE examination and the Kenya Certificate of Secondary Education (KCSE) examination. Hon. Wangwe stated that the bill was to allow more students and pupils to access basic education overcoming the various cultural and religious challenges they faced. He also brought up the issue of misappropriation of funds intended for education where monies meant for education were being used for other purposes. The issue of inadequate infrastructure in various part of the country also arose in that some marginalized areas may not be able to raise the required examination fees. He also insisted on the importance of examinations to pupils and students more of the reasons why no student or pupil should miss doing their examinations because they could not afford and also the amendment would strengthen the Basic Education Act. The Hon. Member went ahead and touched on Free Primary Education saying that disbursement of funds for FPE and shortage of teachers was affecting education negatively and FPE would have to work properly for the Bill amendment to be effective.

**Education in Schools**

On 9th February 2011, Hon. Raphael Lakalei Letimalo had a concern with the delay in issuance of birth certificates since they were required by the Ministry of Education for registration of the Kenya Certificate of Primary Examinations (KCPE) and Kenya Certificate of Secondary Examinations (KCSE) candidates, which was currently ongoing. He asked whether the Government, through the Ministry of State for Immigration and Registration of Persons and the Ministry of Education suspend the demand of the requirement of birth certificates for examination registration until such a time that the Government was able to deploy sufficient personnel.

Hon. Aden Duale tabled a petition according to Standing Order No.205 (2) on the cancellation of the examination results of the 2011 Kenya Certificate of Secondary Education (KCSE) in the counties of Garissa, Wajir and Mandera. The petitioners wanted Parliament to investigate whether the cancellation of the results of the 1,600 students was warranted; to investigate alleged collusion of the students vis-à-vis the copies of the confiscated materials from the students so as to ascertain the credibility of the cancellation; to investigate the KNEC with a view to establishing the officials behind the alleged examination cheating and to investigate the cancellation and cheating of Kenya Certificate of Primary Education (KCPE) and KCSE examinations in the three counties in the last five years. The House discussed the purchase of books on social issues in schools. Hon. Alfred Bwire asked the Minister for Education what the Government was doing to ensure that books and instructional materials for primary and secondary education that parents buy address social issues such as gender, environment, HIV/AIDS, children rights, human rights, computers, drug abuse, school safety, peace education, among others, and; whether there were plans to have regional and decentralized centers for the production of such books and instructional materials.

The Assistant Minister for Education responded stating that The Ministry, in consultation with education stakeholders continuously reviews curriculum for both primary and secondary schools and ensures that emerging issues are captured and incorporated as topics or new subjects. He noted that in some cases the issues become cross-cutting throughout the whole curriculum, for example, HIV/AIDS. He informed the House that the Kenya Institute of Education approves school books and other instructional materials carrying the KIE logo.
School Feeding Program
Due to hardships in marginalized areas both in urban settlements and arid and semi-arid areas there is need for government to introduce the school feeding programme. School going children face starvation which affect their learning.

Baringo Central Member of Parliament Hon. Joshua Kandie on August 8th 2019 put a question to the Cabinet Secretary for education regarding the introduction of school feeding programme in Arid and Semi-Arid areas. Thus, considering that Baringo Central Constituency is an Arid and Semi-Arid Area and that most of the school going children face starvation and hunger which consequently affects their learning. He asked the CS to consider introducing school feeding programs in all primary and secondary day schools in Arid and Semi-Arid Areas. Further the measures being undertaken by the Ministry to ensure that school going children do not drop out of school as a result of starvation.

Teenage Pregnancies
Hon. Cecily Mbarire sought from the Cabinet Secretary for Labour and Social Welfare to provide a detailed report on the cases of teenage pregnancies reported across the country since the onset of the COVID-19 pandemic period that led to closure of schools and other learning institutions. She also asked the urgent steps taken by the Ministry to ensure protection and safety of all children in the country and to assure the Committee that legal action would be taken against the persons responsible for these acts in accordance with the Children Act and the Sexual Offences Act. She also asked whether the Ministry had put in place any programme to support the said children during the pregnancies, to the delivery of their babies and beyond, and most importantly, reintegrating them to the society and ensure they continue with their schooling. Girl’s Education

Shortage of Teachers
Hon. John Dache Pesa raised a question to the Minister for Education on the shortage of teachers in public secondary schools in Migori District. He asked the Minister for Education whether he could provide a list of all registered public secondary schools in Migori District, indicating their respective classes per school as well as the number of TSC teachers per school; Second, if he could also state the curriculum based establishment for each school in comparison with the actual number of teachers and to explain why a number of schools have only one or two TSC teachers; and, thirdly, what immediate measures he would take to correct the acute shortage of teachers in Migori District, both at primary and secondary levels.

