

SPECIAL ISSUE

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REPUBLIC OF KENYA

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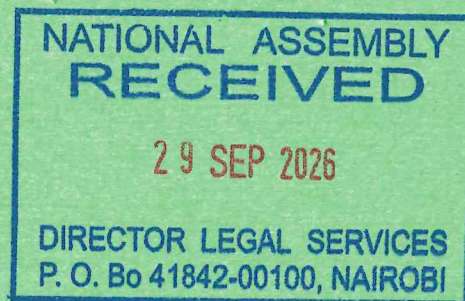
NAIROBI, 11th September, 2026

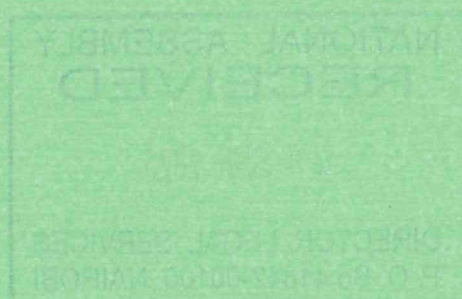
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**THE TEACHERS SERVICE COMMISSION
(AMENDMENT) BILL, 2026**

A Bill for

AN ACT of Parliament to amend the Teachers Service Commission Act; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Teachers Service (Amendment) Bill, 2026.

Short title

2. Section 2 of the Teachers Service Commission Act (hereinafter referred to as the “principal Act”) is amended—

Amendment of
section 2 of Cap.
212.

(a) by inserting the following new definitions in proper alphabetical sequence—

“certificate of registration” means the certificate issued under section 28 to a trained teacher who has met the entry requirements to the teaching service;

“employee” includes teachers and the secretariat staff employed by the Commission;

“gainful employment” has the meaning assigned to it under the Leadership and Integrity Act;

Cap. 185C.

“institutional administrator” means a teacher appointed by the Commission and assigned to perform administrative duties in a public basic education institution and includes the heads of institutions, deputy principals, deputy headteachers, deans, registrars, senior masters and senior teachers;

“trained teacher” means a person who has been trained as a teacher as provided for in law;

“registered teacher” means a person trained as a teacher and registered as such under this Act;

“serious offence” includes offences that attract capital punishment under the law; or other acts or omissions which grossly offend public policy and interest thereby making the concerned teacher unsuitable to continue serving in the teaching service;

“sexual exploitation” includes sexual abuse of learners through exchange of sex or sexual acts for academic

grades, pocket money, school fees, learning materials, protection from school punishment, illicit drugs, gifts, food, shelter other basics of life and shall include involving learners in creating, accessing, distributing pornographic and sexually explicit materials;

“zone” means an area with a cluster of schools within a sub-county;

(b) in the definition of “teaching certificate” by deleting the word “teaching” appearing before the word certificate and substituting therefor the word “practicing”

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

“head of institution” means the lead educator or administrator in a public educational institution appointed by the Commission and responsible for the implementation of the educational policy and professional practices; this will include the person heading Primary, Junior, Comprehensive, Senior Schools, and Teacher Training Colleges;

(d) by deleting the definition of “principal”; and

(e) by deleting the definition of “teacher”.

3. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (b)—

Amendment of
section 4 of Cap.
212.

(c) take measures to give effect to the affirmative action as provided under Articles 27 (6), (7) and 56 (a), (b) and (c) of the Constitution.

4. Section 6 of the principal Act is amended by deleting subsection (3) and substituting therefor the following new subsection—

Amendment of
section 6 of Cap.
212.

(3) In nominating and appointing members of the Commission, the President shall ensure that two thirds of the members have knowledge, skills and experience in education.

5. Section 7 of the principal Act is amended by deleting paragraph (c).

Amendment of
section 7 of Cap.
212.

6. Section 8 of the principal Act is amended—

Amendment of
section 8 of Cap.
212.

- (a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) Whenever a vacancy arises in the Commission, the President shall, within fourteen days declare a vacancy by notice in the *Gazette* and constitute a selection panel for the purpose of selecting suitable candidates for appointment as the Chairperson or member of the Commission.;

- (b) in subsection (2)—

(i) by deleting paragraph (h);

(ii) by inserting the following new paragraph immediately after paragraph (h)—

(i) one person nominated by the Institute of Human Resource Management with training, knowledge and experience in human resource management.

