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TWELFTH PARLIAMENT (FIFTH SESSION)

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for tabling -

THE STANDING COMMITTEE

ON

EDUCATION

Eg 22/05/21

REPORT ON THE COUNTY VOCATIONAL EDUCATION AND TRAINING
BILL, (SENATE BILLS NO. 6 OF 2021)

PAPERS LAID	
DATE	04/08/2021
TABLED BY	Seneta Mary
COMMITTEE	Education
CLERK AT THE TABLE	Daniel

*Rt-Hon' Speaker
You may approve
for tabling.
02/08/21*

*Approved
3/08/2021*

Clerk's Chambers,
Parliament Buildings,
P. O. Box 41842-00100,
NAIROBI.

August, 2021

TABLE OF CONTENTS

ABBREVIATIONS AND ACRONYMS iii

PREFACE iv

 Mandate of the Committee iv

 Membership of the Committee iv

EXECUTIVE SUMMARY 1

1. THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021) 4

 Background 4

 Overview of the Bill 4

2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC 6

3. COMMITTEE OBSERVATIONS 14

4. COMMITTEE RECOMMENDATIONS 15

 Annexures: 18

 Annex 1: Proposed Committee Stage Amendments 18

 Annex 2: Minutes of the Committee Meetings 18

 Annex 3: Advertisement on Senate Bills 18

 Annex 3: Public Participation Submissions 18

ABBREVIATIONS AND ACRONYMS

AVTK	Association of Vocational Trainers of Kenya
CBET	Competency Based Education and Training
COG	Council of Governors
CVTC	County Vocational Training Centres
HELB	Higher Education Loans Board
KICD	Kenya Institute of Curriculum Development
KISE	Kenya Institute of Special Education
MOE	Ministry of Education
NGEC	National Gender and Equality Commission
TVET	Technical Vocational Education and Training
TVETA	Technical Vocational Education and Training Authority

PREFACE

The Standing Committee on Education is established pursuant to standing order 218(3) and the Second Schedule of the Senate Standing Orders. The Committee is mandated to “*consider all matters related to education and training.*”

Mandate of the Committee

Pursuant to the provisions of the Second Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated *to consider all matters relating to education and training.*

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector (including but not limited to Early Childhood Development Education (ECDE) and Tertiary education (youth polytechnic);
3. Provide oversight for the Education Sector (Including not limited to ECDE and Youth polytechnics;
4. Facilitate budgetary resources toward the Education Sector (ECDE and youth polytechnic); and
5. Any matter that relates to education and training.

Membership of the Committee

1. Sen. (Dr.) Alice C. Milgo, MP - **Chairperson**
2. Sen. (Dr.) Agnes Zani, CBS, MP - **Vice-Chairperson**
3. Sen. Mwangi Githiomi, MP - Member
4. Sen. Fred Outa, MP - Member
5. Sen. (Prof.) Kithure Kindiki, EGH MP - Member
6. Sen. (Prof.) Malachy Ekal, MP - Member
7. Sen. Falhada Dekow, MP - Member
8. Sen. (Dr.) Gertrude Musuruve, MP - Member
9. Sen. Seneta Mary Yiane, MP - Member

EXECUTIVE SUMMARY

Mr. Speaker Sir,

The County Vocational Education and Training Bill, (Senate Bills No. 6 of 2021) seeks to provide a framework for the establishment of systems for the administration of training in vocational education and training within a county.

Mr. Speaker Sir,

The County Vocational Education and Training Bill, (No. 6 of 2021), was read a First Time in the Senate on 11th May, 2021 and thereafter stood committed to the Senate Standing Committee on Education for consideration.

Pursuant to the provisions of Article 118 and standing order 140 (5) of the Senate Standing Orders, the Standing Committee on Education invited interested members of the public to submit their representations on the Bill.

Mr. Speaker Sir,

The Committee held a virtual public hearing on Thursday 3rd June, 2021 and received both oral and written submissions from the Ministry of Education, the Council of Governors (COG) and the Association of Vocational Trainers in Kenya (AVTK) amongst other stakeholders.

On behalf of the Committee and on my own behalf, I wish to sincerely thank all the individuals, groups and organizations that responded to our call and made their well-researched and eloquent submissions both orally and in writing.

I assure them that the Committee has reviewed every single one of the submissions received and has taken into account their views in the preparation of this report and amendments to be proposed during the Committee of the Whole.

Mr. Speaker Sir.

As I conclude, I want to thank all the Members of the Committee for their insightful contributions during the consideration of the County Vocational and Education Bill and development of this report.

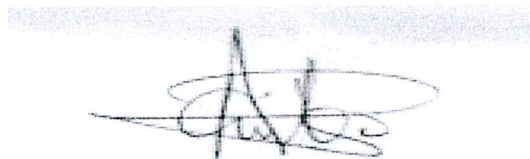
The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

The Committee further wishes to record its appreciation for the services rendered by the staff of the Senate that enabled expeditious consideration of the Bill and production of this report.

Mr. Speaker, Sir

Pursuant to standing order 213(6), it is my pleasant duty, on behalf of the Standing Committee on Education, to present the Report of the Standing Committee on Education on the consideration of the County Vocational Education and Training Bill (Senate Bills No. 6 of 2021).

I thank you



Signed.....

.... Date...30/07/2021....

SEN. (Dr.) ALICE C MILGO, MP
CHAIRPERSON STANDING COMMITTEE ON EDUCATION

ADOPTION OF THE COMMITTEE REPORT ON THE COUNTY VOCATIONAL
EDUCATION AND TRAINING BILL, (SENATE BILLS NO. 6 OF 2021)

We, the undersigned Members of the Senate Standing Committee on Education, do hereby append our signature to adopt the Report on the County Vocational Education and Training Bill (Senate Bill, No 6 of 2021).

Sen. (Dr.) Alice C Milgo, MP - Chairperson



Sen. (Dr.) Agnes Zani, CBS, MP - Vice-Chairperson



Sen. Mwangi Githiomi, MP - Member

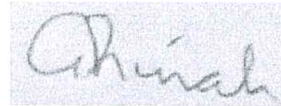


Sen. Fred Outa, MP - Member

Sen. (Prof.) Kithure Kindiki, EGH, MP - Member

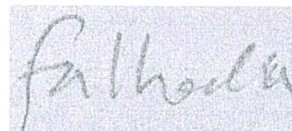
Sen. (Prof.) Imana Malachi Ekal, MP - Member

Sen. (Dr.) Gertrude Musuruve, MP - Member



Sen. Seneta Mary Yiane, MP - Member

Sen. Falhada Dekow, MP - Member



1. THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL (SENATE BILLS NO. 6 OF 2021)

Background

The County Vocational Education and Training Bill (Senate Bills No. 6 of 2021) seeks to put in place a legal framework to govern the establishment and management of vocational education and training with the county. One of the functional areas of county governments as provided for under Part 2 of the Fourth Schedule to the Constitution relates to village polytechnics and home craft centres.

The Bill was read at the Senate for the First Time on 11th May, 2021 and thereafter stood committed to the Senate Standing Committee on Education for consideration and facilitation of public participation.

Overview of the Bill

The County Vocational Education and Training Bill provides for preliminary matters and sets out various definitions, the guiding principles in relation to implementation of vocational education and training, as well as the obligations of the National government, county governments and owners of institutions registered under the Act.