Security of Students
On 26th April 2012, the House discussed the assault/eviction of students from Yusuf Haji Secondary School. Hon. Rachel Wambui Shebesh asked the Ministry of State for Provincial Administration and Internal Security by Private Notice whether the Minister was aware that 28 students of Yusuf Haji Secondary School who hail from outside Ijara (but mostly from Galole Constituency), were assaulted and forcefully evicted from the school on 24th March, 2012. The Assistant Ministry of State for Provincial Administration and Internal Security, Joshua Ojode noted that this question should have been addressed to the Ministry of Education and the Chair deferred the Question to the following week.

Health and Sanitation
Hon. Martin on Wednesday 29th April 2020 Owino sought a Statement from the Chairperson of the Departmental Committee on Education and Research, regarding preparations and precautionary measures during the end of year examinations for Class 8 and Form Four in the country during the COVID-19 pandemic. He wanted a Statement on the preparations and precautionary measures the Ministry had undertaken to ensure that Government policies and directives on hygiene and social distancing by learners were observed and adhered to, to the
later when they re-open, and to ensure that fumigation and sanitation of schools that were identified and used as quarantine centers were done.

Hon. Beatrice Adagala asked the Cabinet Secretary for Education to explain the current status of COVID-19 infections among learners in Grade Four, Standard Eight, Form Four and students in tertiary institutions and universities as well as teaching and non-teaching staff since the reopening of learning institutions. She also asked the specific measures the Government was undertaking to enhance the safety of learners, teaching and non-teaching staff particularly in the event of a second wave of the COVID-19 pandemic.

Hon. Esther Passaris requested for a Statement from the Chairperson of the Departmental Committee on Education and Research regarding the distribution of sanitary towels to students while schools are temporarily closed during the period of COVID-19 pandemic. She sought a statement on the number of girls who were still benefiting from the sanitary towels program while schools were closed and the measures in place to ensure that the sanitary towels programme continued to cater for girls registered in public schools by the Ministry of Education. The Cabinet Secretary who said that sanitary towels were expected to benefit a total of 1,698,763 girls who were enrolled in classes six to eight in selected public and all special primary schools in the 47 counties in the country. The delivery of sanitary towels to the sub counties directors of education offices was completed by 31st March 2020 for the current 2019/2020 Financial Year at a cost of Kshs 375 million before schools closed.

**EQUITY AND INCLUSION**

Members of the national assembly brought out issues in the education sector that hinder equity and inclusion in schools and educational opportunities. They touched on different aspects that left different groups of students in situations they had no means of overcoming to be able to compete fairly with other groups of students in different regions. The discussions show lack of equity and inclusion among different stakeholders in the sector.

**Marginalized regions**

Hon. Robert Monda sought to know from the Minister for Higher Education, Science and Technology: the criteria used by government in allocation of international scholarships to interested Kenyans and provide a per-constituency list of the beneficiaries of the scholarships in all the 47 counties and clarify whether equity and regional balance was achieved, further to state how many scholarships had been awarded to students in local and overseas universities by the Government of Kenya, other governments and development partners in the last three years.

Hon. Abdul Bahari Ali Jillo, 12th march 2019 asked the Minister for Higher Education, Science and Technology to state how many universities and middle level colleges existed in Marsabit and Isiolo counties and what plans the Ministry had to establish more such institutions in the two counties. The Assistant Minister for Higher Education, Science and Technology, Hon. Valerian Kilemi Mwiria responded stating that unfortunately, there were no public universities and middle level colleges in Marsabit and Isiolo counties at that moment. He further disclosed that the Ministry had identified nine counties, including Isiolo that were lacking technical training institutes. He also informed the Hon. Members that Kenyatta University, in collaboration with the Ford Foundation had a center in Marsabit Town that offers women in Marsabit County a Bachelor of Education (Arts) Degree. Finally, he stated that the Ministry was at an advanced stage of establishing the Open University of Kenya that would create access. He highlighted that there would be a center in every county of that Open University, so that we have more Kenyans enrolling for university education inexpensively.
Special Needs Education
The National Assembly on 15th February 2012 discussed the funding of schools/institutions for the disabled. Hon. Silas Muriuki Ruteere asked the Minister for Education:- to provide a list of Special Schools and Technical Training Institutions which care for the mentally challenged, physically challenged, deaf and blind in the country; to consider funding the schools/institutions adequately considering that most parents/guardians of such students cannot afford high school fees; and, to transfer the Technical Training Institutes to the Ministry of Higher Education, Science and Technology for financial support and infrastructural development.

