

REPUBLIC OF KENYA



PARLIAMENT

THE SENATE

TWELFTH PARLIAMENT (FIFTH SESSION)

THE STANDING COMMITTEE

ON

EDUCATION

REPORT ON THE BASIC EDUCATION (AMENDMENT) BILL, (SENATE  
BILLS NO. 4 OF 2021)

*Hon. Speaker*  
*You may approve*  
*for tabling.*  
*0002*  
*14/07/21*

*Approved*  
*[Signature]*  
*14/07/2021*

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

PAPERS LAID	
DATE	21.7.21
TABLED BY	Chairperson
COMMITTEE	Education
CLERK AT THE TABLE	McAghkodon

July, 2021



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## ABBREVIATIONS AND ACRONYMS

COG	Council of Governors
EARC	Education Assessment Research Centre
ECDE	Early Childhood Development Education
MOE	Ministry of Education



## **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 Basic Education (Amendment) Bill, (Senate Bills No. 4 of 2021) seeks to amend the Basic Education Act, No. 14 of 2013, to ensure that learners enrolled in pre-primary and primary schools in Kenya are provided with milk.

**Mr. Speaker Sir,**

The Basic Education (Amendment) Bill, (No. 4 of 2021), was read a First Time in the Senate on 11<sup>th</sup> 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, 3<sup>rd</sup> June, 2021 and received both oral and written submissions from the Council of Governors (COG) and National Gender and Equality Commission amongst other stakeholders. The Committee also received written submissions from the Ministry of Education.

On behalf of the Committee and on my own behalf, I wish to sincerely thank all the individuals, groups and organisations 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.

**Mr. Speaker Sir.**

The Committee observed that school meals support child development, hunger reduction and fight against malnutrition in addition to leading to improved learning ability. Further, school meals programmes provide a market opportunity that may enhance local agricultural production and food systems, contributing to food and nutrition security.

School health and nutrition interventions have been recognised as critical in addressing the Millennium Development Goals (MDGs) of universal basic education and gender equality in educational access.

Indeed, Mr. Speaker, Article 53(1) (b) of our Constitution provides that every child has the right to free and compulsory basic education while Article 53(1)(b) provides that every child has the right to basic nutrition.



As such, school health and nutrition programmes, particularly when embedded within broader child development strategies, are an integral part of the long-term development of a child, promote school attendance and enhance learners' performance in school.

**Mr. Speaker Sir,**

The stakeholders made several proposals for amendments to this Bill. As such, the Committee will be proposing amendments to the Bill in line with these observations and recommendations.

Some of the salient proposals include the introduction of a clause to provide for the roles and function of both levels of the government and also allow for homegrown programmes that will enable the county governments to come up with tailor made solutions instead of limiting provision of milk alone.

**Mr. Speaker Sir,**

As I conclude, I want to thank all the Members of the Committee for their insightful contributions during the consideration of this Bill and that culminated in this report.

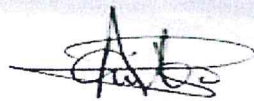
The Committee also thanks the Offices of the Speaker and the Clerk of the Senate for the support extended to it in the execution of its mandate.

The Committee further wishes to record its appreciation for the services rendered by the staff of the Senate that enabled the 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 Basic Education (Amendment) Bill, Senate Bills No. 4 of 2021.

I thank you, Mr. Speaker



Signed.....Date... *12/07/2021*....

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



ADOPTION OF THE COMMITTEE REPORT ON THE BASIC EDUCATION  
(AMENDMENT) BILL, SENATE BILLS NO.4 OF 2021

We, the undersigned Members of the Senate Standing Committee on Education, do hereby append our signature to adopt the Report on the Basic Education (Amendment) Senate Bill, No 4 of 2021.

