

MEMO

To : **Speaker of the Senate**

Thro' : Clerk of the Senate

Thro' : Deputy Clerk

Thro' : Director, Committee Services -recommended &

forwarded 08/02/21

From : Research Officer

Date: 2nd February, 2021

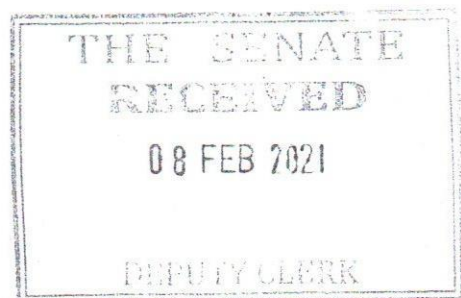
**RE: APPROVAL FOR TABLING OF THE REPORT OF THE
STANDING COMMITTEE ON EDUCATION ON THE
CONSIDERATION OF THE PETITION ON THE DELAYED
OPENING OF NJIRU SECONDARY SCHOOL, KASARANI,
NAIROBI COUNTY**

The **Senate Standing Committee on Education** is seeking to table its report on the **Petition** on the delayed opening of Njiru Secondary School, Kasarani, Nairobi County

This is to seek for your approval for tabling.

Ringerah

Humphrey Ringera
Research Officer/Clerk to the Committee





REPUBLIC OF KENYA



PARLIAMENT

THE SENATE

TWELFTH PARLIAMENT

FOURTH SESSION, 2020

THE STANDING COMMITTEE

ON

EDUCATION

**REPORT ON THE CONSIDERATION OF THE PETITION ON THE DELAYED
OPENING OF NJIRU SECONDARY SCHOOL, KASARANI, NAIROBI COUNTY**

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

February, 2021

2000
 2001
 2002
 2003
 2004
 2005
 2006
 2007
 2008
 2009
 2010
 2011
 2012
 2013
 2014
 2015
 2016
 2017
 2018
 2019
 2020
 2021
 2022
 2023
 2024
 2025
 2026
 2027
 2028
 2029
 2030
 2031
 2032
 2033
 2034
 2035
 2036
 2037
 2038
 2039
 2040
 2041
 2042
 2043
 2044
 2045
 2046
 2047
 2048
 2049
 2050
 2051
 2052
 2053
 2054
 2055
 2056
 2057
 2058
 2059
 2060
 2061
 2062
 2063
 2064
 2065
 2066
 2067
 2068
 2069
 2070
 2071
 2072
 2073
 2074
 2075
 2076
 2077
 2078
 2079
 2080
 2081
 2082
 2083
 2084
 2085
 2086
 2087
 2088
 2089
 2090
 2091
 2092
 2093
 2094
 2095
 2096
 2097
 2098
 2099
 2100
 2101
 2102
 2103
 2104
 2105
 2106
 2107
 2108
 2109
 2110
 2111
 2112
 2113
 2114
 2115
 2116
 2117
 2118
 2119
 2120
 2121
 2122
 2123
 2124
 2125
 2126
 2127
 2128
 2129
 2130
 2131
 2132
 2133
 2134
 2135
 2136
 2137
 2138
 2139
 2140
 2141
 2142
 2143
 2144
 2145
 2146
 2147
 2148
 2149
 2150
 2151
 2152
 2153
 2154
 2155
 2156
 2157
 2158
 2159
 2160
 2161
 2162
 2163
 2164
 2165
 2166
 2167
 2168
 2169
 2170
 2171
 2172
 2173
 2174
 2175
 2176
 2177
 2178
 2179
 2180
 2181
 2182
 2183
 2184
 2185
 2186
 2187
 2188
 2189
 2190
 2191
 2192
 2193
 2194
 2195
 2196
 2197
 2198
 2199
 2200
 2201
 2202
 2203
 2204
 2205
 2206
 2207
 2208
 2209
 2210
 2211
 2212
 2213
 2214
 2215
 2216
 2217
 2218
 2219
 2220
 2221
 2222
 2223
 2224
 2225
 2226
 2227
 2228
 2229
 2230
 2231
 2232
 2233
 2234
 2235
 2236
 2237
 2238
 2239
 2240
 2241
 2242
 2243
 2244
 2245
 2246
 2247
 2248
 2249
 2250
 2251
 2252
 2253
 2254
 2255
 2256
 2257
 2258
 2259
 2260
 2261
 2262
 2263
 2264
 2265
 2266
 2267
 2268
 2269
 2270
 2271
 2272
 2273
 2274
 2275
 2276
 2277
 2278
 2279
 2280
 2281
 2282
 2283
 2284
 2285
 2286
 2287
 2288
 2289
 2290
 2291
 2292
 2293
 2294
 2295
 2296
 2297
 2298
 2299
 2300
 2301
 2302
 2303
 2304
 2305
 2306
 2307
 2308
 2309
 2310
 2311
 2312
 2313
 2314
 2315
 2316
 2317
 2318
 2319
 2320
 2321
 2322
 2323
 2324
 2325
 2326
 2327
 2328
 2329
 2330
 2331
 2332
 2333
 2334
 2335
 2336
 2337
 2338
 2339
 2340
 2341
 2342
 2343
 2344
 2345
 2346
 2347
 2348
 2349
 2350
 2351
 2352
 2353
 2354
 2355
 2356
 2357
 2358
 2359
 2360
 2361
 2362
 2363
 2364
 2365
 2366
 2367
 2368
 2369
 2370
 2371
 2372
 2373
 2374
 2375
 2376
 2377
 2378
 2379
 2380
 2381
 2382
 2383
 2384
 2385
 2386
 2387
 2388
 2389
 2390
 2391
 2392
 2393
 2394
 2395
 2396
 2397
 2398
 2399
 2400
 2401
 2402
 2403
 2404
 2405
 2406
 2407
 2408
 2409
 2410
 2411
 2412
 2413
 2414
 2415
 2416
 2417
 2418
 2419
 2420
 2421
 2422
 2423
 2424
 2425
 2426
 2427
 2428
 2429
 2430
 2431
 2432
 2433
 2434
 2435
 2436
 2437
 2438
 2439
 2440
 2441
 2442
 2443
 2444
 2445
 2446
 2447
 2448
 2449
 2450
 2451
 2452
 2453
 2454