Hon. Dennitah Ghati asked the Cabinet Secretary for Education the following to outline the mechanisms the Ministry had put in place and the facilities it had availed, if any, to ensure that students with various forms of disabilities are able to effectively and efficiently access online learning during the period of the COVID-19 pandemic when learning institutions are closed and the guidelines and framework in place to guide the eventual re-opening of schools with respect to all public and private institutions providing special education in the Country. Further the preparedness in regard to opening of schools and all other learning institutions in the country during the COVID-19 pandemic period and the measures the Ministry put in place to ensure that schools and all other learning institutions conform to the set COVID-19 protocols as enquired by Hon. Titus Khamala. Hon. Benjamin Washiali asked whether the Ministry planned to provide essential items, such as water tanks for washing hands, face masks, sanitizers, and social distancing protocols among others to public schools and colleges, especially for pupils and students from poor backgrounds. He also asked if any public health training had been given to the teaching and non-teaching staff to enable them to be at the forefront of identification and management of COVID-19 cases in schools.

Girl Child Education
On May 15th 2013, Hon. Hassan Abdi Dukicha raised a motion on Establishing of Girl Boarding Schools in ASAL Areas. He stated that the number of girls dropping out of school in Arid & Semi-arid areas is increasing and he is urging the government to establish a girl boarding school for both primary and secondary in all ASAL areas.

Street Children and Orphans
Hon. Zuleika Juma on March 19th 2014 requested the Departmental Committee on Education, Research and Technology to respond to the cases of mistreatment of Muslim students in public schools. Following the judgement of the High Court in 2013 requiring all schools to respect the religious rights of students, she stated that some public schools did not respect the rights of their Muslim students as they forced them to take Christian Religious Education and to attend Sunday church services. Some public girls’ schools such as Alliance Girls forced Muslim girls to remove their headscarves and did not allow them to wear long skirts or trousers, as required by the Muslim faith.

SCHOOL LEADERSHIP
Students Unrest
The House discussed the participation of Leeta/ Kiolo primary schools’ pupils in demonstration. Hon. Ntoitha M’mithiaruto asked the Minister for Education whether the Minister was aware that pupils from Leeta and Kiolo Primary Schools in Igembe North district were released by the respective head teachers to participate in a demonstration on 7th March 2012, and that one of them was seriously injured and commercial wares looted at several market centers. He also questioned what disciplinary action had the Minister taken against the head teachers. This question was however deferred.
**Students’ Abuse/ Harassment**

Hon. Zuleika Juma on March 19th 2014 requested the Departmental Committee on Education, Research and Technology to respond to the cases of mistreatment of Muslim students in public schools. Following the judgement of the High Court in 2013 requiring all schools to respect the religious rights of students, she stated that some public schools did not respect the rights of their Muslim students as they forced them to take Christian Religious Education and to attend Sunday church services. Some public girls’ schools such as Alliance Girls forced Muslim girls to remove their headscarves and did not allow them to wear long skirts or trousers, as required by the Muslim faith.

**Guidance and Counselling**

Members discussed about introducing spiritual leaders in schools. To ensure continued support for students and teachers going through tough time to avoid having them direct their energies to destruction of schools Hon. Geoffrey Makokha Odanga on 15th June, 2016 moved a Motion on the Deployment of Chaplains to Learning Institutions as there was a rise of unbecoming conduct among the young people and concerned that incidents of loose morals have worsened in the recent past through emerging radicalization leading the youth towards terrorism and lawlessness thus urging through the Departmental Committee on Education, Research and Technology the Ministry of Education, Science and Technology to consider deployment of chaplains to secondary schools and tertiary institutions to instill desirable morals, social virtues, national values and a sense of responsibility and to complement the work of guidance and counseling departments operating in these institutions.