It makes provision for trainees with special needs and confers an obligation on the county governments to ensure that measures are put in place including facilities and institutions to cater for the needs of trainees with special needs.

The County Vocational Education and Training Bill sets out the procedure for the establishment, registration and accreditation of vocational education and training centres. It further sets out the criteria for registration and the circumstances under which the registration of a vocational education and training centre may be cancelled or revoked.

The Bill outlines procedures to be followed for the sponsorship of public vocational education and training centres by private persons or religious institutions. It specifies the process through which a vocational and educational centre may be cancelled and deregistered and the penalty of violation of the various clauses.

The County Vocational Education and Training Bill provides for the management of vocational education centres. It provides that the county governments shall be responsible for the management of vocational education and training within the county. Every public vocational education and training centre shall have a Board of Management responsible for the conduct of education and training.

It also provides for managers and instructors of vocational education and training and their qualifications to ensure that the vocational education and training centres are professionally managed and operated in accordance with the provisions of this Act. This part further provides that the vocational education and training centres shall issue an annual report on governance.

The Bill provides for the standards and quality of education and training. It sets out provisions relating to the curriculum, vocational education and training programmes to be implemented, examination and competency assessment as well as quality assurance. The recognized curriculum development bodies shall be responsible for developing the curricula while the recognized examination, assessment and certification bodies shall be responsible for administering assessment and issuance of certifications.

It further sets out transition provisions in relation to existing institutions offering vocational education and training which are subject to registration under this Act.

2. SUBMISSIONS FROM MEMBERS OF THE PUBLIC

Pursuant to the provisions of Article 118 of the Constitution and standing order 140 (5) of the Standing Orders of the Senate, the Senate Standing Committee on Education invited interested members of the public and stakeholders to submit their representations on the Bill. The representations were to be made either orally during a virtual Committee meeting or through submissions of written memoranda.

The invitations for submissions were made vide advertisements which appeared in the Daily Nation and the Standard on Thursday, 18th May, 2021. Subsequently, the Committee held a virtual public hearing on Thursday, 3rd June, 2021.

The Committee received both oral and written submissions from the members of public and different stakeholders. These included the Council of Governors (COG), the National Gender and Equality Commission (NGEC), the Association of Vocational Trainers of Kenya (AVTK), Mr. Joseph Arap Bett, Mr Omariba Kepha and Mr. Rogers Kipkazi amongst others. These stakeholders registered their comments and proposed amendments which were captured and presented in the matrix below.

No	CLAUSE NUMBER	COMMENT/KEY AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTIONS
1.	Clause 2	Joseph Arap Bett Amendment of definition of 'transition certificate'	Joseph Arap Bett transition certificate means certificate issued under section 34 (4) not 35 (4)	The Committee adopted the changes proposed by Mr. Bett as a typological error; The Committee adopted the proposed changes from NGEC;
		National Gender and Equality Commission Amend the phrase "trainee with special needs" to "trainees with disabilities"	National Gender and Equality Commission This proposal seeks to align the interpretation with the definition of 'disability' as per Article 260 of the Constitution, the Convention on the Rights of Persons with Disabilities and The Persons with Disabilities Act, 2003.	

			The special needs that are interpreted in the Bill are actual disabilities.	
		<p><u>Council of Governors</u> Proposed amendment to the term 'principal' to read as follows— "Principal" means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;</p>	<p><u>Council of Governors</u> Principal denotes the order of seniority of their instructors Also in tandem with other running institutions where the senior most teacher with administration functions is referred to as the Principal.</p>	The Committee adopted the proposed changes from the Council of Governors.
2.	Clause 4	<p><u>National Gender and Equality Commission</u> The obligations of the National Government are commendable. The obligations resonate with the provisions in the Technical and Vocational Education and Training Act 2013.</p>	<p><u>National Gender and Equality Commission</u> The comprehensive promotion of the vocational education and training is likely to result in increased enrolment particularly of women, PWDs and youth from hard-to-reach areas. The sector is anticipated to generate higher numbers of job seekers and therefore there is need to increase or create more job opportunities under the Big 4 Agenda particularly in the manufacturing sector.</p> <p>The National Government may also need to increase its capitation.</p>	The Committee rejected the proposals by NGENC
		<p><u>Council of Governors</u> Proposed amendment to clause 4(d) to read as follows— 'In collaboration with County Governments, accredit institutions and programmes on County Vocational training and education.'</p>	<p><u>Council of Governors</u> While the role is a preserve of the TVET Authority, there is need for collaboration with County Governments to ensure that the County Vocational training and education institutions and programmes accredited cater to the needs of the County Governments which will govern them.</p>	The Committee accepted all the proposed amendments from the Council of Governors.

		<p><u>Council of Governors</u> Proposed insertion of a new paragraph to read as follows— <i>'In consultation with County Governments, register and accredit Private Vocational and Education Training Centres'</i></p>	<p><u>Council of Governors</u> While the TVET Authority is mandated with the registration of private vocational training centres, the County Governments should play a role in the registration process of private Vocational and Education Training Centres to ensure that they meet the standards set out by the County Governments</p>	The Committee observed that the proposals made by Omariba Kepha can be addressed administratively
		<p><u>Omariba Kepha</u> Proposed amendment to ensure that the disbursement of the grant from National Government is expedited</p>	<p><u>Omariba Kepha</u> The disbursement of the grant from the national government to County Vocational and Education Centres takes far too long</p>	
3.	Clause 5	<p><u>Rogers Kipkazi</u> Amendment proposed to change clause 5(a) in order to have vocational centre carry out procurement as opposed to county government</p>	<p><u>Rogers Kipkazi</u> procurement should be done by individuals vocational training centre NOT county government, reason being the delay and procurement of substandard equipment which might not be easy by management to correct as up to now some counties have not utilized grants for 2019/2020 and without clear explanation hence inconveniencing training. Capitation grants also to be deposited to institution's accounts.</p>	The Committee accepted the proposals made by Mr. Kipkazi
		<p><u>National Gender and Equality Commission</u> Obligations are commendable. We share our comments in the rationale section.</p>	<p><u>National Gender and Equality Commission</u></p> <ol style="list-style-type: none"> 1. The infrastructure in most of the existing institutions needs to be rehabilitated. The County Governments must focus on funding the development of the infrastructure. 2. Most of the institutions lack necessary equipment and machinery because of inadequate funding. The County Governments will need to invest in getting better machinery and 	

			<p>equipment in line with emerging technologies and demands from the industry.</p> <p>3. Vocational education centers continue to record low enrolment levels because most school leavers consider vocational education and training inferior and for students who failed their examinations. The mindset in schools is to aim higher to join a university to be deemed successful. That means that the Government needs to popularize the institutions as centers for professional artisan trainings.</p> <p>4. Most of the institutions face acute shortage of trainers and instructors and this calls for a focus by the County Governments in recruiting, retaining and motivating trainers. Personnel including instructors with disability should be considered.</p> <p>5. The County Governments will need to put mechanisms in place to ensure that they sponsor more students to enroll in the institutions to complement the capitation by the National Government.</p> <p>6. On the aspect of trainees with disabilities, the county Governments need to identify all forms of disabilities so that no category is excluded and feels discriminated against.</p>	
4.	Clause 6	<p><u>National Gender and Equality Commission</u> Proposed amendment of clause 6 by adding a new sub clause(h) as follows— ‘(h) admit all the qualified trainees that meet the admission criteria’</p>	<p><u>National Gender and Equality Commission</u> Imposes an obligation on the centres of non-discrimination or selective admission. CRPD 24(5) states that <i>‘State Parties shall ensure that persons with disabilities are able to access general tertiary</i></p>	The Committee rejected the proposals by NGEC and Mr Kepha