- (c) by deleting subsection (6) and substituting therefor the following new subsections—

(6) The selection panel shall within twenty-one days after the closing date for an application under subsection (5) —

- (a) consider the applications to determine their compliance with the provisions of the Constitution and this Act;
- (b) shortlist the applicants;
- (c) publish the names of the shortlisted applicants in two newspapers of wide circulation;
- (d) interview the shortlisted applicants; and
- (e) submit the names of three qualified applicants for the position of chairperson and three qualified applicants for each vacancy of a member to the President

- (d) by inserting the following new sub-section immediately after sub-section (6)—

(6A) In undertaking their functions under this section, the selection panel shall adopt the use of technology to enhance efficiency.

- (e) by deleting subsection (7) and substituting therefor the following new subsection—

(7) Subject to existing vacancies the President shall, within seven days of receipt of the names forwarded under subsection (6), nominate persons for appointment as chairperson and members of the Commission and forward the names to the National Assembly for approval.

- (f) in subsection (9), by deleting the word “applicants” and substituting therefor the word “nominees”;

- (g) in subsection (12) by—

- (i) deleting the word “if” and substituting therefor the word “where”;

- (ii) deleting the expression “(10)” and substituting therefor the expression “(11)”;

- (h) in subsection (18) by deleting the words “in consultation with the Prime Minister”.

7. Section 11 of the principal Act amended—

Amendment of
section 11 of Cap.
212.

- (a) in the introductory phrase, by inserting the expression “and 252(1)” immediately after the expression “Article 237”;

- (b) by inserting the following new paragraphs immediately after paragraph (f)—

- (fa) appoint and deploy institutional administrators to public primary, junior, comprehensive, senior schools, teacher training colleges and any other institution as may be prescribed under written law;

- (fb) undertake capacity building programmes and training to improve professional competence of its employees;

- (fc) subject to Articles 41(5) and 230 of the Constitution, determine the remuneration and benefits of its employees;

8. Section 12 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

Amendment of
section 12 of Cap.
212.

(2) In the performance of its functions, and in the exercise of its powers, the Commission shall have the power to—

- (a) act on general evidence or statements relating to the character or conduct of the person concerned and shall not be bound by strict rules of evidence;
- (b) subject to any written law, obtain any information it considers relevant, including requisition of reports, records, documents or any information from any source, including governmental authorities;
- (c) issue summons as may be necessary to any person or group of persons for the purposes of fulfilling its mandate;
- (d) administer oath or affirmation as may be prescribed by regulations;
- (e) establish, designate, appoint and accredit institutions for capacity building and the professional development of its employees;
- (f) inform itself in such manner as it considers appropriate and exercise any power for the better performance of its mandate in accordance with the Constitution and the relevant law;
- (g) review any of its decisions on its own motion or upon an application by an aggrieved person; and
- (h) subject to this Act, regulate its own practice and procedure.

9. Section 13 of the principal Act is amended—

Amendment of
section 13 of Cap.
212.

- (a) by deleting subsection (5);
- (b) by deleting sub section (6);
- (c) by deleting sub section (7); and
- (d) by deleting sub section (8).

10. The principal Act is amended by deleting section

Repeal of section
14 of Cap. 212.

11. Section 15 of the principal Act is amended in subsection (3) by inserting the word “have” appearing immediately after the word “shall”.

Amendment of section 15 of Cap. 212.

12. Section 18 of the principal Act is amended—

Amendment of section 18 of Cap. 212.

(a) by inserting the following new subsections immediately after subsection (1)—

(1A) The Commission may create within itself such directorates, divisions or sections for the proper discharge of its mandate and appoint such staff thereto.

(1B) Each directorate, division or section created under subsection (1A) shall act in accordance with the mandate approved by the Commission and directives given in writing by the Secretary.

(b) by deleting subsection (6) and substituting therefor the following new subsection—

(6) The Commission shall ensure that in the appointment of its staff—

- (a) there is fair competition and merit;
- (b) not more than two-thirds are of the same gender;
- (c) there is representation of the youth and persons with disabilities; and
- (d) there reflects regional and ethnic diversity of the people of Kenya.

13. The principal Act is amended by inserting the following new section immediately after section 18—

Insertion of new section 18A of Cap. 212.

Decentralization of the functions of the Commission.