**Mismanagement of School Funds**

On 24th November 2020 Hon. Olago Aluoch requested a Statement on the inadequate and irregular disbursement of tuition and general-purpose funds to primary schools by the Ministry of Education. He sought a statement on how the Ministry expected schools to run seamlessly in the face of inadequate and irregular funding of Simba Tuition Accounts and General-Purposes Accounts. He also sought a statement on why the Ministry was exposing teachers, learners and staff to COVID-19 pandemic by failing to disburse funds for mitigating COVID-19 which had also placed undue pressure on parents who were being compelled to fund COVID-19 mitigation measures. Further asking what the Ministry was doing to sustain free primary education in the country in view of the funding disparities of primary schools compared to secondary schools and to further motivate teachers to apply for head teacher positions.

Hon. James Lusweti Mukwe on 27th July, 2016 moved a Motion on Recruitment of School Bursars noting the recent report by the Ministry of Education submitted to the Ethics and Anti-Corruption Commission (EACC) mismanagement of capitation funds in public schools due to management by people lacking accounting and financial knowledge. He asked the Government through the County Education Boards on recruitment of School Bursars to manage FPE funds disbursed to various schools in the country. He cited major challenges with the managing of resources in the education sector and literacy levels declining.

**TEACHERS**

Teachers from hardship areas have had to endure hardships due to neglect by the government. Most teachers have stagnated on one job group for long duration jobs of time without promotions. There is need to come up with fair policies to ensure equality in promotion of teachers throughout the country. These are legislations cases concerning teacher’s welfare as well as promotions.

**Recruitment and Promotion**

The House discussed the plight of “A” level S1 teachers on 7th March 2012. Hon. Bonny Khalwale asked the Minister for Education what he is doing to address the plight of over 2,000 ‘A’ - Level S1 teachers, who are constantly being discriminated against by the Teachers Service
Commission (TSC). The Assistant Minister for Education, Hon. Calist Mwatela informed the House that the Ministry was going to address the plight of the over 2,000 P1 A-Level teachers who have not been upgraded in the next financial year 2012/2013. He reiterated that the spirit of Article 27 of the Constitution guarantees equality and freedom from discrimination and that they would uphold these provisions. The Hon. Members however pleaded with the Minister to conclude this matter with haste as it was long overdue.

Hon. Charles Nguna on September 12, 2019 asked the Teachers Service Commission to explain the criteria used in the recruitment and promotion of teachers and how many teachers have been recruited and promoted in Kitui County in the last two years.

Further Hon. Christopher Nakeleu on October 2, 2019 presented a petition regarding the recruitment of teachers in Turkana County by TSC on behalf of the Residents of Turkana County. The Petitioners sought the National Assembly to; Inquire into TSC's staffing policy in Turkana County, with a view of proposing affirmative action in the recruitment of teachers in Turkana, giving the local residents priority in the recruitment, Engage TSC with a view of recommending compliance by TSC to the conventional ratio of 70 to 30 per cent teacher recruitment ratio for locals’ vis-à-vis non-locals and Cause TSC to issue a special waiver to enable recruitment of graduates from Turkana County into the TSC fraternity irrespective of the year of graduation.

Teachers Strikes
The House on 2nd May 2012 discussed the implementation of the agreement between the Ministry of Education and the National Union of Teachers. Hon. Hon. David Ouma Ochieng asked the Minister for Education: whether the Ministry entered into an agreement with the Kenya National Union of Teachers (KNUT) to increase teachers’ house allowance in 1996. The Assistant Minister for Education, Professor Olweny responded stating that there was no agreement entered between the Ministry of Education and the KNUT to increase the teachers’ house allowance in 1996. However, the Government increased house allowance for teachers in 1997 and 2001 respectively and that the 2001 rates are still applicable to date. He noted that the agreements there had been between the Government and KNUT had been fully performed and that any future agreements regarding the increments of salaries and allowances for teachers and other public servants would have to be negotiated with the Salaries and Remuneration Commission established by the Kenya Constitution, 2010.

SCHOOL INFRASTRUCTURE
Quality and effective education is dependent on the infrastructure available and the learning materials put in the infrastructure to enhance learning. In Kenya and more so marginalized areas, school infrastructure has been a huge problem with some schools lacking enough classes and hence learning materials. There has also been neglect in inspecting the quality of structures built which puts the teachers and students in great danger, for instance the precious talents academy and Kakamega primary schools that collapsed causing death and injuries to students. Further most institutions lack proper amenities to support people with special needs. Lastly, there is disparity in allocation of resources to different schools depending on the environment and whether marginalized or not.