TABLE OF CONTENTS

1	ABBREVIATIONS AND ACRONYMS	iii
2	PREFACE.....	iv
2.1	Mandate of the Committee.....	iv
2.2	Membership of the Committee.....	iv
3	EXECUTIVE SUMMARY	5
1.	PETITION ON THE DELAY IN THE OPENING OF NJIRU SECONDARY SCHOOL.....	9
1.0	Background	9
2.	SUBMISSIONS	11
2.1	MEETING WITH THE PETITIONERS	11
2.2	REPORT FROM THE MINISTRY OF EDUCATION	12
2.4	REPORT BY THE NATIONAL ASSEMBLY SPECIAL FUNDS ACCOUNTS COMMITTEE	13
2.5	COMMITTEE VISIT TO NJIRU SECONDARY SCHOOL.....	14
3.	COMMITTEE OBSERVATIONS AND RECOMMENDATIONS.....	16
3.1.1	Committee Observations.....	16
3.1.2	Committee Recommendations	16



[Faint, illegible text spanning the middle of the page, likely bleed-through from the reverse side.]

ABBREVIATIONS AND ACRONYMS

EIA	Environmental Impact Assessment
MoE	Ministry of Education
NCWSC	Nairobi City Water and Sewerage Company
NEMA	National Environment Management Authority
NG-CDF	National Government Constituency Development Fund
OAG	Office of the Auditor General
BOM	Board of Management
UNICEF	United Nations Children's Fund
WASH	Water, Sanitation and Hygiene
EMCA	Environmental Management and Coordination Act



THE UNIVERSITY OF CHICAGO
LIBRARY
1000 S. MICHIGAN AVE.
CHICAGO, ILL. 60607
TEL. 773-936-5000
FAX 773-936-5001
WWW.CHICAGO.EDU

PREFACE

The Standing Committee on Education is established under standing order 218(3) 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.

The Committee is also mandated to;

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 of the Education Sector (including but 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 P. Zani, MP | - Vice-Chairperson |
| 3. Sen. Fred Outa, MP | - Member |
| 4. Sen. Mwangi Githiomi, MP | - Member |
| 5. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 6. Sen. (Prof.) Imana Malachi Ekal | - Member |
| 7. Sen. Seneta Mary Yiane, MP | - Member |
| 8. Sen. Falhada Dekow, MP | - Member |
| 9. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

EXECUTIVE SUMMARY

Mr. Speaker Sir,

The Petition concerning the delay in the opening of Njiru Secondary School was reported to the Senate on 13th November, 2019.

The Petitioners informed the Senate that there is no Public Secondary School in Njiru Ward, Kasarani Sub County making it difficult for students to access subsidized Secondary Education.

Nonetheless, in response to this challenge, the residents had sought and secured assistance from the National Government Constituency Development Fund in 2014, to build a Public Secondary School, on public land LR. NO 13468/787.

The school infrastructure was completed in the Financial Year 2016/17. However, the efforts to have it opened for intake have not been successful.

Mr. Speaker Sir,

The Petitioners sought the intervention of the Senate to investigate why Njiru Secondary School had not been opened, and an intervention to ensure that the school is opened for the benefit the community.

Mr. Speaker Sir,

Pursuant to the provisions of the standing order 232 (1) of the Senate Standing Orders, the Petition was committed to the Standing Committee on Education for consideration.

Mr. Speaker Sir,

In considering the Petition, the Committee took into account the submissions and supporting documents by the petitioners, reports from the Ministry of Education, the National Environment and Management Authority and the National Assembly Special Funds Accounts Committee on Audited Financial Statements for the National Government Constituencies Development Fund for Constituencies in Nairobi City County for the Financial Years 2013/14, 2014/15 and 2015/16.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

2. The second part of the document is a letter from the Secretary of the Treasury to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

3. The third part of the document is a letter from the Secretary of the Navy to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

4. The fourth part of the document is a letter from the Secretary of the War to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

5. The fifth part of the document is a letter from the Secretary of the Interior to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

6. The sixth part of the document is a letter from the Secretary of the Agriculture to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

7. The seventh part of the document is a letter from the Secretary of the Commerce to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

8. The eighth part of the document is a letter from the Secretary of the Education to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

9. The ninth part of the document is a letter from the Secretary of the Public Works to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

10. The tenth part of the document is a letter from the Secretary of the Public Lands to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

Mr. Speaker, on behalf of the Committee and on my own behalf, I wish to sincerely thank the Petitioners, Mr. Moses Njenga, Joseph Mugambi and Michael Maina Kibe, the Ministry of Education and the National Environment and Management Authority for their submissions during the consideration of this Petition.