18A. (1) The Commission—

- (a) shall pursuant to Article 6(3) of the Constitution ensure reasonable access of its services to all parts of the country so far as it is appropriate to do so; and
- (b) may establish offices at the zonal, sub-county, county and regional levels or at any such administrative level as it may determine and deploy officers

for the proper discharge of its functions.

(2) The Commission shall prescribe duties and responsibilities of persons occupying the offices established under this section.

14. Section 20 of the principal Act is amended—

Amendment of section 20 of Cap. 212.

- (a) by inserting the words “in writing” immediately after the word “delegate”; and
- (b) by inserting the words “provided that, nothing shall stop the Commission from exercising any of its functions delegated pursuant to this Act” immediately after the words “under this Act”.

15. Section 21 of the principal act is amended by deleting subsection (1) and substituting therefor the following new subsection—

Amendment of section 21 of Cap. 212.

(1) The Government Proceedings Act shall apply with respect to any legal proceedings involving the Commission.

Cap. 40.

16. Section 22 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

Amendment of section 22 of Cap. 212.

(3) The Commission shall not be held liable for any criminal acts of persons under its employment or authorized agents.

17. The principal Act is amended by deleting the title to Part III and substituting therefor following new title—

Repeal and replacement of the title to Part III of Cap. 212.

PART III—REGULATION OF THE TEACHING SERVICE

18. The principal Act is amended by inserting the following new section immediately after section 22—

Insertion of new section 22A of Cap. 212.

Registration and compliance.

22A. (1) The Commission shall, in accordance with Article 237(3) of the Constitution—

- (a) review the standards of education and training of persons entering the teaching service;

- (b) develop teaching and performance standards for teachers;
- (c) ensure compliance with the teaching and performance standards;
- (d) prescribe continuous professional development programmes;
- (e) set the minimum standards for registration as a teacher;
- (f) advise the national government on standards of education and training of persons entering the teaching service;
- (g) maintain the teacher register as per the provisions of this Act;
- (h) issue and cancel certificates of registration in accordance with regulations made under this Act; and
- (i) advise the national government on demand and supply of teachers.

19. Section 23 of the principal Act is amended by inserting the following new subsections immediately after subsection (1)—

Amendment of section 23 of Cap. 212.

(1A) The qualifications for registration of teachers shall be as set out in the Fourth Schedule.

(1B) In setting the qualification for registration in section 23(2), the Commission will take into account amongst others, the admission requirements prescribed by the ministry responsible for matters related to education.

(1C) The Commission may review the qualifications for registration as a teacher from time to time.

20. The principal Act is amended by inserting the following new section immediately after section 23—

Insertion of a new section 23B into Cap. 212.

Qualification for registration as a teacher.

23A. A person shall be eligible for registration as a teacher if such person—

- (a) meets the registration requirements set out in the Fourth Schedule; and
- (b) is of good moral character.

26. 21. The principal Act is amended by deleting section 26 of Cap. 212. Repeal of section 26 of Cap. 212.
22. Section 27 of the principal Act is amended— Amendment of section 27 Cap. 212.
 - (a) in paragraph (a), by deleting the words “prescribed qualifications” and substituting therefor the words “qualifications prescribed under this Act”; and
 - (b) in paragraph (e), by deleting the words “in the opinion of the Commission, are prejudicial to peace, good order or good government in Kenya” and substituting therefor the words “prejudicial to the safety and welfare of learners and teachers”.
23. Section 30 of the principal Act is amended— Amendment of Section 30 of Cap. 212.
 - (a) in subsection (1) (c), by deleting the words “pupil and student” and substituting therefor the word “learner”;
 - (b) in subsection 1(f), by inserting the words “in the opinion of a registered medical practitioner” immediately after the word “which”; and
 - (c) in subsection (3), by inserting the words “or by electronic means” immediately after the word “address”.
24. Section 31 of the principal Act is amended— Amendment of Section 31 of Cap. 212.
 - (a) in subsection (1)(a) by deleting the word “confirmed” and substituting therefor the word “upheld”;
 - (b) in subsection (1)(b), by deleting the word “restored” and substituting therefor the word “reinstated”;
 - (c) by inserting the following new subsection immediately after subsection (2)—
 - (3) The procedure of reinstating a person to the Register shall be as provided under the regulations.
25. Section 32 of the principal Act is amended— Amendment of Section 32 of Cap. 212.
 - (a) by deleting subsection (1) and substituting therefor the following new subsection—

(1) The Commission shall publish and publicize in an accessible manner annually the names of—

- (a) newly registered teachers under this Act; and
- (b) any teacher reinstated to the Register pursuant to section 31 of this Act;
- (b) by inserting the following new subsection immediately after subsection (1)—

(1A) The information specified in subsection (1) shall contain the name, teacher registration number and date of registration or reinstatement to the Register.