Sen. (Dr.) Alice C Milgo, MP

- Chairperson



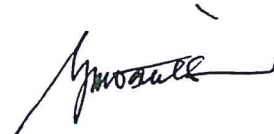
Sen. (Dr.) Agnes Zani, CBS, MP

- Vice- Chairperson



Sen. Mwangi Githiomi, MP

- Member



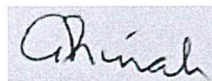
Sen. Fred Outa, MP

- Member

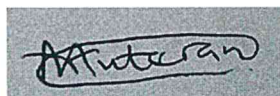
Sen. (Prof.) Kithure Kindiki, EGH, MP - Member

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

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



Sen. Seneta Mary Yiane, MP - Member



Sen. Falhada Dekow, MP

- Member





# 1. THE BASIC EDUCATION (AMENDMENT) BILL, SENATE BILLS NO. 4 OF 2021

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## **Background**

The Basic Education (Amendment) Bill, Senate Bills No. 4 of 2021 seeks to amend the Basic Education Act, No. 14 of 2013, to ensure that learners enrolled in pre-primary and primary schools in Kenya are provided with milk.

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

## **Objects of the Bill**

The Basic Education (Amendment) Bill seeks to amend the Basic Education Act to ensure that school going children in Kenya are provided with milk.

Through this amendment, the national government shall be required, through the respective County Directors of Education, to supply milk to all to learners enrolled in pre-primary and primary schools in Kenya.

The Bill also provides that the Cabinet Secretary may, by regulation, prescribe the criteria for the supply of milk to schools and the implementation of other school feeding programmes.





## 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, 18<sup>th</sup> May, 2021. Subsequently, the Committee held a virtual public hearing on Thursday, 3<sup>rd</sup> 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) and the Ministry of Education (MoE).

The members of public and the stakeholders registered their comments and proposed amendments which were captured and presented in the matrix below.

No	Clause NO.	Marginal Note	PROPOSED AMENDMENT	JUSTIFICATION
1.	2	Amendment of section 2 of No. 14 of 2013.	<p><b><u>Council of Governors</u></b> Proposed amendment to clause 38A (1) of the Bill to read as follows— “The National Government shall in consultation with County Governments and, in a bid to increase school enrolment and to ensure the nutritional wellbeing of learners, provide milk and/or meals to learners enrolled in pre-primary and primary schools.”</p>	<p><b><u>Council of Governors</u></b> Twenty-eight (28) County Governments have so far established school feeding programmes for Early Childhood Education learners. This takes into consideration the unique situations of the ECDE learners and as such, should be left to Counties to determine what is best for the children; - milk, porridge or food.</p>
			<p><b><u>Council of Governors</u></b> Proposed amendment to clause 38A (2) to read as follows— “(2) The milk provided to learners under subsection (1) shall be distributed through the respective County Director of Education, in consultation with the County Executive Committee Member in charge of Education”</p>	<p><b><u>Council of Governors</u></b> The County Government’s role in the distribution of milk and meals in ECDE Centres needs to be highlighted since 28 County Governments already have established school milk and meals programmes</p>



			<p><b><u>National Gender and Equality Commission</u></b> Proposed amendment to consider learners who may be lactose intolerant</p>	<p><b><u>National Gender and Equality Commission</u></b> Nonetheless, there are medical concerns about gastrointestinal distress caused by dairy products which worsens symptoms in children with autism and with intolerance to casein (the chief protein in Milk). We propose therefore that the Government provides an alternative for learners with special needs who cannot take dairy products for one reason or the other.</p>
2.	3	Additional proposed amendments	<p><b><u>National Gender and Equality Commission</u></b> Proposed additional amendment for sustainability of feeding programme</p>	<p><b><u>National Gender and Equality Commission</u></b> The proposed school milk program needs proper planning so that it can be viable and sustainable</p>
3.		Additional proposed amendments	<p><b><u>National Gender and Equality Commission</u></b> Proposed amendment to section 46 of the Act</p>	<p><b><u>National Gender and Equality Commission</u></b> The role of Education Assessment Research Centres (EARC's) in the assessment of children with disabilities (including children with intellectual and developmental disabilities) should receive the necessary legal support.</p> <p>The EARC should be well equipped with necessary human resources, assessment guides, tool kits and appliances to facilitate accurate and appropriate 'placement' of children with needs for effective rehabilitation.</p> <p>Section 46 of the Basic Education Act 2013 is not comprehensive enough. Past rapid assessments of EARC's conducted by NGECC shows substantive limitations</p>