Mr. Speaker, during the consideration of the petition the Committee observed that, although Njiru Secondary School has clearly demarcated school grounds with proper fencing, it does not have the necessary documents of ownership such as the Title Deed which puts the school land at the risk of encroachment and grabbing. Further the walkways are not properly demarcated and the school grounds are not well levelled to make it easier for learners and teachers.

Mr. Speaker Sir.

As you are aware, the well-being of children is impossible without sustainable, equitable access to clean water, dignified sanitation and appropriate hygiene behaviours.

However, during the consideration of this Petition, the Committee observed that Njiru Secondary School does not have access to safe drinking water, basic sanitation and hygiene (WASH) facilities.

Mr. Speaker, the Environmental Management and Coordination Act (EMCA) of 2019, and its attendant Environmental (Impact Assessment and Audit) Regulations provides for the establishment of an appropriate legal and institutional framework for the management of the environment.

Section 58 (1) underscores that any person being a proponent of a project shall before financing, commencing or proceeding with construction submit an Environmental Impact Assessment (EIA) report to the National Environment Management Authority (NEMA).

However, the Committee observes that the Board of Management (BOM) of Njiru Secondary School did not undertake EIA to determine the extent to which the school would be impacted by its environment.

Mr. Speaker Sir,

Based on these observations, the Committee therefore recommends that:

1. The Board of Management (BOM) of Njiru Secondary School should expeditiously register and acquire the title deed of the land where the school is situated;
2. The BOM should undertake an Environmental Impact Assessment (EIA) of the School in consultation with the National Environment Management Authority (NEMA) and submit the report to the necessary authorities including the Ministry of Education to facilitate registration process; and
3. The BOM should urgently mobilize resources to provide safe water, hygiene and sanitation (WASH) facilities in the school.

Mr. Speaker Sir.


As I conclude, I wish to take this opportunity to thank all the Members of the Committee for their immense contribution during consideration of this Petition and subsequent production of this report.

The Committee wishes to thank the Offices of the Speaker and the Clerk of the Senate for the necessary support extended to it in the conduct and 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

It is my pleasant duty, on behalf of the Standing Committee on Education, pursuant to standing order 232(2), to present a Report of the Standing Committee on Education on the consideration of the Petition concerning the delay in the opening of Njiru Secondary School.
I thank you



Signed..... Date.....

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

1. *Journal of the American Medical Association*, 1997; 277: 1033-1036.

**ADOPTION OF THE COMMITTEE REPORT ON THE PETITION
ON THE DELAYED OPENING OF NJIRU SECONDARY SCHOOL,
KASARANI, NAIROBI COUNTY**

**We, the undersigned Members of the Senate Standing Committee on
Education, do hereby append our signature to adopt the Report on
the Petition on the Delayed opening of Njiru Secondary School,
Kasarani, Nairobi County.**

Sen. (Dr.) Alice C Milgo, MP

- Chairperson



Sen. (Dr.) Agnes Zani, 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

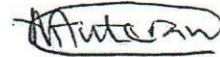


Sen. (Dr.) Gertrude Musuruve, MP

- Member

Sen. Seneta Mary Yiane, MP

- Member



Sen. Falhada Dekow, MP

- Member



CHAPTER ONE

1. PETITION ON THE DELAY IN THE OPENING OF NJIRU SECONDARY SCHOOL

1.0 Background

On 13th November, 2019, Mr. Moses Njenga and Mr. Joseph Mugambi, presented a Petition to the Senate concerning the delay in the opening of Njiru Secondary School (Annex I).

The petition sought to draw the attention of the Senate to the following issues of concern-

- a) That, there is no Public Secondary School in Njiru Ward, Kasarani Sub County making it difficult for students to access subsidized Secondary Education-
 - a. That, in the year 2014, the residents petitioned the area Member of the National Assembly to assist in the construction of a Public Secondary School which was agreed and the School was built using Public Funds drawn from the National Government Constituency Development Fund (NG-CDF);
 - b. That, the school is built on Public Land, LR No. 13468/787 measuring six (6) acres;
 - c. That, Njiru Secondary School, has not been opened although the infrastructure had been completed in the Financial Year 2016/17;
 - d. That, attempts by residents to have the school opened for intake has been thwarted by the Deputy County Commissioner and the Ministry of Education officials thereby infringing on the rights of the students to access education contrary to the provisions of the Constitution.
- b) That, they had made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response
- c) That, none of the issues raised in the Petition were pending in any court of law or constitutional or legal body.

The petitioners humbly prayed that the Senate:

1. investigates why Njiru Secondary School has not been opened considering that completion of the infrastructure dates back to 2016/17 financial year;
2. intervenes to have the School opened to benefit the community as it is the only Public Secondary School in the area; and
3. makes any other order or direction that it deems fit in the circumstances of the case.

CHAPTER TWO

2. SUBMISSIONS

2.1 MEETING WITH THE PETITIONERS

The Committee invited the petitioners to a meeting to provide more information and clarification on the issues raised in the Petition during the Committee meeting held on 3rd September, 2020.

The Petitioners informed the Committee that Njiru Secondary School in Njiru Ward, Kasarani Sub County was constructed by the resources provided by the National Government Constituency Development Fund (NG-CDF) and was completed in the financial year 2016/17.

The Committee was informed that the school is built on public land LR No. 13468/787 measuring six (6) acres hived from a huge piece of land which measures about 176 acres and is subject to intermittent land disputes between a land buying company and quarry workers.

The Committee was further informed that, there was an exhaustor emitting point located at the school compound. However, the Managing Director of the Nairobi City Water and Sewerage Company (NCWSC) had asked the Schools' Board of Management (BOM) to identify an alternative emitting point, which they had identified about 700 metres from the school compound.