26. Section 33 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

Amendment of
Section 33 of Cap.
212.

(3) A person may be removed from the Register under this section if the person—

- (a) engages in immoral behavior with or towards a learner which may include—
 - (i) sexual intercourse;
 - (ii) sodomy;
 - (iii) lesbianism;
 - (iv) sexual harassment;
 - (v) sexual exploitation; and
 - (vi) flirtation.
- (b) obtains registration through fraudulent means;
- (c) is convicted of any sexual offence or any other offence against a learner or minor;
- (d) is convicted of a criminal offence which, renders the person unfit to be a teacher;
- (e) impersonation, presenting forged documents to the Commission;
- (f) any other act or conduct that is incompatible with the teaching profession; or
- (g) commits any other offence as may be prescribed by the regulations.

27. Section 34 of the principal Act is amended—

- (a) by deleting subsection (2); and
- (b) by deleting subsection (3).

Amendment of
Section 34 of Cap.
212.

28. The principal Act is amended by deleting section 35 and substituting therefor the following new section—

Repeal and
replacement of
section 35 of Cap.
212.

Teaching standards
and professional
development.

35. (1) The Commission shall take all necessary steps to ensure that persons in the teaching service comply with the teaching standards.

(2) For purposes of subsection (1), the Commission shall—

- (a) require every registered teacher to undertake continuous professional development programmes; and
- (b) issue a practicing certificate to a teacher who has undertaken the continuous professional development programmes.

(3) A teacher who fails to undertake the prescribed continuous professional development programmes shall be subjected to administrative action as provided in the Regulations.

(4) The Commission may—

- (a) enter into agreements with any institution, body, department or agency of the Government pursuant to its functions and powers prescribed under this section; and
- (b) appoint an agent or designate a member or staff of the Commission who may enter any educational institution and make an enquiry in that regard.

29. The principal Act is amended by inserting the following new section immediately after section 35—

Amendment of
section 21 of Cap.
212.

Regulations.

35A. The Commission shall make regulations to give better effect to this Part.

30. The principal Act is amended by inserting new part immediately after PART III—

Insertion of a new part into Cap. 212.

PART III A—TEACHER MANAGEMENT

31. The principal is amended by inserting the following new sections immediately after section 35A—

Insertion of new sections of Cap. 212.

Performance management and capacity building.

35B. (1) The Commission shall develop and maintain a transparent performance management system for the public teaching service.

(2) For purposes of subsection (1), the Commission shall—

- (a) develop and implement a performance appraisal framework for all teachers in the public service;
- (b) in addition to the performance appraisal framework, place heads of institutions on performance contract;
- (c) require heads of institutions to oversee the performance appraisal of teachers; and
- (d) manage the performance appraisal system as provided in the regulations;

(3) Notwithstanding the generality of teacher management functions under this Act, the Commission may use the performance management framework to inform rewards, sanctions and identification of skills gaps;

(4) For purposes of subsection (3) the Commission shall in collaboration with the ministry responsible for matters relating to education and other relevant government agencies, establish and implement a capacity building framework for teachers to provide necessary knowledge, competencies, values, and skills to enhance their performance, productivity and professional growth.

Establishment of the
Institute of Teacher
Support and
Professional
Development.

35C. (1) There is established the Institute of Teacher Support and Professional Development within the Commission.

(2) The functions of the Institute of Teacher Support and Professional Development shall include: -

- (a) designing and developing training resources;
- (b) undertaking capacity building programmes for employees of the Commission;
- (c) induction of newly registered, employed teachers and teacher interns;
- (d) offering continuous professional development training to all registered teachers;
- (e) liaising with stakeholders, partners, and relevant Government agencies to improve quality teaching through training;
- (f) enhancing skills and competencies for institutional administrators in basic learning institutions;
- (g) undertaking monitoring and evaluation of in-service teacher training programs to ensure relevance, quality, and effectiveness;
- (h) providing induction programmes to the agents of the Commission including, members of the boards of management and public officers who support teacher Management;
- (i) providing research and consultancy services to support the mandate and functions of the Commission;
- (j) promoting awareness of in-service teacher capacity building for effective education and teaching;

(k) managing training resources; and

(l) undertake any other function that the Commission may prescribe from time to time.