				and inadequacies of the EARC's to effectively fulfil their mandate mainly due to weaknesses in the national law and available policies.
4.	Additional proposed amendments	<p><b><u>National Gender and Equality Commission</u></b></p> <p>Further proposed amendment to the Basic Education Amendment Act, 2013 with a view towards sanctions and penalties against head teachers and principals of schools who discriminate against admission of learners with disabilities placed in their schools through the advice of and recommendations from EARC</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>There is need for instituting sanctions against head teachers and principals of schools who discriminate against admission of learners with disabilities placed in their schools through the advice of and recommendations from EARC.</p> <p>To this end, the Justice and Legal Affairs Committee (JLAC) in 2015 tasked NGENC to oversee and facilitate the development of a Persons with Disabilities Education Bill with all the relevant stakeholders within and outside the education sector.</p> <p>The draft Bill was formulated and submitted to the Ministry of Education (MoE) for further action. We believe this draft Bill (enclosed) may inform your decisions when making more amendments to the Basic Education Bill.</p>	
5.	Additional proposed amendments	<p><b><u>National Gender and Equality Commission</u></b></p> <p>Proposed amendment to section 39 of the Act in order to realize the need for the Government to provide necessary support to private individually-owned and community-owned schools in the unplanned and informal settlements</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>The Commission would also like to bring to the attention of this Committee the need for the Government to provide necessary support to private individually-owned and community-owned schools in the unplanned and informal settlements.</p> <p>These institutions promote the right to education to children</p>	



				<p>from minority, marginalized and vulnerable groups. Section 39 (c) of the Basic Education Act places a responsibility on the Government to ensure that all children from marginalized, vulnerable and disadvantaged groups are not discriminated at and prevented from pursuing and completing Basic Education.</p> <p>The Government also has the opportunity to increase availability of learning institutions in the informal and unplanned settlements of urban areas and in the hard-to reach-areas in Kenya.</p> <p>In compliance with the International Covenant on Economic, Social and Cultural Rights which Kenya is a signatory to, and in particular Article 13. There is need to put legal measures to ensure all children irrespective of their background, and place of residence are guaranteed to fundamental quality education.</p>
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### **3. COMMITTEE OBSERVATIONS**

The Committee observed that the county governments have not introduced school feeding programmes all over the country. Only 27 county governments have reported one form or the other of school feeding program.

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### **4. COMMITTEE RECOMMENDATIONS**

The Committee therefore recommends that amendments be moved during the Committee stage by inserting a new paragraph immediately after paragraph (4)

*'(4) Provisions shall be made to ensure that alternatives to milk are available for learners who are lactose intolerant.'*



**Annexures:**

**Annex 1: Matrix on Public Submissions**

**PUBLIC PARTICIPATION MATRIX FOR THE BASIC EDUCATION  
(AMENDMENT) BILL, 2021**

<b>CLAUSE NUMBER</b>	<b>MARGINAL NOTE</b>	<b>PROPOSED AMENDMENT</b>	<b>JUSTIFICATION</b>	<b>COMMENTS OF THE COMMITTEE</b>
3	Amendment of section 2 of No. 14 of 2013.	<p><b><u>Council of Governors</u></b> Proposed amendment to clause 38A(1) of the Bill to read as follows— “The National Government shall in consultation with County Governments and, in a bid to increase school enrolment and to ensure the nutritional wellbeing of learners, provide milk and/or meals to learners enrolled in pre-primary and primary schools.”</p>	<p><b><u>Council of Governors</u></b> Twenty-eight (28) County Governments have so far established school feeding programmes for Early Childhood Education learners. This takes into consideration the unique situations of the ECDE learners and as such, should be left to Counties to determine what is best for the children; - milk, porridge or food.</p>	<p>1. The Committee rejected the Council of Governor's proposed addition of meals to clause 38A (1) on the ground that the county governments have not all fully introduced milk feeding programmes. The introduction of meals would therefore be a step beyond their capacity.</p> <p>2. The Committee accepted the proposed amendments from the National Gender and Equality Commission</p>
		<p><b><u>Council of Governors</u></b> Proposed amendment to clause 38A(2) to read as follows— “(2) The milk provided to learners under subsection (1) shall be distributed through the respective County Director of Education, in consultation with the County Executive Committee Member in charge of Education”</p>	<p><b><u>Council of Governors</u></b> The County Government's role in the distribution of milk and meals in ECDE Centres needs to be highlighted since 28 County Governments already have established school milk and meals programmes</p>	
		<p><b><u>National Gender and Equality Commission</u></b> Proposed amendment to consider learners who may be lactose intolerant</p>	<p><b><u>National Gender and Equality Commission</u></b> Nonetheless, there are medical concerns about gastrointestinal distress caused by dairy products which worsens symptoms in children with autism and with intolerance to casein (the chief protein in Milk). We propose therefore that the Government provides an alternative for learners with</p>	