The Petitioners informed the Committee that three classrooms had been constructed at the Njiru Secondary School and had planned to utilize two classrooms from the Njiru Primary School in order to alleviate the challenges of insufficient Secondary Schools in the Ward. However, there are no students in the school and none have ever been admitted since the school inception.

The Committee observed that the School's BOM did not have any documents to prove the ownership of the land where the school is located. Nonetheless, the school compound was fenced to dissuade probable land grabbers and private developers from encroaching on the property.

2.2 REPORT FROM THE MINISTRY OF EDUCATION

The Committee requested the Cabinet Secretary (CS), Ministry of Education (MoE) to respond to the issues raised in the Petition and to submit a report for its consideration.

The Committee was informed by the CS that Njiru Secondary School has not been opened since the completion of its construction in the Financial Year 2016/17 since its current location is not environmentally safe for learners, teachers and staff who will be deployed to the school.

The CS informed the Committee that the school's environment has been compromised by a sewer discharge point where lorries empty the sewer waste thus posing a health danger to the school community. It is this challenge that has hindered the registration of the school to enable it start operations.

The Committee was further informed that the MoE would continue engaging the relevant stakeholders including the school's community with a view to facilitating the registration and opening of the school as soon as the sewer discharge is re-located away from the vicinity of the school.

2.3 REPORT FROM THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

Following the consideration of the report from the CS, Ministry of Education, the Committee requested the Director General, National Environment Management Authority (NEMA) to provide information on the following issues-

- i. whether the NEMA received an Environmental Impact Assessment Report on Njiru Secondary School; and
- ii. an inspection report on the status of compliance of Njiru Secondary School on environmental requirements.

The DG informed the Committee that NEMA has no records of an Environmental Impact Assessment (EIA) Report submitted for Njiru Secondary School. The procedure is that the proponent of the project prepares an EIA report and submits to the Authority for review and subsequent licensing or rejection.

The Committee was further informed that no inspection has been undertaken on the status of Njiru Secondary School on Environmental requirements. The only issue handled by the Authority has been an existing effluent discharge point for exhauster operated by the Nairobi City Water and Sewerage Company (NCWSC) in the School's neighbourhood.

The DG, NEMA, further informed the Committee that a meeting was held on 4th July, 2019 regarding this discharge points. In relation to the discharge points the Authority has licensed a discharge point in Njiru to be jointly managed by NCSWC and SMART Methods Njiru Self Help Group through an MOU. The discharge point was granted an EIA license No. NEMA/EIA/PSL/9453 dated 6th August, 2020.

The Committee was informed that NEMA awaits submission of the EIA for the school to be able to guide on compliance with environmental requirements for such a project.

2.4 REPORT BY THE NATIONAL ASSEMBLY SPECIAL FUNDS ACCOUNTS COMMITTEE

The Committee was informed that the matter of Njiru Secondary School had been a subject of concern by the National Assembly Special Funds Accounts Committee, and was highlighted in the committee's report on the audited financial statements for the NG-CDF for Constituencies in Nairobi City County for the Financial Years 2013/14, 2014/15 and 2015/16,

In the submissions for the Financial Year 2014/15, the National Assembly Committee was informed that as at 30th June, 2015, Njiru Secondary School with a budget of Kshs. 5,200,000 was among the three projects that had not been implemented. The Fund Account Manager informed the National Assembly Committee that the delay in implementation of Njiru Secondary School was due to land ownership disputes and the project had since been implemented.

In the submissions for the Financial Year 2015/16, the National Assembly Committee was informed that as at 30th June, 2016, Njiru Secondary School with a budget of Kshs. 7,500,000 was among the projects that had been budgeted for and had not been implemented. Consequently, the constituents of Kasarani had not obtained the intended services from such projects.

The National Assembly Committee however noted that that Njiru Secondary School is located about 100 metres from Njiru sewer outfall and just 200 metres from the Njiru quarry. Construction of phase one of the classrooms was about 60% by the time of the audit.

Nonetheless, the Schools' management did not present for audit review the Environmental Impact Assessment (EIA) Report of the project given its location next to the two facilities. In the absence of the EIA report, it was not possible to confirm the extent to which the school would be impacted by the two facilities.

2.5 COMMITTEE VISIT TO NJIRU SECONDARY SCHOOL

The Committee undertook a visit to Njiru Secondary School on Friday, 9th October, 2020 to apprise itself on the matter. The Committee was received by the School's BOM and the local leadership led by the Njiru Location Chief.

During the visit the Committee observed that the sewer emission point that was in the school compound had been moved to a newer point and the one at the compound had been abandoned and was already sealed.

The Committee was informed that the 'land buying company' had granted the school a 'letter' confirming the ownership of the school land which they are supposed to submit to the Sub County Director of Education for further processing.

The Committee was further informed that the Ministry of Education had sent a team of officials to the school who held a meeting with the BOM and informed them about the requirements that they are supposed to fulfil to facilitate registration and eventual opening of the school.

The Committee was informed that only three rooms had been constructed before the NG-CDF discontinued funding the project. The School's BOM had intended to use two classrooms and convert the third one into an administration block temporarily and construct a permanent administration block with the subsequent funding. The school's BOM has plans to construct a four storey building with each floor having its own WASH facilities.

The Committee was further informed that the Kasarani NG-CDF manager had commissioned an EIA report on Njiru Secondary School and the BOM had agreed with the manager to use the same report for purposes of registering the school. However, the School's BOM had not initiated the registration process with the Ministry of Education.