(3) The Commission shall make regulations to give further effect to the provisions of this section.

Optimal utilization of teachers.

35D. (1) The Commission shall develop and implement appropriate staffing norms and strategies to ensure that the teacher resource is optimally utilized.

(2) The staffing norm developed under subsection (1) may include use of information communication technology and other innovative curriculum delivery methods.

Promotion of teachers.

35E. (1) The Commission shall promote teachers in its service based on the approved establishment and availability of budget appropriated for that purpose.

(2) In undertaking the promotions in (1) above, the Commission shall be guided by the provisions of Article 232(1)(g) of the Constitution and regulations made under this Act.

Disciplinary control over teachers

35F. (1) A teacher employed by the Commission under this Act shall be subject to—

(a) the terms and conditions of service put in place by the Commission;

(b) the policies and guidelines issued by the Commission from time to time; and

(c) any administrative circulars issued by the Commission.

(2) A teacher who commits any of the disciplinary offences prescribed in the Third Schedule or any other written law shall be

Cap. 226.

subjected to a fair disciplinary process in accordance with the Employment Act and regulations made under this Act.

(3) A teacher on interdiction shall be entitled to half basic salary and the applicable allowances, except for the offence of desertion of duty.

(4) Where a teacher, having been subject to a disciplinary process is found not culpable, the Commission shall revoke the interdiction.

(5) Where the Commission, having concluded the disciplinary process, finds the teacher culpable, the Commission may—

- (a) issue a warning letter to the teacher;
- (b) surcharge the teacher;
- (c) suspend the teacher from service for such period not exceeding six months;
- (d) cancel a registration certificate and remove the name of the teacher from the register;
- (e) cause the teacher to be retired in the public interest;
- (f) dismiss the teacher from service; or
- (g) terminate the services of the teacher.

Temporary vacation
from office.

35G. (1) Where a teacher is charged with a serious offence in a court of competent jurisdiction —

- (a) the Commission shall cause the teacher to vacate office with effect from the date of the charge until the conclusion of the case; and
- (b) the teacher shall be entitled to half of the basic pay and the full applicable allowances from the date of the charge.

(2) Where a teacher who has vacated office under this section is—

- (a) acquitted or discharged or the charge is discontinued, the Commission shall reinstate the teacher and pay any benefits that may have been withheld during the period; or
- (b) convicted the Commission shall subject the teacher to the appropriate administrative action.

32. Section 36 of the principal Act is amended by inserting the following new sub section immediately after sub section 2—

Amendment of
section 36 of Cap.
212.

(3) Subject to the provisions of the Public Finance Management Act and any other written law, the Commission may open and maintain bank accounts as shall be necessary for the performance of its functions.

Cap. 412A.

33. Section 37 of the principal Act is amended—

Amendment of
Section 37 of Cap.
212.

- (a) by deleting the marginal note and substituting therefor the following new marginal note—

Terms and conditions of service.

- (b) in subsection (2) by deleting the words “by the Commission” appearing immediately after the word “recruited”;

- (c) by deleting subsection (3) and substituting therefor with the following new sub-section—

(3) The Commission shall have powers to determine the terms and conditions of service for its employees.

- (d) by inserting the following new subsections immediately after subsection (3)—

(4) In determining the remuneration and allowances of the employees under subsections (2) and (3), the Commission shall be guided by the advice of the Salaries and Remuneration Commission pursuant to Article 230(4) of the Constitution.

(5) Where there are recognized unions, the Commission shall pursuant to Article 41(5) of the Constitution negotiate the terms and conditions of service for employees with the unions.

(6) The Commission may make regulations to give further effect to this section.

34. Section 38 of the principal Act is amended—

Amendment of
section 38 of Cap.
212.

- (a) by deleting subsection (2); and
- (b) by deleting subsection (3) and substituting therefor the following new subsection—

(3) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for the National Treasury for onward transmission to the National Assembly for consideration and approval.

35. Section 41 of the principal Act is amended—

Amendment of
section 41 of Cap.
212.

- (a) by deleting the marginal note and substituting therefor the following new marginal note—

Reporting by the Commission.