Hon. Wilson Sossion on Tuesday, 3rd March 2020 asked the Cabinet Secretary for Education to provide the status of investigations into the cause of recent student deaths at Precious Talents Academy and Kakamega Primary School, to provide the technical reports regarding public works certification of completion and occupation, public health and quality assurance and standards, in respect of the two schools. He also wanted to know the progress of registration of unregistered schools which had enrolled students, progress made in approving buildings for such schools, and give reasons for the delays and when the Cabinet Secretary would appoint members of the Quality Assurance and Standards Council, as required under
the Basic Education Act, 2013, so as to enhance quality assurance in the delivery of basic education?

Narrowing down on special needs schools, Hon. Dennitah Ghati on October 8, 2019 asked the Cabinet Secretary for Education regarding the provision of special needs schools. She asked the CS to provide a list of all special needs’ schools in the country per constituency, state the number of special needs schools that received infrastructural development funds in the financial years 2016/2017 and 2017/2018, indicating the names of the constituency, the amount of money received and an account of how the said funds were utilized and to explain the criteria used to identify special needs schools to benefit from infrastructural development funding.

Hon. Cyprian Kubai Iriinga, while making his contribution to the motion on the provision of water to public facilities highlighted the plight of schools especially those in rural areas when it comes to accessing water. He stated that availability of water in some schools is seasonal. Schools in rural areas, rely on rainwater which they tap from rooftop of classrooms and other buildings and store the water in tanks. Unfortunately, once that water is finished, they have nothing to use. Some schools even have food, but cannot get water to cook it. Students also lose learning time because of the water shortage. He therefore called upon the county government to ensure that every institution, especially schools, has adequate water provision.

**School Land**

Learning institutions across the country have become prone to land grabbing due to their lack of title deeds. This however is supposed to be an initiative by the institution itself to acquire its land title deed to safeguard against grabbing as Land grabbing has become a common thing.

On 20th September 2012, the House debated on the non-issuance of title deeds to public schools in Makueni County. Hon. Peter Kiliu asked the Minister for Land: why public schools in Makueni County had no title deeds for the pieces of land they occupy and when they would be issued with title deeds to forestall possible land grabbing. The Assistant Minister for Lands, Samuel Gonzi Rai responded that he was aware that some public schools in Makueni County had no title deeds for the pieces of land that they occupy. He noted that titles to public schools are prepared out of the initiative of individual schools.

Hon. Yusuf Kifuma again raised the issue concerning the delayed issuance of a title deed to Hamuyundi Primary School in which the Assistant Minister for Lands responded by stating that he was aware of the issue and that copies of the application were received on 4th January 2013 and further, that the title would be issued upon fulfilment of certain conditions contained in the letter of allotment. He also added that he was aware of the fact that many schools were in the same problem and set out that the school managements had the obligation of liaising with respective local authorities, the County Director of Education and the District Land Officers for advice on how to process titles.

**Public-Private Partnerships in Education/APBET**

Members deliberated on the issue of learning materials distributed by private actors to schools. The debate was triggered by petitions asking the government to create a fair ground to ensure a win-win strategy in books purchases by schools themselves.

A petition signed by a Mr. Njoroge Waweru on 5th June, 2018 regarding Value Added Tax Levied on textbooks, journals and periodicals was conveyed to the house by the Hon. Speaker. The petitioner is concerned about the value added tax of 2013 imposed a blanket Value Added Tax on textbooks, educational materials, journal and periodicals and which he believes is an impediment to the realization of the free basic education initiative. Mr. Njoroge urges
that books in their inherent nature are not based on commercial model. In his view this taxation on textbooks is in conflict with the Government’s free educational policy.

The petition on Distribution of text books to public schools presented by Hon. Anthony Kiai on May 9, 2019 on behalf of the Kenya Booksellers and stationeries Association (KBSA). The petitioners asked the National Assembly through the Departmental committee on education to put a recommendation to the Ministry of education to reconsider the policy on book distribution to schools that allows for direct delivery of text books to schools and which ensures that micro, small and medium enterprises access opportunities for government procurement and supply of text books in accordance with the provisions of the public Procurement and disposal Act. This is after the policy was revised in 2016 which resulted in the Ministry directly delivering books to county headquarters without public participation and consultations with booksellers as stakeholders.