			<i>education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities'</i>	
		<u>Omariba Kepha</u> Proposed amendment to ensure that management obtains trainees from placement authority such as TVETA	<u>Omariba Kepha</u> No rationale proffered	
5.	Clause 7	<u>National Gender and Equality Commission</u> Proposed amendment to clause 7 by deleting the term “special needs” and substituting therefor with the word “disabilities” Proposed amendment to clause 7(1) by inserting after the word “Act” and deletion of the word ‘disabilities’ following the term ‘Representatives of and for persons with disabilities’	<u>National Gender and Equality Commission</u> The role of organizations of and for persons with disabilities as stakeholders in issues relating to disability is very crucial because of their expertise and lived experience on the subject matter. Note that these organizations are part of the membership of the Persons with Disabilities Council.	The Committee accepted the proposal made by the NGEC
6.	Clause 9	<u>National Gender and Equality Commission</u> Proposed amendment by deleting the words ‘including to special needs’ so as to read as follows— ‘Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres as it may consider necessary’	<u>National Gender and Equality Commission</u> The Bill has already imposed on the County Government in clause 7 a duty to ensure the needs of trainees with special needs are taken care of within the existing centers. It is desirable to have integrated centres but with well-equipped special units and reasonable accommodation for persons with disability. This benefits trainees with disabilities as they feel part of the learning community. It is also cost effective.	The Committee accepted the proposal made by the NGEC

7.	Clause 10	<p><u>Joseph Arap Bett</u> Proposed deletion of clause 10(4) and clause 10(5)</p>	<p><u>Joseph Arap Bett</u> the phrase 'not compromise' is vague and can be subjective. As for secular and non-secular subjects in the VTCs it is suggested that this be handled through regulations to be developed by The Technical and Vocational Education and Training Curriculum and Certification Council as per part viii of The TVET Act</p>	<p>Proposal by Joseph Bett rejected by the Committee</p>
		<p><u>Council of Governors</u> Proposed deletion of clause 10(3)</p>	<p><u>Council of Governors</u> The role of the review of the syllabus, curriculum, books and other teaching aids belongs to the two levels of government. As such, a sponsor should not influence the same as this may result to the change of a syllabus every time a new sponsor comes on board</p>	<p>The Committee adopted the proposals made by Council of Governors.</p>
8.	Clause 21	<p><u>National Gender and Equality Commission</u> Amend clause 21 as follows— 1. Provide for the mode of appointment of the membership of the Board of Governors. This shall facilitate transparency and fairness. 2. The composition to be inclusive by adhering to the not more than two thirds gender principle and representation of persons with disability.</p>	<p><u>National Gender and Equality Commission</u> Our proposals are guided by the provisions in the Technical and Vocational Education and Training Act 2013 - Second Schedule: Composition of Board of Governor for Technical Colleges which states; (1) The Board of Governors of a public institution shall consist of not less than seven and not more than nine members appointed by the Cabinet Secretary. (2) The membership of the Board of Governors shall comprise— (a) a chairperson; (b) a representative of the Principal Secretary in the Ministry responsible for technical and vocational training; (c) a representative of the County Governor of the county within which the institution is located; and (d) six other persons appointed on the basis of their knowledge and experience in—</p>	<p>The Committee accepted the proposal made by NGEN</p>

			<ul style="list-style-type: none"> • leadership and management; • financial management; • technology; • industry; • engineering; • information communication technology. 	
		<p><u>Council of Governors</u> Proposed amendment to clause 21(1) to read as follows— 21.(1) There is established in every county vocational education and training centre, a Board to be known as the Board of Management</p>	<p><u>Council of Governors</u> Under clause 2 on definitions, the board is referred to as the ‘Board of Management’ which is also in line with other legislation on Education including the Basic Education Act, 2013</p>	The Committee accepted the proposals made by the Council of Governors
	<p><u>Council of Governors</u> Proposed amendment to clause 21(3) to read as follows— ‘The membership of the Board shall be as follows—</p> <ol style="list-style-type: none"> i. the County Ward Administrator; ii. the Member of the County Assembly; iii. six persons elected to represent parents of the trainees in the centre or local community; iv. one person nominated by the county education board; v. one representative of the teaching staff elected by centre instructors; vi. three representatives of the sponsors of the centre; vii. one person to represent special interest groups in the community; viii. one person to represent persons with special needs; <p>and In appointing persons as members of a board of management, the following principles shall be observed and respected;</p>	<p><u>Council of Governors</u> This is to ensure that the Act speaks to the needs of the Counties and to ensure gender balance and equity in representation within each Board of Management.</p>		

		<p>i. the ethnic and regional diversity of the people of Kenya</p> <p>ii. impartiality and gender equity; and</p> <p>iii. Article 10 and Chapter Six of the Constitution’</p>		
		<p><u>Council of Governors</u> Proposed amendment to clause 21(4) to read as follows— ‘The County Executive Committee member shall appoint the persons nominated to the Board by a notice in the County Gazette’</p>	<p><u>Council of Governors</u> Currently, county governments place their notices in the Kenya Gazette as they do not have County Gazettes.</p>	
9.	Clause 29	<p><u>Council of Governors</u> Proposed insertion of new subsection in clause 29 immediately after paragraph (e) as follows— (f) has a degree from a recognized university in Kenya (g) has at least 7 years of experience as a teacher and at least 2 years at management level</p>	<p><u>Council of Governors</u> There is need to provide for the specific qualifications of a Principal of a Vocational education and training centre.</p>	The Committee accepted the proposals
10.	Clause 31	<p><u>Council of Governors</u> Proposed amendment to clause 31(1) to read as follows— (1) A vocational education and training centre registered under this Act shall offer programmes up to craft level</p>	<p><u>Council of Governors</u> There is need to be clear on whether the programmes are from craft level or up to craft level. The section contradicts itself. County Governments propose that VTCs can provide up to craft level.</p>	Committee adopted the proposed amendment of the Council of Governors
11.	Clause 38	<p><u>Joseph Arap Bett</u> Amendment proposed to clause 38(2) by deleting it and replacing therefor as follows— (2) The Cabinet Secretary and/or the county executive committee member may make regulations generally for the better carrying into effect any of the provisions of this Act (please refer to Article 57 of The TVET Act on regulations).</p>	<p><u>Joseph Arap Bett</u> It is not necessary to enumerate specific regulatory actions as in sub article 2 (a) to (e). Further the phrase 'any national policies, standards or regulations applicable to all vocational education and training centers' is anticipatory and cannot be a basis for enacting a law.</p>	The Committee rejected the proposal

3. COMMITTEE OBSERVATIONS

The Committee made the following observations based on deliberations of the Bill and stakeholder input during public hearing and analysis of written submissions-

- 1) The National Government introduced the conditional grant for rehabilitation of Youth Polytechnics in the FY 2017/18 amounting to Kshs two (2) billion per year. However, the disbursement of the grant from the national government to County Vocational and Education Centres takes an inordinate long time;
- 2) There is no TVET financing policy and it is not clear how much each program/course costs. Further, there is no clear structure for funding TVET and funds from the Higher Education Loans Board are currently lumped together. Trainees in CVTCs do not benefit from HELB loans;
- 3) the role of the sponsors and the qualifications processes in TVET needs to be considered;
- 4) The implementation and uptake of Competency Based Education and Training (CBET) programs has been hindered by low capacity of trainers and slow development of specific standards. Further, prior learning and experiences have not been considered and recognized during capacity building programmes for vocational trainers;
- 5) TVET should not be taken to the State Department of Basic Education under the Ministry of Education;
- 6) There is need to consider formation of TVET Fund Board to manage and distribute resources directly to the TVET;
- 7) TVET trainees should be able to transition from CVTCs to the universities.
- 8) There are very few trainers equipped with skills and capacity to train trainees with disabilities and special needs;
- 9) CVTCs Boards of Governors/Management terms should be staggered for institutional memory.