- (b) in subsection (1), by inserting the word “annual” immediately before the word “report”;
- (c) in subsection (2) by—
 - (i) deleting the words “in the Gazette”; and
 - (ii) deleting the word “and” immediately after the word “publicized” and substituting therefor with the word “in”
- (d) by inserting the following new subsection immediately after subsection (2)—

(3) Subject to Article 254(2) of the Constitution, the Commission may on its own motion or when required, prepare and submit a report on a particular issue relating to its mandate to the President or Parliament.

36. Section 42 of the principal Act is amended—

Amendment of
section 42 of Cap.
212.

- (a) in subsection (3) by inserting the words “availability and” immediately after the words “subject to” appearing in paragraph (c);
- (b) by inserting the following new subsection immediately after subsection (4) —

(4A) The Commission shall ensure that any information requested or provided by the Commission complies with the provisions of the Data Protection Act.

- (c) by inserting the following new subsections immediately after subsection (6) — Cap. 411C.

(7) The Commission shall ensure the management of personal data is in accordance with the principles of personal data protection as set out in the Data Protection Act.

Cap. 411C.

37. Section 44 of the principal Act is amended—

Amendment of
section 44 of Cap.
212.

(a) by deleting subsection (1) and substituting therefor the following new subsection —

(1) A person who—

- (a) procures or attempts to procure the entry of any name on the register by wilfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which the person knows to be false or fraudulent;
- (b) falsely or fraudulently holds themselves out to be a registered teacher;
- (c) not being a registered teacher, teaches or assists in teaching in any school;
- (d) willfully aids, perpetuates or in any way assists another person to obtain registration by false pretence;
- (e) causes, permits or employs to teach in any school a person not being a registered teacher;
- (f) defaces, amends, alters, erases or in any way interferes with an entry in the register of teachers.

commits an offence and shall, on conviction, be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months, or to both.

- (b) in subsection (3), by deleting the words “hundred thousand” appearing immediately after the words “fine not exceeding one” and substituting therefor the word “million”.

38. The principal Act is amended by inserting the following new sections immediately after section 46—

Insertion of new sections 46A and 46B of Cap.212.

Review Committee.

46A. (1) There is established a Committee of the Commission known as the Teachers Service Review Committee.

(2) The Review Committee shall consist of any three members of the Commission one of whom shall be the chairperson of the committee.

(3) The Committee shall have jurisdiction to hear and determine applications for review emanating from the discipline decisions of the Commission.

(4) A person dissatisfied or aggrieved by the discipline decision of the Commission may apply for review and the Commission may admit the application if—

- (a) new material facts arise which despite due diligence were not available or could not be presented when the decision was made;
- (b) there is an error apparent on the record of the earlier decision;
- (b) there was a fundamental flaw in the procedure by the Commission; or
- (c) the decision was made in breach of any written law.

(5) An application for review under subsection (4) shall be made in writing within ninety days from the date of the decision and shall be accompanied by the prescribed fees.

(6) The Committee shall consider the application and may—

- (a) uphold the decision;
- (b) vary the decision on such terms as it may deem fit; or
- (c) allow the review on such terms as it may deem fit.

(7) The decision of the Review Committee shall be final.

(8) The Commission shall make Regulations to further give effect to this section.

Redress in Court.

46B. A person aggrieved by a decision of the Commission may seek redress before the high court or employment and labour relations court.

39. The Second Schedule to the principal Act is amended—

- (a) in paragraph (5)(1) by, inserting the words “child, business associate or agent or any other matter in which the person has a direct or indirect pecuniary or non-pecuniary interest” immediately after the word “spouse”; and
- (b) in subparagraph (4), by inserting the words “except as provided under the Public Procurement and Asset Disposal Act” immediately after the word “Commission”.

Amendment of the
Second Schedule
of Cap. 212.

Cap. 412C.

40. The principal Act is amended by deleting the Third Schedule and substituting therefor the following new Schedule—

Repeal and
replacement of the
Third Schedule of
Cap. 212.