The Committee observed that the school did not have any Water Sanitation and Hygiene (WASH) facilities. However, they had started mobilizing resources to provide those basic facilities. Further, the school compound was littered in dirt, rocks and was not conducive for learners.

Nonetheless, the Committee observed that the size of the classroom, in terms of length and width was within the specifications of the Ministry of Education, they were properly lit, ventilated and had adequate door way. Further, the stairway was wide enough and clear of any obstructions. However, there was no furniture in the classrooms.

The Committee was however, informed that members of the community were raising resources to build temporary toilets and the School's BOM had also approached UNICEF which had been supporting Njiru Primary School in coming up with WASH facilities before a permanent solution is provided.

The Committee was informed that part of the school land had been encroached and currently the school is able to access only one and a half acres of land.

CHAPTER THREE

3. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

3.1.1 Committee Observations

The Committee made the following observations-

1. The School does not have access to sustainable, safe water supply points, handwashing stands and sanitation facilities within its grounds;
2. The school environment has several environmental risk factors such as dirt, dust and rocks, that are likely to contribute to ill health, threaten safety of learners and teachers and put the school community in danger;
3. There are no School land ownership documents such as a title deed registered in the name of Njiru Secondary School, to prove ownership, which exposes the school to land grabbers; and
4. The School does not have an Environmental Impact Assessment (IEA) Report that would have indicated that significant environmental impacts are taken into consideration during the design and construction of the project.

3.1.2 Committee Recommendations

The Committee therefore recommends-

1. Njiru Secondary Schools' BOM should expeditiously register and acquire the title deed for the land where the school is located. Any dispute regarding the ownership of part or whole of the school grounds should be solved within the provision of the law;
2. The School's BOM should mobilize resources to provide safe water, hygiene and sanitation facilities in the school and ensure the bare grounds are planted with grass to minimize the effects of dust and ease mobility within the school compound;
3. The Schools' BOM should undertake an Environmental Impact Assessment (EIA) of the Njiru Secondary School in consultation with the National Environment Management Authority (NEMA) and submit the report to the necessary authorities including the Ministry of Education to facilitate the registration process.

MINUTES OF THE 26th SITTING OF THE SENATE STANDING COMMITTEE ON EDUCATION HELD ON MONDAY, 10th AUGUST, 2020 ON ZOOM ONLINE MEETING PLATFORM AT 1340HRS.

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. (Dr.) Gertrude Musuruve, MP | - Member |
| 5. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member |
| 6. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 7. Hon. Sen. Iman Falhada Dekow, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 1. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |
| 2. Hon. Sen. Mary Y. Seneta, MP | - Member |

SENATE SECRETARIAT

- | | |
|--------------------------|--------------------------|
| Res. 1. Humphrey Ringera | - Research Officer/Clerk |
| 2. Winnie Atieno | - Audio Officer |

MIN. NO./SEN/EDU/181/2020

PRELIMINARIES

The Chairperson called the meeting to order at 1340hrs and the proceedings were opened with a word of prayer.

MIN. NO./SEN/EDU/182/2020

ADOPTION OF THE AGENDA

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

1. Preliminaries
2. Adoption of agenda
3. Confirmation of minutes of the previous meetings
4. Matters arising from the minutes of the previous meetings
5. Petition
 - a. Delay in the opening of Njiru Secondary School
6. Consideration of the Report from the Council of Governors, Committee on Education on the ECDE Landscape in the Country
7. Any other business
8. Adjournment/Date of the next meeting

MIN. NO./SEN/EDU/183/2020**CONFIRMATION OF MINUTES
OF THE PREVIOUS MEETINGS**

The minutes of the 24th Committee meeting held on Thursday, 6th August, 2020 at 0900hrs, were confirmed as true record of the proceedings after being proposed by Sen. (Dr.) Zani, MP and seconded by Sen. (Dr.) Musuruve, MP.

The minutes of the 25th Committee meeting held on Thursday, 6th August, 2020 at 1000hrs, were confirmed as true record of the proceedings after being proposed by Sen. Falhada, MP and seconded by Sen. (Dr.) Musuruve, MP.

MIN. NO./SEN/EDU/184/2020**MATTERS ARISING**

1. *Ex* **MIN. NO./SEN/EDU/178/2020**, The Committee observed that there is need to seek report on the implementation status of the common ECDE teachers training curriculum and to follow-up on the responses from the CoG by visiting the counties.

MIN. NO./SEN/EDU/185/2020**PETITION****a) Delay in the opening of Njiru Secondary School**

- 1) The Committee was informed that a Petition on the delayed opening of Njiru Secondary School in Nairobi County had been tabled in the Senate and referred to the Committee pursuant to standing order No. 232,(1) of the Senate Standing Orders.
- 2) The Petitioners, residents of Njiru Ward in Kasarani Sub-County, drew the attention of the Senate to the following:
 - a. That, in the year 2014, residents petitioned the area Member of Parliament to assist in the construction of a Public Secondary School which was agreed and built using funds drawn from the National Government Constituency Development Fund (NG-CDF);
 - b. That, the school is built on Public Land, LR No. 13468/787 measuring six (6) acres;
 - c. That, Njiru Secondary School, has not been opened although the infrastructure had been completed in the Financial Year 2016/17;
 - d. That, attempts by residents to have the school opened for intake has been thwarted by the Deputy County Commissioner and the Ministry of Education officials.