4. COMMITTEE RECOMMENDATIONS

The Committee therefore recommends that the following amendments be moved during the Committee stage-

CLAUSE 4

THAT clause 4 of the Bill be amended—

(a) in sub-clause (d) by inserting the words “in collaboration with county governments” immediately after the word ‘education’; and

(b) by inserting the following new sub clause immediately after sub-clause (n)—

(n) registration and accreditation of private vocational and education training centres in collaboration with county governments.

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting sub-clause(a) and substituting therefor with the following new sub-clause:

“(a) ensure that the necessary training infrastructure, equipment, learning and teaching resources in the delivery of vocational education and training are in place in their respective counties”

CLAUSE 7

THAT clause 7 of the Bill be amended in sub-clause (1) by deleting the words “special needs” and substituting therefor with the word “disabilities”.

CLAUSE 9

THAT clause 9 of the Bill be deleted and substituted therefor with the following new clause—

Establishment of public county vocational education and training centres.

9. Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres as it may consider necessary.

CLAUSE 10

THAT clause 10 of the Bill be amended by deletion of sub-clause (3).

CLAUSE 21

THAT clause 21 of the Bill be amended—

(a) in sub-clause (1) by deleting and substituting therefor the following new sub-clause-

(1) There is established in every county vocational education and training centre, a Board to be known as the Board of Management

(b) in sub-clause (3) by deleting and substituting therefor the following new sub-clause

(3) The membership of the Board shall be as follows—

- i the County Ward Administrator;
- ii the Member of the County Assembly;
- iii six persons elected to represent parents of the trainees in the centre or local community;
- iv one person nominated by the county education board;
- v one representative of the teaching staff elected by centre instructors;
- vi three representatives of the sponsors of the centre;
- vii one person to represent special interest groups in the community; and one person to represent persons with special needs.

(c) by inserting the following new sub-clause immediately after sub-clause (3)

(4) In appointing persons as members of a board of management, the following principles shall be observed and respected;

(a) the ethnic and regional diversity of the people of Kenya

(b) impartiality and gender equity; and

(c) Article 10 and Chapter Six of the Constitution

(d) in sub-clause (4) by deleting and substituting therefor with the following new sub-clause—

(4) The County Executive Committee member shall appoint the persons nominated to the Board by a notice in the Kenya Gazette'

CLAUSE 29

THAT clause 29 of the Bill be amended in sub-clause (1) by inserting the following new paragraphs immediately after paragraph(e)—

(f) has a degree from a recognized university in Kenya

(g) has at least 7 years of experience as a teacher and at least 2 years at management level

CLAUSE 31

THAT clause 31 of the Bill be amended in sub-clause (1) by deleting and substituting therefor the following new sub-clause—

(1) A vocational education and training centre registered under this Act shall offer programmes up to craft level

CLAUSE 2

THAT clause 2 of the Bill be amended—

(e) by deleting the definition of the word “manager” and substituting therefor the following new definition—

“Principal” means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;

(f) by deleting the definition of the word “trainees with special needs” and substituting therefor the following new definition—

“trainees with disabilities” means a trainee whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are under-developed and include trainees who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development is affected; and

(g) by deleting the definition of the word “transition certificate” and substituting therefor the following new definition—

“transitional certificate” means a certificate issued under section 34(4);

Annexures:

Annex 1: Proposed Committee Stage Amendments

Annex 2: Minutes of the Committee Meetings

Annex 3: Advertisement on Senate Bills

Annex 3: Public Participation Submissions

1st August 2021

The Clerk of the Senate
Parliament Buildings

NAIROBI

**COMMITTEE STAGE AMENDMENTS TO THE COUNTY VOCATIONAL
EDUCATION AND TRAINING BILL, 2021, SENATE BILL No. 6 of 2021**

NOTICE is given that Sen. (Dr.) Alice Milgo, Chairperson, Standing Committee of Education intends to move the following amendments to the County Vocational Education and Training Bill, Senate Bills No. 6 of 2021, at the Committee Stage—

CLAUSE 4

THAT clause 4 of the Bill be amended—

(a) in sub-clause (d) by inserting the words “in collaboration with county governments” immediately after the word ‘education’; and

(b) by inserting the following new subclause immediately after sub-clause (n)—

(o) registration and accreditation of private vocational and education training centres in collaboration with county governments.

CLAUSE 5

THAT clause 5 of the Bill be amended by deleting sub-clause(a) and substituting therefor with the following new sub-clause:

“(a) ensure that the necessary training infrastructure, equipment, learning and teaching resources in the delivery of vocational education and training are in place in their respective counties”

CLAUSE 7

THAT clause 7 of the Bill be amended in sub-clause (1) by deleting the words “special needs” and substituting therefor with the word “disabilities”.

CLAUSE 9

THAT clause 9 of the Bill be deleted and substituted therefor with the following new clause—

Establishment of public county vocational education and training centres.	9. Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres as it may consider necessary.
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CLAUSE 10

THAT clause 10 of the Bill be amended by deletion of sub-clause (3).

CLAUSE 21

THAT clause 21 of the Bill be amended—

(a) in sub-clause (1) by deleting and substituting therefor the following new sub-clause-

(1) There is established in every county vocational education and training centre, a Board to be known as the Board of Management

(b) in sub-clause (3) by deleting and substituting therefor the following new sub-clause

(3) The membership of the Board shall be as follows—

(i) the County Ward Administrator;

(ii) the Member of the County Assembly;

(iii) six persons elected to represent parents of the trainees in the centre or local community;

(iv) one person nominated by the county education board;

(v) one representative of the teaching staff elected by centre instructors;

(vi) three representatives of the sponsors of the centre;

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

(viii) one person to represent persons with special needs.

(c) by inserting the following new sub-clause immediately after sub-clause (3)

(4) In appointing persons as members of a board of management, the following principles shall be observed and respected;

(a) the ethnic and regional diversity of the people of Kenya

(b) impartiality and gender equity; and

(c) Article 10 and Chapter Six of the Constitution

(d) in sub-clause (4) by deleting and substituting therefor with the following new sub-clause—

(4) The County Executive Committee member shall appoint the persons nominated to the Board by a notice in the Kenya Gazette'

CLAUSE 29

THAT clause 29 of the Bill be amended in sub-clause (1) by inserting the following new paragraphs immediately after paragraph(e)—

(f) has a degree from a recognized university in Kenya

(g) has at least 7 years of experience as a teacher and at least 2 years at management level

CLAUSE 31

THAT clause 31 of the Bill be amended in sub-clause (1) by deleting and substituting therefor the following new sub-clause—

(1) A vocational education and training centre registered under this Act shall offer programmes up to craft level

CLAUSE 2

THAT clause 2 of the Bill be amended—

(a) by deleting the definition of the word “manager” and substituting therefor the following new definition—

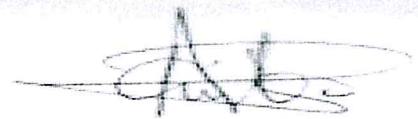
“Principal” means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;

(b) by deleting the definition of the word “trainees with special needs” and substituting therefor the following new definition—

“trainees with disabilities” means a trainee whose mental characteristics, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are under-developed and include trainees who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development is affected; and

(c) by deleting the definition of the word “transition certificate” and substituting therefor the following new definition—

“transitional certificate” means a certificate issued under section 34(4);



Sen. (Dr.) Alice Milgo
*Chairperson,
Standing Committee on Education.*

(030)

MINUTES OF THE 30th SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON THURSDAY, 3rd JUNE, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.