			special needs who cannot take dairy products for one reason or the other.	
3	Additional proposed amendments	<b><u>National Gender and Equality Commission</u></b> Proposed additional amendment for sustainability of feeding programme	<b><u>National Gender and Equality Commission</u></b> The proposed school milk program needs proper planning so that it can be viable and sustainable	Proposed additional clause rejected
	Additional proposed amendments	<b><u>National Gender and Equality Commission</u></b> Proposed amendment to section 46 of the Act	<b><u>National Gender and Equality Commission</u></b> The role of Education Assessment Research Centres (EARC's) in the assessment of children with disabilities (including children with intellectual and developmental disabilities) should receive the necessary legal support. The EARC should be well equipped with necessary human resources, assessment guides, tool kits and appliances to facilitate accurate and appropriate 'placement' of children with needs for effective rehabilitation. Section 46 of the Basic Education Act 2013 is not comprehensive enough. Past rapid assessments of EARC's conducted by NGECE shows substantive limitations and inadequacies of the EARC's to effectively fulfil their mandate mainly due to weaknesses in the national law and available policies.	Proposed additional clause rejected
	Additional proposed amendments	<b><u>National Gender and Equality Commission</u></b> Further proposed amendment to the Basic Education Amendment Act, 2013 with a view towards sanctions and penalties against head teachers and principals of schools who discriminate against admission of learners with disabilities placed in their schools through the advice of	<b><u>National Gender and Equality Commission</u></b> There is need for instituting sanctions against head teachers and principals of schools who discriminate against admission of learners with disabilities placed in their schools through the advice of and recommendations from EARC. To this end, the	Proposed additional clause rejected



		and recommendations from EARC	Justice and Legal Affairs Committee (JLAC) in 2015 tasked NGEN to oversee and facilitate the development of a Persons with Disabilities Education Bill with all the relevant stakeholders within and outside the education sector. The draft Bill was formulated and submitted to the Ministry of Education, Science and Technology (MOEST) for further action. We believe this draft Bill (enclosed) may inform your decisions when making more amendments to the Basic Education Bill.	
	Additional proposed amendments	<p><b><u>National Gender and Equality Commission</u></b></p> <p>Proposed amendment to section 39 of the Act in order to realize the need for the Government to provide necessary support to private individually-owned and community-owned schools in the unplanned and informal settlements</p>	<p><b><u>National Gender and Equality Commission</u></b></p> <p>The Commission would also like to bring to the attention of this Committee the need for the Government to provide necessary support to private individually-owned and community-owned schools in the unplanned and informal settlements. These institutions promote the right to education to children from minority, marginalized and vulnerable groups. Section 39 (c) of the Basic Education Act places a responsibility on the Government to ensure that all children from marginalized, vulnerable and disadvantaged groups are not discriminated at and prevented from pursuing and completing Basic Education. The Government also has the opportunity to increase availability of learning institutions in the informal and unplanned settlements of urban areas and in the hard-to-reach-areas in Kenya. In compliance with the International Covenant on</p>	Proposed additional clause rejected





			Economic, Social and Cultural Rights which Kenya is a signatory to, and in particular Article 13. There is need to put legal measures to ensure all children irrespective of their background, and place of residence are guaranteed to fundamental quality education.	
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**1<sup>st</sup> July 2021**