A petition resubmitted on June 20, 2019 by Ms. Mutheu Kasanga the National Chairperson - Kenya Private School Association (KPSA) regarding the Provision of Government Capitation to students in Private Schools. The petitioner urges to reconsider its policy on capitation for free primary and secondary education to include capitation for pupils and students enrolled in private schools who have been captured in the NEMIS System. Further considers the amendment of Section 29 of the Basic Education Act, 2013, and review of other relevant regulations and Government policies on education funding so as to accord, with the constitutional principle of access to free and compulsory basic education, all children irrespective of whether they get enrolled to public or private schools. There is need for the government to support private actors in the education sector even it is to effectively achieve the 100 transition of students to high.

Learning in Schools in the wake of Covid-19
Covid-19 caused great disruption in the education sector resulting to school closure all over the country. The government established different modes of learning through social media, media houses and online classes. However the greatest challenge lay in ensuring a safe environment for students and teachers in the reopening of schools. The national assembly deliberated on ways to ensure the government was in line to ensure safety of learners in schools.

Hon. Geoffrey Omuse requested for a Statement from the Chairperson of the Departmental Committee on Education and Research on 6th may 2020 regarding the Government’s preparedness in the country on e-learning due to COVID-19. He sought the Governments appropriate mode of e-learning and its status on the impact of learners during the COVID-19 pandemic, the Government’s immediate intervention to the majority of learners who could not access gadgets, internet and electricity.

In Hon. Julius Melly response stated that the Ministry, through the Kenya Institute of Curriculum Development (KICD), was delivering the curriculum through virtual learning and other digital platforms, including television, radio, the Kenya Education Cloud and digital contents in CD while Universities have also switched to online platforms. The coverage of the curriculum would resume from the point of coverage as at mid-March ensuring all learners were sufficiently accommodated. The Ministry of Education, Science and Technology, through the KICD, was providing out of classroom lessons to over 15 million learners in both primary and secondary schools without any charges. The pre-recorded lessons were done by qualified teachers who had been adequately trained on the new teaching pedagogies for the Competence Based Curriculum (CBC). To facilitate online capacity building for teachers, the KICD established Elimika, an online portal within the Kenya Education Cloud platform where
all teachers enrolled for capacity building courses on CBC, ICT integration in teaching and learning as well as health literacy.

The digital learning away from the classroom would be accessible to children from extremely disadvantaged families, through KBC’s Radio Taifa and English Service with coverage in all counties to air the out of classroom lessons to learners in disadvantaged and remote areas. The cloud whose domain is www.ke.ac.ke hosts interactive digital content and radio lessons on demand. It has e-books for O-levels to serve pupils, teachers and online users and for teachers on curriculum integration and use of ICT in learning. All digital content is accessible free of charge during the period of COVID-19 pandemic in preparation of the programming and transmission schedules for both radio and television.

**Payment of Salaries to Support Staff in Schools**

Hon. Thaddeus Nzambia on 25th June 2020 asked the Cabinet Secretary in charge of Education to explain why over 100,000 support personnel in various schools were yet to be paid their salaries since March 2020 following closure of schools as a result of the COVID-19 pandemic and when the operational funds meant for payment of salaries of the said personnel in schools would be released. He also wanted the Cabinet Secretary to explain the measures the Ministry had put in place to ensure timely release of the said funds to ensure payment of staff salaries on time. The Ministry facilitated public primary and secondary schools and public teacher training colleges to enable them to continue paying wages to their support staff engaged by BOMs for the period ending 30th June 2020. The Ministry of Education only has the mandate to pay support staff in public primary and secondary schools and teacher training colleges. This does not, however, include provision for payment of BOM teachers, as recruitment and employment of teachers is the mandate of TSC and BOMs in their respective capacities. The Ministry would still continue remitting the requisite funds to the public schools and teacher training colleges to ensure that support workers continue to be paid.

**Education in Higher Learning Institutions**

Issues relating to Higher education were also raised in the Senate, with a focus on the qualifications to universities and the accreditation of new universities and the courses they offered. Funding of students and especially by HELB was an important factor discussed. Lack of funding could hinder on from accessing education. These issues were raised from petitions brought to parliament.