PRESENT

- | | |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 3. Hon. Sen. Fred Outa, MP | - Member |
| 4. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 5. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 6. Hon. Sen. Iman Falhada Dekow, MP | - Member |
| 7. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 8. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |
| 9. Hon. Sen. Mary Y. Seneta, MP | - Member |

IN ATTENDANCE

- | | |
|------------------------------|---|
| 1. Hon. Mutahi Kahiga | - Governor, Nyeri County |
| 2. Dr. Joyce Mutinda | - Chairperson,
National Gender and Equality Commission (NGEC) |
| 3. Ms. Betty Sungura | - Chief Executive Officer, NGEC |
| 4. Absalom Mogaka Nyambukora | - Chancellor,
Association of Vocational Trainers in Kenya (AVTK) |
| 5. Eng. Mutinda Mwaa | - Ministry of Education |
| 6. John | - DEEDI |
| 7. Kevin Mpaka | - NGEC |
| 8. Paul Kuria | - NGEC |
| 9. Beatrice Owino | - NGEC |
| 10. Benard Sompoika | - NGEC |
| 11. Winnie Wambua | - NGEC |
| 12. Betty Malamba | - NGEC |
| 13. George Kimani | - NGEC |
| 14. Wainaina Saitoti | - AVTK |
| 15. Caroline Ndunge | - AVTK |
| 16. Samwel Muraya | - Council of Governors Secretariat |

SENATE SECRETARIAT

- | | |
|---------------------|---------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Carol Cheruiyot | - Legal Counsel |
| 3. Winnie Atieno | - Audio Officer |
| 4. Njeri Manga | - Media Relations Officer |

MIN. NO./SEN/EDU/187/2021

PRELIMINARIES

The meeting was called to order at 0906hrs and the proceedings were opened with a word of prayer said by the Chairperson, Sen. (Dr.) Alice Milgo, MP.

The agenda of the meeting was adopted having been proposed by Sen. Mwangi Githiomi, MP and seconded by Sen. (Dr.) Agnes Zani, CBS, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Public hearing and stakeholder engagement on the following Bills-
 - a. *Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021;*
 - b. *Kenyan Sign Language Bill, Senate Bill No. 5 of 2021; and*
 - c. *The County Vocational Education and Training Bill, Senate Bills No. 6 of 2021.*
4. Any other business
5. Adjournment/Date of the next meeting

1. The Committee was informed that views had been sought from the members of the public on the following Senate Bills that had been referred to the Committee after the first reading-
 - a. Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021;
 - b. Kenyan Sign Language Bill, Senate Bill No. 5 of 2021; and
 - c. The County Vocational Education and Training Bill, Senate Bills No. 6 of 2021.
2. The Committee was informed that submissions had been received and the Secretariat was in the process of collating all the views with an aim of preparing a matrix for consideration at the subsequent meeting;
3. The Committee was further informed that invitations had been sent to members of the public and organisations that sought to make oral presentations during the Committee virtual meeting. These organisations were already at the waiting room and would be presenting their views and submissions on the County Vocational Education and Training Bill (Senate Bill No. 6 of) 2021;

Council of Governors

4. The Committee was informed that in recognition of **Article 1(4)** of the Constitution, that sovereign power of the people is exercised at the national level and the county level; In further recognition of **Article 6 (2)** that governments at the national and county levels are distinct; and aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues

(042)

MINUTES OF THE 42nd SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 02nd JULY, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.

PRESENT

- | | |
|--|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 3. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 4. Hon. Sen. Fred Outa, MP | - Member |
| 5. Hon. Sen. Mary Y. Seneta, MP | - Member |
| 6. Hon. Sen. Iman Falhada Dekow, MP | - Member |
| 7. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |

SENATE SECRETARIAT

- | | |
|---------------------|---------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Malcom Ngugi | - Legal Counsel |
| 3. Winnie Atieno | - Audio Officer |
| 4. Njeri Manga | - Media Relations Officer |

MIN. NO./SEN/EDU/251/2021

PRELIMINARIES

The meeting was called to order at 0914hrs. and the proceedings were opened with a word of prayer said by Sen. (Dr.) Agnes Zani, MP.

MIN. NO./SEN/EDU/252/2021

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. Falhada Dekow, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of Minutes of the Previous Committee meetings
4. Matters arising from the Minutes of the Previous meetings
5. Consideration of the Matrix on Stakeholder submissions to County Vocational and Education Training Bill, 2021
6. Any other business
7. Adjournment/Date of the next meeting

MIN. NO./SEN/EDU/253/2021

CONFIRMATION OF MINUTES OF THE PREVIOUS COMMITTEE MEETINGS

1. The Minutes of the 30th Committee meeting held on Thursday, 3rd June, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. Mwangi Githiomi, MP;

2. The Minutes of the 31st Committee meeting held on Friday, 4th June, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. Mary Seneta, MP;
3. The Minutes of the 37th Committee meeting held on Thursday, 17th June, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. (Dr.) Agnes Zani, CBS, MP;
4. The Minutes of the 39th Committee meeting held on Thursday, 24th June, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. Mary Seneta, MP and seconded by Sen. (Dr.) Agnes Zani, MP

MIN. NO./SEN/EDU/254/2021

MATTERS ARISING

There were no matters arising from the Minutes of the previous Committee meetings.

MIN. NO./SEN/EDU/255/2021

STAKEHOLDER SUBMISSIONS TO COUNTY VOCATIONAL AND EDUCATION TRAINING BILL, 2021

1. The Secretariat presented a Matrix of stakeholder submissions to the County Vocational and Education Training Bill (Senate Bill No. 6) of 2021 (Copy of the Matrix Attached);
2. The Committee observed that the Bill provides for the establishment, registration and accreditation of vocational education centres and for the categorisation of vocational education and training centres into public and private vocational education and training centres.
3. The Committee resolved that-
 - a. there is need to provide for registration and admission of trainees into the CVTCs;
 - b. to undertake more research and strengthen the provisions on specific qualifications of a Principals of a Vocational education and training centre
4. The Committee further resolved to draft and adapt a report on the Bill

MIN. NO./SEN/EDU/256/2021

ANY OTHER BUSINESS

There was no other business

MIN.NO./SEN/EDU/257/2021

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 1110 hrs.



SIGNED....

....DATE.....09/07/2021....

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)

facing devolution, and further reflects the spirit and objects of devolution. The Council of Governors had prepared submissions (copy attached) that would be presented by the Council of Governors, Committee on Education Chairperson, Hon. Mutahi Kahiga.