- 3) The petitioners prayed that the Senate:
- investigates why Njiru Secondary School has not been opened considering that completion of the infrastructure dates back to 2016/17 Financial Year;
 - intervenes to have the school opened to benefit the community as it is the only public secondary school in the area; and
 - makes any other order or direction that it deems fit in the circumstances of the case.
- 4) The Committee resolved to seek information from the Cabinet Secretary, Ministry of Education on the reasons why the said Njiru Secondary School has not been opened.

MIN. NO. SEN/EDU/186/2020

**CONSIDERATION OF THE
REPORT FROM THE COUNCIL
OF GOVERNORS ON THE ECDE
LANDSCAPE IN THE COUNTRY**

- The Committee considered the written submission from the Council of Governors, Committee on Education on the Early Childhood Development Education (ECDE) landscape in the country
- The Committee resolved to write a letter to the Council of Governors to seek information on the supplementary issues and to schedule county visits at a later date to ascertain the sufficiency of teaching/learning resources and adequacy of teaching facilities such as desks, classrooms and tables.

MIN. NO./SEN/EDU/187/2020

ANY OTHER BUSINESS

There was no other business.

MIN.NO./SEN/EDU/188/2020

**ADJOURNMENT AND DATE OF
THE NEXT MEETING**

There being no other business, the meeting was adjourned at hrs. The next meeting would be held at 1450hrs.



SIGNED.....

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

**MINUTES OF THE 33rd SITTING OF THE SENATE STANDING
COMMITTEE ON EDUCATION HELD ON THURSDAY, 3rd
SEPTEMBER, 2020 ON ZOOM ONLINE MEETING PLATFORM AT
0900HRS.**

PRESENT

- | | |
|--|----------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP | - Chairperson |
| 2. Hon. Sen. Fred Outa, MP | - Member |
| 3. Hon. Sen. Mary Y. Seneta | - Member |
| 4. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |
| 5. Hon. Sen. (Prof.) Imana Malachy Ekal | - Member |
| 6. Hon. Sen. Iman Falhada Dekow, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|---------------------------|
| 1. Hon. Sen. (Dr.) Agnes Zani, CBS, MP | - Vice Chairperson |
| 2. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 3. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |

SENATE SECRETARIAT

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

IN ATTENDANCE

- | | |
|--------------------------|--------------|
| 1. Michael Maina Kibe | - Petitioner |
| 2. Joseph Mugambi Kiriba | - Petitioner |

MIN. NO./SEN/EDU/228/2020

PRELIMINARIES

The meeting was called to order at 0900hrs and the proceedings were opened with a word of prayer said by Sen (Dr.) Musuruve, MP.

MIN. NO./SEN/EDU/229/2020

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. (Dr.) Musuruve, MP and seconded by Sen. (Prof.) Ekal, MP as follows:

1. Preliminaries
2. Adoption of agenda
3. Confirmation of the Minutes of the Previous Meeting
4. Matters Arising from the Minutes of the Previous Meeting
5. Consideration of a Petition on Delayed Opening of Njiru Secondary School
6. Any other Business
7. Adjournment/Date of the next meeting

The Minutes of the 32nd Committee meeting held on Monday, 31st August, 2020 at 1400hrs, were confirmed as the true record of the proceedings after being proposed by Sen. (Dr.) Musuruve, MP and seconded by Sen. (Dr.) Milgo, MP.

Ex **MIN. NO./SEN/EDU/225/2020**, The Committee observed that the counties should be grouped into a cluster of five counties drawn from the same Economic Bloc and that a question on the learners with disabilities should get more prominence.

i. DELAYED OPENING OF NJIRU SECONDARY SCHOOL

1. The Committee was informed that a Petition concerning the delay in the opening of Njiru Secondary School in Nairobi County, was tabled in November, 2019 (Copy attached);
2. The Petitioners, who are citizens and residents of Njiru Ward in Kasarani Sub County prayed that the Senate investigate why Njiru Secondary School had not been opened and intervenes to have the school opened to benefit the community as it is the only Public Secondary School in the area.
3. The Committee was further taken through the response from the Cabinet Secretary, the Ministry of Education (attached) and observed that, the response appears not to have been informed by any investigations and/or information;
4. The Committee was further informed that the matter of Njiru Secondary School had been a subject of concern by the National Assembly Special Funds Accounts Committee, and was highlighted in the committee's report on the audited financial statements for the NG-CDF for Constituencies in Nairobi City County for the Financial Years 2013/14; 2014/15 and 2015/16;
5. In the report, the Special Funds Accounts Committee had been informed that the school is located about 100 metres from Njiru sewer outfall and just 200 metres from the Njiru quarry. Consequently, the Committee had observed that the management of Njiru Secondary School did not undertake Environmental Impact Assessment, hence it was not possible to confirm the extent to which the school would be impacted by the sewer and the quarry;

6. The Petitioners informed the Committee that three classrooms had been constructed at the Njiru Secondary School and had planned to utilise two classrooms from the Njiru Primary School in order to alleviate the challenges of insufficient Secondary Schools in the Ward. However, there are no students in the school;
7. The Committee was informed that the sewer exhausters are currently using the sewer emitting point located within the school compound. However, the Managing Director of the Nairobi Water and Sewerage Company had asked the School Management Committee to look for an alternative emitting point, which they have identified about 700 metres from the school compound;
8. The Committee was further informed that the School does not have a Title deed and it is not registered by the Ministry of Education. Further, the track of land (176 acres) where the school land, measuring 6.5 acres of land, is hived from is subject of dispute between the land buying company and the quarry diggers;
9. The Committee therefore resolved to-
 - a. continue engaging the Ministry of Education and ascertain the strategies that the Ministry is employing to ensure that the school is ready to admit learners and be opened without further delay;
 - b. engage the National Environment and Management Authority (NEMA) to seek information on the details and the feedback on the Environmental Impact Assessment (EIA) on the school project.
10. The Committee requested the Petitioners to engage the Ministry of Lands and the National Land Commission, to ensure that they have proper land ownership documents for the school and the Ministry of Education to ensure that the school is registered.