The Clerk of the Senate  
Parliament Buildings

**NAIROBI**

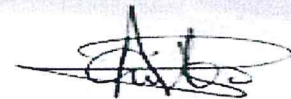
**COMMITTEE STAGE AMENDMENTS TO THE BASIC  
EDUCATION (AMENDMENT) BILL, SENATE BILLS NO. 4 OF 2021**

**NOTICE** is given that Dr. Alice Milgo, Chairperson, Standing Committee on Education, intends to move the following amendments to Basic Education (Amendment) Bill, Senate Bills No. 4 of 2021, at the Committee Stage—

**CLAUSE 3**

**THAT** clause 3 of the Bill be amended by inserting the following new paragraph immediately after paragraph (4)—

‘(4) Provisions shall be made to ensure that alternatives to milk are available for learners who are lactose intolerant.’



Dr. Alice Milgo  
*Chairperson,  
Standing Committee on Education.*



## **Annex 2: Minutes of the Committee meetings**

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(044)

**MINUTES OF THE 44<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 09<sup>th</sup> JULY, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

- |   |                           |
|---|---------------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP          | - <b>Chairperson</b>      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP      | - <b>Vice Chairperson</b> |
| 3. Hon. Sen. Mwangi Githiomi, MP            | - Member                  |
| 4. Hon. Sen. (Prof.) Imana Malachy Ekal, 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. Fred Outa, MP                    | - Member |
| 9. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |

**SENATE SECRETARIAT**

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

**MIN. NO./SEN/EDU/263/2021**

**PRELIMINARIES**

The meeting was called to order at 0908hrs. and the proceedings were opened with a word of prayer said by the Chairperson Sen. (Dr.) Alice Milgo, MP.

**MIN. NO./SEN/EDU/264/2021**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Mary Seneta, MP and seconded by Sen. (Dr.) Agnes Zani, CBS, 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/265/2021**

**CONFIRMATION OF MINUTES OF THE PREVIOUS COMMITTEE MEETINGS**

1. The Minutes of the 38<sup>th</sup> Committee meeting held on Friday, 18<sup>th</sup> 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. Mary Seneta, MP;





2. The Minutes of the 40<sup>th</sup> Committee meeting held on Friday, 25<sup>th</sup> 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. Mary Seneta, MP;
3. The Minutes of the 41<sup>st</sup> Committee meeting held on Thursday, 1<sup>st</sup> July, 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, CBS, MP;
4. The Minutes of the 42<sup>nd</sup> Committee meeting held on Friday, 2<sup>nd</sup> 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. Mary Seneta, MP

**MIN. NO./SEN/EDU/266/2021**

**MATTERS ARISING**

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

**MIN. NO./SEN/EDU/267/2021**

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

**1. The Basic Education (Amendment) Bill, 2021**

- 1) The Secretariat presented a draft report on the Basic Education (Amendment) (Senate Bills No. 4 of) 2021 for the Committee consideration and adoption;
- 2) The Committee considered the draft report and unanimously adopted it for tabling.
- 3) The report was proposed by Sen. Mwangi Githiomi, MP and seconded by Sen. Mary Seneta, MP

**MIN. NO./SEN/EDU/268/2021**

**ANY OTHER BUSINESS**

There was no other business

**MIN.NO./SEN/EDU/269/2021**

**ADJOURNMENT AND DATE OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1000 hrs.



**SIGNED.....**

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

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



(038)

**MINUTES OF THE 38<sup>th</sup> SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON FRIDAY, 18<sup>th</sup> JUNE, 2021 ON ZOOM ONLINE MEETING PLATFORM AT 0900HRS.**

**PRESENT**

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

**ABSENT WITH APOLOGIES**

- |   |          |
|---|----------|
| 7. Hon. Sen. Mwangi Githiomi, MP              | - Member |
| 8. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 9. Hon. Sen. (Prof.) Imana Malachy Ekal, MP   | - Member |

**SENATE SECRETARIAT**

- |                     |                                       |
|---------------------|---------------------------------------|
| 1. Mary J. Chesire  | - Deputy Director, Committee Services |
| 2. Humphrey Ringera | - Research Officer/Clerk              |
| 3. Malcom Ngugi     | - Legal Counsel                       |
| 4. Winnie Atieno    | - Audio Officer                       |

**MIN. NO./SEN/EDU/231/2021**

**PRELIMINARIES**

The meeting was called to order at 0908hrs. and the proceedings were opened with a word of prayer said by Sen. Mary Seneta, MP.

