

**PARLIAMENT OF KENYA
THE SENATE**

SENATE BILLS DIGEST

**THE BASIC EDUCATION (AMENDMENT) BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 59 OF 2023)**

Sponsor:	Senate Majority Leader (<i>National Assembly Bill sponsored by Hon. Mary Wamaua, MP</i>)
Committee referred to:	Standing Committee on Education
Type of Bill:	Ordinary Bill
Date of First Reading:	12 th February, 2026

1. Background

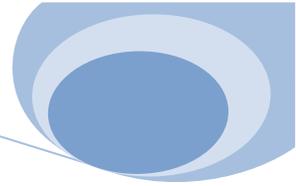
Article 43 (1) (f) of the Constitution of Kenya guarantees every person the right to economic and social rights, including the right to education. Article 53 (1) (b) further guarantees every child the right to free and compulsory basic education. In addition, Article 55 (a) requires the state to take measures, including affirmative action programmes to ensure the youth have access to relevant education and training. The realisation of these constitutional provisions therefore requires deliberate interventions to achieve the right to education of every person.

Currently, the Basic Education Act, 2023 establishes County Education Boards and sets out a number of functions including consultation with the National Education Board. However, these Boards have not been devolved to the Sub-county levels.

The Bill seeks to establish Sub-county Education Boards in every sub-county in Kenya.

2. Purpose of the Bill

The Basic Education (Amendment) Bill, 2023 intends to establish a Sub- county Education Board.



Is there any provision in the current legislation on Sub-County Education Boards?

The current Act provides that the County Education Board may in consultation with the National Education Board and relevant stakeholders appoint a sub-county education office with clear functions and powers. The Bill proposes to delete this provision.

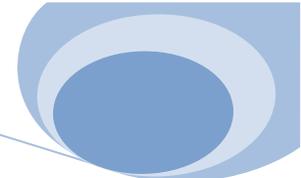
What is the proposed membership for the sub-county board?

- (a) a Chairperson and six other members appointed by the Cabinet Secretary;
- (b) amongst the members of the Board are the County executive member in charge of education and the Sub-county Director of Education who shall be the Secretary to the Board;
- (c) the other members of the Board include-
 - (i) two persons nominated by the Teachers Trade Union,
 - (ii) one person designated by the Teachers Service Commission
 - (iii) two persons nominated by the Parents Teachers Association
 - (iv) two persons nominated by religious organizations that has the highest number of members registered in the Sub-county.

Which religious organisations will nominate members to the Sub County Board?

It is proposed that one of the following religious organisations that has the highest number of members registered in the sub county nominates two persons to be members of the Sub-County Board-

- (i) joint forum of the National Council of churches of Kenya and the Evangelical Fellowship of Kenya,
- (ii) the Kenya Episcopal Conference ;or
- (iii) the Muslim Education Council;



What are the qualifications of Members of the Sub-County Boards?

It is proposed that the Chairperson of the Sub-County Education Board possess a minimum qualification of a degree while members of the Board possess a minimum qualification of secondary education with a post-secondary certificate being an added advantage.

How long can a person serve as a Member of the Sub County Board?

The Chairperson and members of the Sub-county Education Board shall be appointed for a term of five years renewable once.

Way Forward

What next?

Pursuant to standing order 145(5) of the Senate Standing Orders, the Standing Committee on Education shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee submits its report to the Senate.

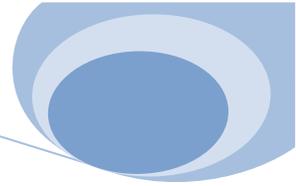
What is expected of the members of public?

The members of the public are expected to present their views to the Senate Standing Committee on Education for its consideration.

Next steps

The Bill was read a First Time in the Senate on 12th February, 2026. Pursuant to standing order 148(1) of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by 14th March 2026.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: clerk.senate@parliament.go.ke and copied to educationcommittee.senate@parliament.go.ke.



Note:

1. The Digest reflects the Bill as referred to the Senate and does not cover any subsequent amendments to the Bill.
2. The Digest does not have any official legal status.