MIN. NO./SEN/EDU/233/2020

ANY OTHER BUSINESS

There was no other business

MIN.NO./SEN/EDU/234/2020

**ADJOURNMENT AND DATE OF
THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1120hrs.
The next meeting would be by notice.



SIGNED.....DATE....16/09/2020.....

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

**MINUTES OF THE 73rd SITTING OF THE SENATE STANDING
COMMITTEE ON EDUCATION HELD ON WEDNESDAY, 9th
DECEMBER, 2020 AT THE EXTENDED CHAMBER,
PARLIAMENT BUILDINGS.**

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. (Prof.) Imana Malachy Ekal, MP | - Member |
| 5. Hon. Sen. Iman Falhada Dekow, MP | - Member |
| 6. Hon. Sen. Mary Y. Seneta, MP | - Member |
| 7. Hon. Sen. (Dr.) Gertrude Musuruve, MP | - Member |

ABSENT WITH APOLOGIES

- | | |
|---|----------|
| 1. Hon. Sen. Mwangi Githiomi, MP | - Member |
| 2. Hon. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member |

SENATE SECRETARIAT

- | | |
|--------------------|--------------------------|
| • Humphrey Ringera | - Research Officer/Clerk |
|--------------------|--------------------------|

MIN. NO./SEN/EDU/511/2020

PRELIMINARIES

The meeting was called to order at 1345hrs and the proceedings were opened with a word of prayer said the Chairperson.

MIN. NO./SEN/EDU/512/2020

**ADOPTION OF THE
AGENDA**

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

1. Preliminaries
2. Adoption of agenda
3. Consideration and adoption of the Committee Report on the Petition on delayed opening of Njiru Secondary School
4. Any other business
5. Adjournment/Date of the next meeting

MIN. NO./SEN/EDU/513/2020

**CONSIDERATION AND
ADOPTION OF THE
COMMITTEE REPORT.**

1. The Secretariat presented the Draft Committee Report on the delayed opening of Njiru Secondary School

2. The Committee unanimously adopted the Committee Report on the Petition on delayed opening of Njiru Secondary School having been proposed by Sen. Fred Outa MP and seconded by Sen. Falhada Dekow, MP.

MIN. NO./SEN/EDU/501/2020

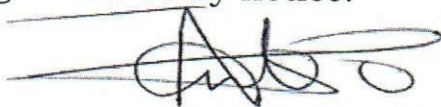
There was no other business

ANY OTHER BUSINESS

MIN.NO./SEN/EDU/502/2020

**ADJOURNMENT AND DATE OF
THE NEXT MEETING**

There being no other business, the meeting was adjourned at 1420hrs.
The next meeting would be by notice.



SIGNED.....DATE.....11/12/2020...

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



1. The first project is the construction of a new bridge over the river. This project is estimated to cost \$10 million and is expected to be completed by the end of the year. The bridge will provide a more direct route for traffic and will improve the safety of the crossing.

2. The second project is the renovation of the city hall. The current building is in poor condition and needs to be updated to meet modern standards. The project is estimated to cost \$5 million and is expected to be completed by the end of the year. The new building will provide a more functional and attractive workspace for the city government.

3. The third project is the construction of a new park in the downtown area. The park is estimated to cost \$3 million and is expected to be completed by the end of the year. The park will provide a green space for residents and will improve the quality of life in the area.

4. The fourth project is the construction of a new library in the suburban area. The library is estimated to cost \$2 million and is expected to be completed by the end of the year. The library will provide a quiet place for reading and study and will improve the quality of life in the area.

5. The fifth project is the construction of a new school in the rural area. The school is estimated to cost \$4 million and is expected to be completed by the end of the year. The school will provide a better education for students and will improve the quality of life in the area.



nema

mazingira yetu | uhali wetu | wajibu wetu

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Mobile Line: 0724-253398, 0723-363010, 0735-013046
Telkom Wireless: 020-2101370, 020-2183718
Incident Line: 0786 101100

P.O. Box 67839, 00200
Popo Road, Nairobi, Kenya
E-mail: dgnema@nema.go.ke
website: www.nema.go.ke

NEMA/PR/5/2/21133

18th September 2020

J M Nyegenye, CBS,
Clerk of the Senate/Secretary
Parliamentary Service Commission
Parliament Buildings
P O Box 41842-00100
NAIROBI

Dear Sir

RE: NJIRU SECONDARY SCHOOL PETITION AT THE SENATE

Attached please find the response by the National Environment Management Authority (NEMA) on the petition on the delay in the opening of Njiru Secondary School.

MAMO B. MAMO
DIRECTOR GENERAL

NJIRU SECONDARY SCHOOL PETITION AT THE SENATE

The National Environment Management Authority (NEMA) received the letter Ref. **SEN/SCE/CORR/2020/30 (03)** dated 9th September, 2020 on a petition involving the opening of Njiru Secondary School.