**MIN. NO./SEN/EDU/232/2021**

**ADOPTION OF THE AGENDA**

The agenda of the meeting was adopted having been proposed by Sen. Mary Seneta, MP and seconded by Sen. Fred Outa, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Consideration of the **Public Submissions** 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

**MIN. NO./SEN/EDU/233/2021**

**CONSIDERATION OF THE PUBLIC SUBMISSIONS**

1. The Committee was informed that at the sitting of the Senate held on Tuesday, 11<sup>th</sup> May, 2021, three Senate Bills were introduced in the Senate by way of First Reading and thereafter stood committed



to the Committees for consideration. These Bills are, Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021; the Kenyan Sign Language Bill, Senate Bill No 5 of 2021; and the County Vocational Education and Training Bill, Senate Bills No. 6 of 2021;

2. The Committee was informed that the Kenyan Sign Language Bill was first published in 2019 and read a first time in the Senate on 11<sup>th</sup> September, 2019, while the Basic Education (Amendment) Bill was first published in 2020 and read a first time in the Senate on 17<sup>th</sup> September, 2020. The two Bills were thereafter committed to the Senate Standing Committee on Education for consideration after respective first reading;
3. The Committee was further informed that some of the stakeholder proposals and submissions on various clauses of the Kenyan Sign Language Bill had been adopted and incorporated in the Committee report and Committee stage amendments carried out in 2020 during the consideration of the Bill at the Committee of the Whole House;
4. However, on 29<sup>th</sup> October, 2020, the High Court in Nairobi ruled that several Senate Bills that were under consideration at various stages had been processed without concurrence in terms of Article 110 (3) of the Constitution. Consequently, the Kenyan Sign Language Bill and the Basic Education (Amendment) Bill were among many Senate Bills that were republished and have since commenced consideration again from the first reading.

1) **Basic Education (Amendment) Bill, Senate Bill No. 4 of 2021**

5. The Committee was informed that submissions on the Bill had received from the Council of Governors and the National Gender and Equality Commission.
6. The Secretariat presented a public participation matrix for the Bill and the Committee rejected proposal by the Council of Governors.
7. However, the Committee observed that the proposal by the National Gender and Equality Commission that the '*proposed amendment to consider learners who may be lactose intolerant*' should be considered and that the government should provide an alternative for learners with special needs which cannot take dairy products especially children with autism and intolerance to casein.

2) **Kenyan Sign Language Bill, Senate Bill No 5 of 2021;**

8. The Secretariat presented a public participation matrix for the Kenyan Sign Language Bill, 2021 and the Committee **resolved** to **adopt** the proposal to



- a. clause 2, by Kenyan Sign Language Interpreters Association and the National Gender and Equality Commission;
- b. clause 3, by the National Gender and Equality Commission
- c. Title of the Part (PART II), by the Kenya Sign Language Interpreters Association;
- d. clause 6, by the National Gender and Equality Commission;
- e. clause 7, by Mwangi Harrison Thiong'o;
- f. clause 9, by National Gender and Equality Commission;
- g. clause 10, by Kenya Sign Language Interpreters Association;
- h. clause 17, by the Council of Governors

9. the Committee further **resolved** to **reject** all other proposed amendments to the Bill.

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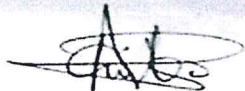
**ANY OTHER BUSINESS**

The Committee observed that the National Gender and Equality Commission (NGEC) had proposed several additional amendments to the Basic Education Act, No. 14 of 2013 which can be considered for processing through the legislative process by the Committee or individual members.

**MIN.NO./SEN/EDU/235/2021**

**ADJOURNMENT AND DATE  
OF THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1035 hrs.



**SIGNED..**

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

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