National Gender and Equality Commission

5. The Committee was informed that the National Gender and Equality Commission Act No. 15 of 2011 mandates the Commission to, *'monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in all national and county policies, laws and administrative regulations in all public and private institutions'*;
6. In line with its mandate, NGEC analysed the proposed Bill to ensure that it is adhering to International conventions, the Constitution and other laws. Consequently, the NGEC made proposals where necessary in a table (copy attached) presented to the Committee.

Association of Vocational Trainers of Kenya (AVTK)

7. The Committee was informed that Association of Vocational Trainers of Kenya (AVTK) is an organisation registered by the Registrar of Societies. Some of the AVTK's objectives are to-
 - a. participate in making County Vocational Educational Training Centres' (CVETC) policies in liaison with the Senate, National/County Assemblies, National/County governments, and any other organizations working towards the well-being of the CVETCs;
 - b. provide platform for CVETCs' Instructors for dialogue on important national and international issues that affect the welfare of the Vocational Training Centre;
 - c. promote the rights and responsibilities of CVETCs instructors, their professional organization, the material and ethical interests of technical and Vocational education; and
 - d. foster CVETCs curriculum which encourages youth empowerment, internal understanding, goodwill, respects for human life and dignity across all races and culture.
8. The Committee **observed** from the presentations that-
 - a. the role of the sponsors and the qualifications processes in TVETs needs to be considered;
 - b. the legislation should adopt one name for the Vocational Training Centres to avoid confusion;

- c. prior learning and experiences should be considered and recognised during capacity building programmes for vocational trainers;
- d. TVET should not be taken to the State Department of Basic Education under the Ministry of Education;
- e. There is need to consider formation of TVET Fund Board to manage and distribute resources directly to the TVETs;
- f. TVET trainees should be able to transition from CVTCs to the universities.
- g. There are very few trainers equipped with skills and capacity to train trainees with disabilities and special needs;
- h. CVTCs Boards of Governors/Management terms should be staggered for institutional memory.

MIN. NO./SEN/EDU/190/2021

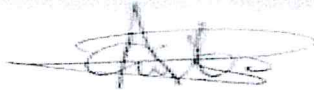
ANY OTHER BUSINESS

The Committee was informed that the ECDE Inquiry Report Validation Workshop would be held at Sawela Lodge, Lake Naivasha, Nakuru County.

MIN.NO./SEN/EDU/191/2021

**ADJOURNMENT AND DATE
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1104hrs.



SIGNED.....

.....DATE...18/06/2021..

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)

(048)

MINUTES OF THE 48th SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 30th JULY, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.

PRESENT

- | | |
|---|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 3. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 4. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |
| 5. Hon. Sen. Iman Falhada Dekow, MP | - Member |
| 6. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 7. Hon. Sen. Fred Outa, MP | - Member |
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. Mary Y. Seneta, MP | - Member |

SENATE SECRETARIAT

- | | |
|---------------------|--------------------------|
| 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Malcom Ngugi | - Legal Counsel |
| 3. Winnie Atieno | - Audio Officer |

MIN. NO./SEN/EDU/291/2021

PRELIMINARIES

The meeting was called to order at 09:10 AM and the proceedings were opened with a word of prayer said by the Chairperson Sen. (Dr.) Alice Milgo, MP.

MIN. NO./SEN/EDU/292/2021

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. Falhada Dekow, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of Minutes of the previous Committee meetings
4. Matters arising from the Minutes of the previous meetings
5. Consideration and adoption of the Draft Committee Reports
6. Any other business
7. Adjournment/Date of the next meeting

MIN. NO./SEN/EDU/293/2021

CONFIRMATION OF MINUTES OF THE PREVIOUS COMMITTEE MEETINGS

1. The Minutes of the 45th Committee meeting held on Thursday, 22nd July, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. (Dr.) Agnes Zani, CBS, MP and seconded by Sen. Falhada Dekow, MP; and

2. The Minutes of the 46th Committee meeting held on Friday, 23rd July, 2021 were confirmed as the true records of the proceedings after being proposed by Sen. Falhada Dekow, MP and seconded by Sen. (Dr.) Gertrude Musuruve, MP.

MIN. NO./SEN/EDU/294/2021

MATTERS ARISING

There were no matters arising from the Minutes of the previous Committee meetings.

MIN. NO./SEN/EDU/295/2021

**CONSIDERATION AND
ADOPTION OF THE DRAFT
COMMITTEE REPORTS**

A. Report on the Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020

- a. The Secretariat presented a draft report on the Petition on the delayed payment to suppliers of commodities to public secondary schools during the first term of the academic year 2020;
- b. The Committee observed that the petitioners failed to provide information and documentation requested by the committee on the following-
 - i. the comprehensive list of all the members of the Kenya Public Secondary Schools Suppliers and Exhibitors and their contacts;
 - ii. the detailed list of all the commodities supplied by each supplier and exhibitor indicating the name(s) of the institutions where the supplies were done;
 - iii. the detailed list of the value of all pending bills owed to each of the suppliers and exhibitors as at December 2020; and
 - iv. the details of all the contracts entered into between the suppliers and exhibitors and different learning institutions and/or the Ministry of Education.
- c. The Committee advised that the report be amended and presented for consideration and adoption during the next Committee meeting.

B. Report on the County Vocational Education and Training Bill, (Senate Bills No. 6 of 2021)

- a. The Secretariat presented a report on the County Vocational Education and Training Bill (Senate Bills No. 6 of 2021) for the Committee consideration and adoption;

- b. The Committee considered the draft report and it was unanimously adopted;
- c. The report was proposed by Sen. (Dr.) Gertrude Musuruve, MP and seconded by Sen. Mwangi Githiomi, MP

MIN. NO./SEN/EDU/296/2021

ANY OTHER BUSINESS

- i The Committee should consider counties with close distances to cover, those that missed in the ECDE inquiry and mix the ones that have attended the TVET inquiry with those that have not attended during the proposed county visits.

MIN.NO./SEN/EDU/297/2021

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at 1040 hrs.



SIGNED....

.....DATE...02/08/2021...

(CHAIRPERSON: SEN. (DR.) ALICE MILGO CHEPKORIR, M.P.)

REPUBLIC OF KENYA



TWELFTH PARLIAMENT | FIFTH SESSION

THE SENATE

**INVITATION FOR PUBLIC PARTICIPATION AND
SUBMISSION OF MEMORANDA**

At the sitting of the Senate held on Tuesday, 11th May, 2021, the Bills listed at the second column below were introduced in the Senate by way of First Reading and thereafter stood committed to the respective Standing Committees indicated at the third column.

Pursuant to the provisions of Article 118 of the Constitution and Standing Order 140 (5) of the Senate Standing Orders, the Committees now invite interested members of the public to submit any representations that they may have on the Bills by way of written Memoranda.