The National Environment Management Authority (NEMA) wishes to respond as follows:

1. Whether NEMA received an Environmental Impact Assessment report on Njiru Secondary School

The National Environment Management Authority (NEMA) has no records of an Environmental Impact Assessment (EIA) Report submitted for Njiru Secondary School. The procedure is that the proponent of the project prepares an EIA report and submits to the Authority for review and subsequent licensing or rejection.

2. An inspection report on the status of compliance on Njiru Secondary School on environmental requirement

No inspection has been undertaken on the status of Njiru Secondary School on Environmental requirements. The only issue handled by the Authority has been an existing effluent discharge point for exhauster operated by the Nairobi City Water and Sewerage Company (NCWSC) in the School's neighbourhood. A meeting was held on 4th July, 2019 regarding this discharge points as *per the attached brief of meeting*. In relation to the discharge points the Authority has licensed a discharge point in Njiru to be jointly managed by NCWSC and SMART Methods Njiru Self Help Group through an MoU. The EIA license no. **NEMA/EIA/PSL/9453** dated 6th August, 2020 is hereby attached as well as a copy of the MoU.

The Authority awaits submission of the EIA for the school to be able to guide on compliance with environmental requirements for such a project



MAMO B. MAMO
DIRECTOR GENERAL

Encls.

Scanned with CamScanner

Scanned with CamScanner

Page 1 of 1

② Please Review with Mr. Chandy

WHEREFORE, your humble petitioners pray that the Senate-

Constitutional or any other legal body.

3. THAT, none of these issues raised in this Petition is pending in any court of Law,

relevant authorities all of which have failed to give a satisfactory response.

2. THAT, we have made the best efforts to have these matters addressed by the

relevant authorities all of which have failed to give a satisfactory response.

education contrary to the provisions of the Constitution.

Education officials thereby infringing on the rights of the students to access

been thwarted by the Deputy County Commissioner and the Member of

1.4 THAT, attempts by the residents to have the School opened for intake has

infrastructure had been completed in the financial year 2016/17.

1.3 THAT, Njiru Secondary School, has not been opened although the

(6) acres;

1.2 THAT, the School is built on Public Land, LR No. 13458/76/ measuring six

Constituency Development Fund (CDF).

Parliament to assist in the construction of a Public Secondary School which

was agreed and the School was built using Public Funds drawn from the

1.1 THAT, in the year 2014, as residents, we petitioned our then area Member of

making it difficult for students to access subsidized Secondary Education;

1. THAT, there is no Public Secondary School in Njiru Ward, Kasarani Sub County

DRAW the attention of the Senate to the following:

Citizens of the Republic of Kenya, and residents of Njiru Ward, Kasarani Sub County.

We, the undersigned,

NJIRU SECONDARY SCHOOL

RE: PETITION TO THE SENATE CONCERNING THE DELAY IN THE OPENING OF

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

24 OCT 2019

Scanned with CamScanner

Scanned with CamScanner

Date: 24/10/2019

Sign: [Signature]

Authorised by Senator Millicent Omanga, MP.

No	NAME	CONTACT	I.D. No.	SIGNATURE
1.	MOSES NGUGI	0722235102	11316425	MN
2.	JOSEPH MUKAMBAI-K	0721457211	13103307	[Signature]
3.				
4.				

Dated this 24 day of OCTOBER, 2019.

1. Investigates why Njiru Secondary School has not been opened considering that completion of the infrastructure dates back to 2016/17 financial year.
2. Intervenes to have the School opened to benefit the community as it is the only Public Secondary School in the area; and
3. Makes any other order or direction that it deems fit in the circumstances of the case.



REPUBLIC OF KENYA
MINISTRY OF EDUCATION
Office of the Cabinet Secretary

Telephone: Nairobi (020) 3318581
Email: cabinetsecretarymoe@gmail.com
Website: www.education.go.ke

Jogoo House "B"
Harambee Avenue
P. O. BOX 30040 - 00100
NAIROBI - Kenya

Ref: MOE/CON/9/6

September 2, 2020

Mr. J. M. Nyegenye, CBS
Clerk of the Senate/ Secretary
Parliamentary Service Commission
Clerk's Chambers, The Senate
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

Dear Mr. Nyegenye,

**RESPONSE TO A PETITION ON THE DELAY IN THE OPENING OF NJIRU
SECONDARY SCHOOL**

I write in response to communication from you dated 12th August 2020 and referenced SEN/SCE/CORR/2020/30.

The Response to the petition on the delay in the opening of Njiru Secondary School has been annexed to this communication.

Yours sincerely

Prof. George A. O. Magoha, CBS
CABINET SECRETARY

Encl.

RESPONSE TO A PETITION ON THE DELAY IN THE OPENING OF NJIRU SECONDARY SCHOOL

- 1. Investigate why Njiru Secondary School has not been opened considering that completion of the infrastructure dates back to 2016/17 financial Year;**

Response

Hon. Chair, Njiru Secondary School has not been opened since the completion of its construction in the Financial Year 2016/17 since its current location is not environmentally safe for learners, teachers and staff who will be deployed at the school. The school's environment has been compromised by a sewer discharge point where lorries empty the sewer waste thus posing a health danger to the school community. It is this challenge that has hindered the registration of the school to enable it start operations.

- 2. Interventions to have school opened to benefit the community as it is the only Public Secondary School in the area**

Response

Hon. Chair, the Ministry will continue engaging the relevant stakeholders including the school's community with a view to facilitating the registration and re-opening of the school as soon as the sewer discharge is re-located away from the vicinity of the school.



Prof. George A. O. Magoha, CBS
CABINET SECRETARY