THIRD SCHEDULE (s. 35C)

DISCIPLINARY OFFENCES IN THE TEACHING SERVICE

The following shall constitute disciplinary offences in the teaching service—

- (a) Immoral behavior with a learner, including—
 - (i) sexual intercourse;
 - (ii) sodomy;
 - (iii) lesbianism;
 - (iv) sexual harassment or flirtation;
 - (v) love relationship;

- (vi) exposure to pornography;
- (vii) aiding immoral conduct;
- (b) professional misconduct including—
 - (i) negligence of duty;
 - (ii) chronic absenteeism;
 - (iii) desertion;
 - (iv) incitement; and
 - (v) insubordination; and
- (c) infamous conduct including but not restricted to drunkenness; fighting; and use of vulgar and abusive language;
- (d) cyberbullying;
- (e) submitting forged documents to the Commission to influence decision making processes;
- (f) falsification and alteration of official documents or data;
- (g) mismanagement, misappropriation and embezzlement of public funds and violation of procurement regulations;
- (h) exposing learners to and/or supplying them with illicit drugs and psychotropic substances;
- (i) aiding an unregistered person to gain employment as a teacher;
- (j) theft of institutional property;
- (k) giving false or misleading information to the Commission;
- (l) engaging in other gainful employment while an employee of the Commission
- (m) conviction on a criminal offence by a Court of law which renders an employee unfit to remain in employment; or
- (n) any other offence as may be provided in any written law and the Regulations made under this Act.

41. The principal Act is amended by inserting the following new Schedule immediately after the Third Schedule—

Insertion of new
Schedule of Cap.
212

FOURTH SCHEDULE (s. 23)
QUALIFICATIONS FOR REGISTRATION

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
1.	Diploma in Teacher Education Pre-Primary and Primary (DTE-PP and P, DECTE and DPTE)	(i) Diploma Certificate in Teacher Education- Pre-Primary and Primary (DTE-PP and P, DECTE and DPTE) with a unit in foundation course in literacy and numeracy. (ii) C (Plain) in KCSE or equivalent. (iii) C- (Minus) at KCSE or equivalent for applicants with disabilities
2.	Diploma in Secondary Teacher Education (DSTE)	(i) Diploma certificate in Secondary Teacher Education (DSTE); (ii) C (Plain) in KCSE or equivalent; (iii) C+ (Plus) in two teaching subjects; (iv) C (Plain) at KCSE or its equivalent and C(plain) in two teaching subjects for applicants with disabilities
3.	Diploma in Technical Teacher Education (DTTE)	(i) Diploma certificate in Technical Teacher Education (DTTE). (ii) C (Plain) at KCSE or equivalent and C+ in related two STEM or technical teaching subjects, or (iii) Diploma in a General Technical subject offered in the National Basic Education Curriculum
4.	Bachelor of Education (B.Ed.) (Science)/ Bachelor of Science with Education (BSE).	(i) Bachelor of Education Degree (B.Ed.) (Science) or Bachelor of Science with Education (BSE) Degree.

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
		(ii) C+ (Plus) and above at KCSE or its equivalent (iii) C+ (Plus) or its equivalent in two teaching subjects.
5.	Bachelor of Education (B.Ed.) (Arts)/ Bachelor of Arts with Education (BAE)	(i) Bachelor of Education Degree (B.Ed.) (Arts) or Bachelor of Arts with Education Degree (BAE) (ii) C+ (Plus) or above at KCSE or its equivalent. (iii) C+ (Plus) or its equivalent in two teaching subjects.
6.	Bachelor of Science in Agricultural Education and Extension (AGED)	(i) Bachelor of Science in Agricultural Education and Extension (ii) C+ (Plus) and above at KCSE or its equivalent (iii) C+ in -Biology, Chemistry or Agriculture, Mathematics, Physics or Geography or their equivalent.
7.	Bachelor of Technology Education/Bachelor of Education (Technology)	(i) Bachelor of Education in Technology (ii) C+ (Plus) and above at KCSE or its equivalent, and (iii) C+ (plus) in any two of the STEM subjects; or (iv) Diploma in Mechanical Engineering, Automotive Engineering, Plant Engineering.

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
8.	Bachelor of Arts or Bachelor of Science	(i) Bachelor of Arts or Bachelor of Science Degree (ii) C+ (Plus) and above at KCSE or its equivalent, and (iii) C+ (Plus) or its equivalent in two teaching subjects (iv) Postgraduate Diploma in Education (PGDE).
9.	Diploma in Adult and Continuing Teacher Education (DACTE)	(i) Diploma certificate in Adult and Continuing Teacher Education (DACTE) (ii) C Plain and above at KCSE or its equivalent (iii) C- (Minus) for learners with special needs.
REGISTRATION OF TEACHERS WITH ONE TEACHING SUBJECT		
10.	Bachelor of Education in Home Science or Physical Education and Sport or any other subject offered in the National Basic Education Curriculum	(i) Bachelor of Education Degree (ii) Mean Grade C+ (plus) and above in KCSE or its equivalent (iii) C+ and above in the teaching subject
11.	Bachelor of Arts or Bachelor of Science	(i) Bachelor of Arts or Bachelor of Science Degree (ii) C+ (Plus) or above at KCSE or its equivalent and (iii) C+ (Plus) or its equivalent in the teaching subject and (iv) Postgraduate Diploma in Education (PGDE).