The Memoranda may be sent **by email** on the address: cSenate@parliament.go.ke and copied to the respective Committee email addresses indicated at the fourth column below, to be received on or before **Friday, 28th May, 2021 at 5.00pm.**

	Bill	Committee Referred To	Email Address
1.	The Coffee Bill (Senate Bills No. 22 of 2020)	Standing Committee on Agriculture, Livestock and Fisheries	senatescalf@parliament.go.ke
2.	The Natural Resources (Benefit Sharing) Bill (Senate Bills No. 25 of 2020)	Standing Committee on Land, Environment and Natural Resources	senlandenviron@gmail.com
3.	The Health (Amendment) Bill (Senate Bills No. 26 of 2020)	Standing Committee on Health	senatekehealth@gmail.com
4.	The Basic Education (Amendment) Bill (Senate Bills No. 4 of 2021)	Standing Committee on Education	senateeducom@gmail.com
5.	The Kenyan Sign Language Bill (Senate Bills No. 5 of 2011)	Standing Committee on Education	senateeducom@gmail.com
6.	The County Vocational Education and Training Bill (Senate Bills No. 6 of 2021)	Standing Committee on Education	senateeducom@gmail.com
7.	The Street Vendors (Protection of Livelihood) Bill (Senate Bills No. 7 of 2021)	Standing Committee on Tourism, Trade and Industrialization	senatetourismandtrade@gmail.com
8.	The County Hall of Fame Bill (Senate Bills No. 9 of 2021)	Standing Committee on Labour and Social Welfare	senatecommittee.labour@parliament.go.ke
9.	The Office of The County Printer Bill (Senate Bills No. 13 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@gmail.com
10.	The Disaster Risk Management Bill (Senate Bills No. 14 of 2021)	Standing Committee on National Security, Defence and Foreign Relations	snsdfr@gmail.com
11.	The Law of Succession (Amendment) Bill (Senate Bills No. 15 of 2021)	Standing Committee on Justice, Legal Affairs and Human Rights	senatejlahrc@gmail.com
12.	The Prompt Payment Bill (Senate Bills No. 16 of 2021)	Standing Committee on Finance and Budget	scfinanceandbudget@gmail.com

The Bills may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/senate-bills>.

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

PUBLIC PARTICIPATION MATRIX OF THE COUNTY VOCATIONAL EDUCATION AND TRAINING BILL, 2021

No	CLAUSE NUMBER	MARGINAL NOTE	COMMENT/KEY AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTIONS
1.	Clause 2	Interpretation	<p><u>Joseph Arap Bett</u> Amendment of definition of 'transition certificate'</p> <p><u>National Gender and Equality Commission</u> Amend the phrase "trainee with special needs" to "trainees with disabilities"</p> <p><u>Council of Governors</u> Proposed amendment to the term 'principal' to read as follows— "Principal" means the administrator of a vocational education and training centre who is responsible for the implementation of policy guidelines and professional practice in a vocational education and training centre;</p>	<p><u>Joseph Arap Bett</u> transition certificate means certificate issued under section 34 (4) not 35 (4)</p> <p><u>National Gender and Equality Commission</u> This proposal seeks to align the interpretation with the definition of 'disability' as per Article 260 of the Constitution, the Convention on the Rights of Persons with Disabilities and The Persons with Disabilities Act, 2003. The special needs that are interpreted in the Bill are actual disabilities.</p> <p><u>Council of Governors</u> Principal denotes the order of seniority of their instructors Also in tandem with other running institutions where the senior most teacher with administration functions is referred to as the Principal.</p>	
2.	Clause 3	Guiding principles			

3.	Clause 4	Obligations of the National Government	<p><u>National Gender and Equality Commission</u> The obligations of the National Government are commendable. The obligations resonate with the provisions in the Technical and Vocational Education and Training Act 2013.</p>	<p><u>National Gender and Equality Commission</u> The comprehensive promotion of the vocational education and training is likely to result in increased enrolment particularly of women, PWDs and youth from hard-to-reach areas. The sector is anticipated to generate higher numbers of job seekers and therefore there is need to increase or create more job opportunities under the Big 4 Agenda particularly in the manufacturing sector.</p> <p>The National Government may also need to increase its capitation.</p>
			<p><u>Council of Governors</u> Proposed amendment to clause 4(d) to read as follows— 'In collaboration with County Governments, accredit institutions and programmes on County Vocational training and education.'</p>	<p><u>Council of Governors</u> While the role is a preserve of the TVET Authority, there is need for collaboration with County Governments to ensure that the County Vocational training and education institutions and programmes accredited cater to the needs of the County Governments which will govern them.</p>
			<p><u>Council of Governors</u> Proposed insertion of a new paragraph to read as follows— '<i>In consultation with County Governments, register and accredit Private Vocational and Education Training Centres</i>'</p>	<p><u>Council of Governors</u> While the TVET Authority is mandated with the registration of private vocational training centres, the County Governments should play a role in the registration process of private Vocational and Education Training Centres to ensure that they meet the standards set out by the County Governments</p>
			<p><u>Omariba Kepha</u> Proposed amendment to ensure that the dispatching of the grant from National Government is expedited</p>	<p><u>Omariba Kepha</u> The dispatchment of the grant from the national government to County Vocational and Education Centres takes far too long</p>

	Clause 5	Obligations of the county governments	<p><u>Rogers Kipkazi</u> Amendment proposed to change clause 5(a) in order to have vocational centre carry out procurement as opposed to county government</p>	<p><u>Rogers Kipkazi</u> procurement should be done by individuals vocational training centre NOT county government, reason being the delay and procurement of substandard equipment which might not be easy by management to correct as upto now some counties have not utilized grants for 2019/2020 and without clear explanation hence inconveniencing training. Capitation grants also to be deposited to institution's accounts.</p>	
4.	Clause 5	Obligations of the county governments	<p><u>National Gender and Equality Commission</u> Obligations are commendable. We share our comments in the rationale section.</p>	<p><u>National Gender and Equality Commission</u> 1. The infrastructure in most of the existing institutions needs to be rehabilitated. The County Governments must focus on funding the development of the infrastructure. 2. Most of the institutions lack necessary equipment and machinery because of inadequate funding. The County Governments will need to invest in getting better machinery and equipment in line with emerging technologies and demands from the industry. 3. Vocational education centers continue to record low enrolment levels because most school leavers consider vocational education and training inferior and for students who failed their examinations. The mindset in schools is to aim higher to join a university to be deemed successful.</p>	

				<p>That means that the Government needs to popularize the institutions as centers for professional artisan trainings.</p> <p>4. Most of the institutions face acute shortage of trainers and instructors and this calls for a focus by the County Governments in recruiting, retaining and motivating trainers. Personnel including instructors with disability should be considered.</p> <p>5. The County Governments will need to put mechanisms in place to ensure that they sponsor more students to enroll in the institutions to complement the capitation by the National Government.</p> <p>6. On the aspect of trainees with disabilities, the county Governments need to identify all forms of disabilities so that no category is excluded and feels discriminated against.</p>	
5.	Clause 6	Role of the management of a vocational education and training centre	<p><u>National Gender and Equality Commission</u> Proposed amendment of clause 6 by adding a new subclause(h) as follows— '(h) admit all the qualified trainees that meet the admission criteria'</p>	<p><u>National Gender and Equality Commission</u> Imposes an obligation on the centres of non-discrimination or selective admission.</p> <p>CRPD 24(5) states that '<i>State Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities</i>'</p>	
		<p><u>Omariba Kepha</u> Proposed amendment to ensure that management obtains trainees from placement authority such as TVETA</p>		<p><u>Omariba Kepha</u> No rationale proffered</p>	