In 2014, the House discussed the admission of 75% of qualified students to public universities. Hon. James Maina Kamau moved a motion urging the Government to ensure that at least seventy five percent (75%) of all qualifiying students were admitted to the regular programs in public universities. He noted that by 2015 there were going to be many students going to universities since they were the first group of students under the Free Education Programme. He further emphasized that concerns raised over the ability to absorb the increased manpower into the economy should not be used to prevent university expansion since the country could export human resource to other neighboring countries like Sudan and Rwanda.

In 2012, Hon. Bonny Khalwale on behalf of the students of engineering at Masinde Muliro University of Science and Technology (MMUST), Kenyatta University (KU), and Egerton University presented a petition. In the petition, the students sought to address among other issues the issue of failure of accreditation by the Kenya Engineers Registration Board (KERB). The petitioners prayed that they would get accreditation by the KERB, that the universities be compelled forthwith to employ qualified and fit lecturers; the universities be equipped with laboratories and workshops in line with the specifications and directives of the KERB. Through the Speaker of the National Assembly, the KERB be compelled to set a clear criterion and standard of training module for the purpose of vetting graduates of engineering for admission.
into the Board in line with other professional boards like the Law Society of Kenya (LSK) and the Kenya Medical Practitioners and Dentists Board

Hon. Kimani Ichung’wah on 3rd December 2020 requested a Statement from the committee on Education and Research on the exponential increment in tuition fees charged to university students. He sought from the committee whether it supported the proposed increase in university fees effective January 2021 in the middle of the COVID pandemic and whether the proposed increment had any budgetary implication with regard to capitation fees for university students, and if so, would such implication mean higher taxation being levied on Kenyans given that the increment was not factored in the 2020/2021 Budget.

CHAPTER 3
Drivers of Debate and the Goals Achieved
This chapter contains the drivers of debate and the Goals Achieved so far. The parliament of Kenya is mandated with a major task of legislation among others. Debates are driven by/through legislative tools such as petitions, statements and motions. These tools are formulated differently and are used to address challenges differently. This chapter highlights the triggers of this tools that hence lead to debates in the chambers of parliament.

Triggers of debates in parliament

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<td>Burning of schools by students.</td>
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A summary of Contributions by Members of Parliament in regards to Education for the 11th and 12th parliaments

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### Implemented Policies Making Impact

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<th>OUTCOME</th>
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<td>Residents of Kiharu Constituency</td>
<td>Abolition of Class 8 Examination Fees and Introduction of Free School Feeding Programme for all Public Primary School Pupil. Tuesday, 18th June, 2013.</td>
<td>Abolition of Examination fees for both class 8 and form</td>
</tr>
<tr>
<td>Sen. Lesan</td>
<td>Education regarding the publication and distribution of books and other materials to public primary and secondary schools</td>
<td>A new cost effective textbook policy was adopted by the government</td>
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### Education Committee Members for both houses of parliament as at 2020

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<th>Senate Education Committee Members</th>
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<tr>
<td>1. Hon. Mutua, Florence Mwikali - Chairperson</td>
<td>1. Sen. (Dr.) Milgo Alice Chepkorir-Chairperson</td>
</tr>
<tr>
<td>2. Hon. Wambugu, Martin Deric Ngunjiri - Vice Chairperson</td>
<td>2. Sen. (Dr.) Zani Agnes Philomena- Vice Chairperson</td>
</tr>
<tr>
<td>5. Hon. Momanyi, Jerusha Mongina</td>
<td>Sen. Seneta Mary Yiane</td>
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<td>6. Hon. Lekumontare, Lentoi Joni L. Jackson</td>
<td>Sen. (Dr.) Inimah Getrude Musuruve</td>
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<td>8. Hon. Lochakapong, Peter</td>
<td>Sen. Outa Fredrick Otieno</td>
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<td>9. Hon. Mwirigi, John Paul</td>
<td>Sen. (Prof.) Imana Malachy Ekal</td>
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<td>10. Hon. Oyioka, John Oroo</td>
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<td>11. Hon. Obara, Eve Akinyi</td>
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<td>12. Hon. Odanga, Geoffrey Makokha</td>
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<td>13. Hon. Sossion, Wilson</td>
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<td>19. Hon. Njiru, Eric Mucha</td>
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CHAPTER 4
FINDINGS AND RECOMMENDATIONS
This section contains findings of the study and recommendation to different stakeholders in the education sector.