6.	Clause 7 Trainees with special needs.	<p><u>National Gender and Equality Commission</u> Proposed amendment to clause 7 by deleting the term “special needs” and substituting therefor with the word “disabilities”</p> <p>Proposed amendment to clause 7(1) by inserting after the word “Act” and deletion of the word ‘disabilities’ following the term ‘Representatives of and for persons with disabilities’</p>	<p><u>National Gender and Equality Commission</u> The role of organizations of and for persons with disabilities as stakeholders in issues relating to disability is very crucial because of their expertise and lived experience on the subject matter.</p> <p>Note that these organizations are part of the membership of the Persons with Disabilities Council.</p>
7.	Clause 8 Categories of vocational education and training centres.	<p><u>National Gender and Equality Commission</u> Proposed amendment by deleting the words ‘including to special needs’ so as to read as follows— ‘Each county government shall, in consultation with the relevant stakeholders, establish and maintain such vocational education and training centres as it may consider necessary’</p>	<p><u>National Gender and Equality Commission</u> The Bill has already imposed on the County Government in clause 7 a duty to ensure the needs of trainees with special needs are taken care of within the existing centers.</p> <p>It is desirable to have integrated centres but with well-equipped special units and reasonable accommodation for persons with disability. This benefits trainees with disabilities as they feel part of the learning community. It is also cost effective.</p>
9.	Clause 10 Sponsorship.	<p><u>Joseph Arap Bett</u> Proposed deletion of clause 10(4) and clause 10(5)</p>	<p><u>Joseph Arap Bett</u> the phrase ‘not compromise’ is vague and can be subjective. As for secular and non-secular subjects in the VTCs it is suggested that this be handled through regulations to be developed by The Technical and Vocational Education and Training Curriculum and</p>

				<p>Certification Council as per part viii of The TVET Act</p> <p><u>Council of Governors</u> The role of the review of the syllabus, curriculum, books and other teaching aids belongs to the two levels of government. As such, a sponsor should not influence the same as this may result to the change of a syllabus every time a new sponsor comes on board</p>	
10.	Clause 11	Register to be kept.			
11.	Clause 12	Requirement for registration of vocational education and training centres.			
12.	Clause 13	Registration and licensing of vocational education and training centres			
13.	Clause 14	Requirements in relation to a vocational education and training centre.			
14.	Clause 15	Accreditation.			
15.	Clause 16	Cancellation of a licence			
16.	Clause 17	Notice of non-compliance			

17.	Clause 18	Closure of a vocational education and training centre			
18.	Clause 19	Penalty			
19.	Clause 20	Management of vocational education and training within the county			
20.	Clause 21	The management board of a vocational education and training centre	<p><u>National Gender and Equality Commission</u></p> <p>Amend clause 21 as follows—</p> <p>1. Provide for the mode of appointment of the membership of the Board of Governors. This shall facilitate transparency and fairness.</p> <p>2. The composition to be inclusive by adhering to the not more than two thirds gender principle and representation of persons with disability.</p>	<p><u>National Gender and Equality Commission</u></p> <p>Our proposals are guided by the provisions in the Technical and Vocational Education and Training Act 2013 - Second Schedule: Composition of Board of Governor for Technical Colleges which states;</p> <p>(1) The Board of Governors of a public institution shall consist of not less than seven and not more than nine members appointed by the Cabinet Secretary.</p> <p>(2)The membership of the Board of Governors shall comprise—</p> <p>(a)a chairperson;</p> <p>(b)a representative of the Principal Secretary in the Ministry responsible for technical and vocational training; (c)a representative of the County Governor of the county within which the institution is located; and</p> <p>(d)six other persons appointed on the basis of their knowledge and experience in—</p> <ul style="list-style-type: none"> i. leadership and management; ii. financial management; iii. technology; iv. industry; v. engineering; 	

	<p>vi. information communication technology.</p>	
	<p><u>Council of Governors</u> Under clause 2 on definitions, the board is referred to as the 'Board of Management' which is also in line with other legislation on Education including the Basic Education Act, 2013</p>	
	<p><u>Council of Governors</u> This is to ensure that the Act speaks to the needs of the Counties and to ensure gender balance and equity in representation within each Board of Management.</p>	<p><u>Council of Governors</u> Proposed amendment to clause 21(1) to read as follows— 21.(1) There is established in every county vocational education and training centre, a Board to be known as the Board of Management</p> <p><u>Council of Governors</u> Proposed amendment to clause 21(3) to read as follows— 'The membership of the Board shall be as follows—</p> <ul style="list-style-type: none"> i. the County Ward Administrator; ii. the Member of the County Assembly; iii. six persons elected to represent parents of the trainees in the centre or local community; iv. one person nominated by the county education board; v. one representative of the teaching staff elected by centre instructors;

			<ul style="list-style-type: none"> vi. three representatives of the sponsors of the centre; vii. one person to represent special interest groups in the community; viii. one person to represent persons with special needs; and <p>In appointing persons as members of a board of management, the following principles shall be observed and respected;</p> <ul style="list-style-type: none"> i. the ethnic and regional diversity of the people of Kenya ii. impartiality and gender equity; and iii. Article 10 and Chapter Six of the Constitution’ 		
			<p><u>Council of Governors</u></p> <p>Proposed amendment to clause 21(4) to read as follows—</p> <p>‘The County Executive Committee member shall appoint the persons nominated to the Board by a notice in the County Gazette’</p>		
			<p><u>Council of Governors</u></p> <p>Currently, county governments place their notices in the Kenya Gazette as they do not have County Gazettes.</p>		
21.	Clause 22	Functions of the Board			
22.	Clause 23	Conduct of business and affairs of the Board			
23.	Clause 24	Committees of the Board			

24.	Clause 25	Remuneration of members of the Board			
25.	Clause 26	Vacation of office of member of the Board			
26.	Clause 27	Annual report on governance			
27.	Clause 28	Record keeping			
28.	Clause 29	Vocational education and training instructors	<p>Council of Governors Proposed insertion of new subsection in clause 29 immediately after paragraph (e) as follows—</p> <p>(f) has a degree from a recognized university in Kenya</p> <p>(g) has at least 7 years of experience as a teacher and at least 2 years at management level</p>	<p>Council of Governors There is need to provide for the specific qualifications of a Principal of a Vocational education and training centre.</p>	
29.	Clause 30	Framework of curriculum			
30.	Clause 31	Education and training programmes	<p>Council of Governors Proposed amendment to clause 31(1) to read as follows—</p> <p>(1) A vocational education and training centre registered under this Act shall offer programmes up to craft level</p>	<p>Council of Governors There is need to be clear on whether the programmes are from craft level or up to craft level.</p> <p>The section contradicts itself. County Governments propose that VTCs can provide up to craft level.</p>	
31.	Clause 32	Examination and competency assessment			
32.	Clause 33	Quality assurance			
33.	Clause 34	Existing vocational			

		education and training centres			
34.	Clause 35	Preservation of licences, certificates and registrations			
35.	Clause 36	Transfer of assets, liabilities and staff			
36.	Clause 37	General penalty			
37.	Clause 38	Regulations	<p>Joseph Arap Bett</p> <p>Amendment proposed to clause 38(2) by deleting it and replacing therefor as follows— (2) The Cabinet Secretary and/or the county executive committee member may make regulations generally for the better carrying into effect any of the provisions of this Act (please refer to Article 57 of The TVET Act on regulations).</p>	<p>Joseph Arap Bett</p> <p>It is not necessary to enumerate specific regulatory actions as in sub article 2 (a) to (e). Further the phrase 'any national policies, standards or regulations applicable to all vocational education and training centers' is anticipatory and cannot be a basis for enacting a law.</p>	