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<td>Dropping out of school for young mothers.</td>
<td><strong>Young mothers</strong>- capacity building for the young girls to empower them to go back to school.</td>
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<td><strong>CSOs</strong>- Establishing of capacity building programs for teenage parents.</td>
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<td><strong>Teachers &amp; Parents</strong>- Guidance and counseling on sex education to ensure self-awareness.</td>
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<td></td>
<td><strong>Government</strong>- have a system of reintegrating young girls back to school immediately after whining to enable them complete their studies and further have organizations and facilities where disowned girls are taken care of.</td>
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<td>Ensuring Stan measures are taken for people who impregnate young girls are taken.</td>
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<td>Delay of responses to statements / questions sought from committees.</td>
<td><strong>National assembly &amp; senate</strong>- Strengthening and building capacity of the departmental committees to ensure follow ups on any statements or answers sought are given in time.</td>
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<td><strong>Parliamentary service commission</strong>- enhance the penalties for persons failing to appear before committees to answer questions of national interest hence leading the delay.</td>
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<td>Inadequate learning materials and equipment’s which results from little funding.</td>
<td><strong>The county government</strong>- And national government- increasing capitations per students in schools. Consider applying subsides on school learning materials and equipment.</td>
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<td>Shortage of trained teachers in all levels of education.</td>
<td><strong>The government</strong>- should purposefully increase the budget share for TSC to enhance their capacity to employ more teachers.</td>
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<td>Poor and improper infrastructure and sanitation facilities.</td>
<td><strong>Ministry of education-Quality Assurance and Standards Council</strong>- Equipping the task force both monetary and material wise to ensure proper inspections of the emerging and existing schools</td>
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<td>Late disbursement of funds and Underfunding by the National government and county governments especially in special needs learning institutions.</td>
<td><strong>Parliament</strong> - Pass legislations to ensure that disbursement of education funds is done in the right time.</td>
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<td>Poor investigations/ research by committees.</td>
<td><strong>Parliament leadership</strong> - training for persons carrying out research from the committee or on behalf of the house committee. Dismiss from the committees members who work consistently fail to meet the minimum standards set by parliament.</td>
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<td>Lack of infrastructure and education materials.</td>
<td><strong>Government</strong> - Providing enough space For constructions and further use of locally available materials to reduce cost of construction.</td>
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</table>
| Neglect of teachers and students in Arid and semi- Arid areas                        | **The governments** - Ensure at most security for teachers in marginalized regions.  
Capacity building of the teachers to lift their morale due the challenges and hardships they endure.  
Ensure that the teachers in this hardship regions get their rightful hardship allowances as is due.  
**Local leaders** - Ensure the teachers are not harassed by the local communities. |
| Participation by education stakeholders                                               | **CSOs** - Advocacy to push the government to ensure that it consults all people in the sector. |
| Lack of support to caregivers of special needs children both in schools and homes      | **Government** - Increasing the already set allocation to capture the caregivers in homes.  
**CSOs** - Organize programmes that will pass the necessary skills and knowledge to the caregivers. |
| Challenges in Access to education in arid and semi- arid areas                         | **Government** - Construction of boarding schools in arid areas.  
Ensure availability of teachers by engaging local teachers from the community themselves. |
| According to women MPs in the National Assembly Committee on Education, poverty, especially in rural areas, is the cause of early pregnancy thus pushing hundreds of girls out of school. | **The Ministry of Education** - Kenya to be consistent in its recently launched sanitary pads programme to cover more girls. |
List of Senate Education Related Statements

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<td>Statement on poor performance in national examinations by schools in Mandera Count. 18th March 2014</td>
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Statements by Chairpersons of Committees pursuant to S.O. 51 (1) (a)

Chairperson, Standing Committee on Education | Reopening of learning institutions in the wake of the COVID-19 pandemic 21.07.2020 |
**List of Senate Education Related Bills**

**Education Bills 2019-2020.**

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Delayed payments for supplied Commodities. Tuesday 28th July 2020

Mr. Albert Maloba, Chairperson of the Universities’ Presidents Council.

Safe re-opening of learning institutions Across the country. Tuesday 17/11/2020

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The Constitution of Kenya 2010

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