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
12.	Bachelor of Education and Guidance Counselling	(i) Bachelor of Education (Guidance and Counselling) (ii) C+ (Plus) or above at KCSE or its equivalent; or (iii) Diploma in Counselling Psychology from a recognized institution.
13.	Bachelor of Education Early Childhood	(i) Bachelor of Education Early Childhood (ii) C+ (Plus) or above at KCSE or its equivalent; or (iii) Diploma in Early Years Education; or (iv) Diploma in Education or its equivalent
14.	Diploma in Secondary Teacher Education	(i) Diploma certificate in Education (DE) (ii) C (Plain) at KCSE or its equivalent and, (iii) C+ in the teaching subject, or (iv) Diploma in a subject offered at Junior and Senior School level (v) For candidates with disabilities the minimum entry grade is as follows: C (Plain) at KCSE or its equivalent and C(plain) in any teaching subject
REGISTRATION OF ECDE TEACHERS WITH MARIA MONTESSORI TRAINING		
15.	Diploma ECDE Montessori Curriculum	(i) Diploma certificate in ECDE Montessori Curriculum (ii) C plain and above in KCSE or its equivalent.

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
SPECIAL NEEDS EDUCATION		
16.	Diploma in Special Needs Education (DSNE)(Pre-service)	(i) Diploma Certificate in Special Needs Education, and (ii) C (Plain) at KCSE or equivalent, (iii) C- (Minus) at KCSE or equivalent for applicants with Disabilities and Special Needs.
17.	Bachelor of Education (BED) SNE Primary	(i) Bachelor of Education (SNE) primary Certificate, and (ii) C+ (Plus) at KCSE or its equivalent, or (iii) P1/S1 certificate and a Diploma in Special Needs from a recognized institution, or (iv) Diploma in Special Needs from recognized institution.
18.	Diploma in Education for visually and hearing impaired	(i) Diploma in Education for visually and hearing-impaired certificate (ii) C (Plain) at KCSE or its equivalent, (iii) C (Plain) or its equivalent in at least one teaching subjects plus Hearing Impairment
19.	Bachelor of Education (Special Needs Education)	(i) Bachelor of Education (Special Needs Education) degree (ii) C+ (plus) at KCSE or its equivalent (iii) C+ in any of the following teaching subjects; English/Kiswahili/KSL, Math/Biology and any Arts/science subjects/Technical; or

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
		(iv) C- (Minus) at KCSE or its equivalent with Certificate or Diploma in relevant field from a recognized institution (v) Specialize in one of the following areas of disabilities for Stage-based/Age-based pathways among others:— • Autism, • Emotional and Behaviour Difficulties, • Hearing Impairment, Deafblind, • Intellectual Disabilities, • Gifted and Talented, • Visual Impairment, • Physical Disabilities, Learning Disabilities and Inclusive Education • Technical skills areas at foundational, intermediate, prevocational and vocational
QUALIFICATIONS FOR PERSONS WITH CERTIFICATES FROM FOREIGN LEARNING INSTITUTIONS		
20.	A Foreign National seeking to be registered as a teacher in Kenya shall meet the following conditions	(i) Academic certificate duly equated and recognized by the relevant statutory body; (ii) A professional education certificate duly equated and recognized by the relevant statutory body; (iii) Registration Certificate as a Teacher from the jurisdiction of training

<i>S/No.</i>	<i>Programme</i>	<i>Minimum Qualifications for Registration</i>
		Authorization Letter from the Ministerial Vetting Committee; (iv) Work Permit
21.	Kenyan nationals with foreign qualifications	(i) Academic certificate duly equated and recognized by the relevant statutory body; (ii) A professional education certificate duly equated and recognized by the relevant statutory body;

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to amend the Teacher Service Commission Act, Cap. 212, to provide for further regulation of the minimum entry requirements for persons undertaking teaching courses; the registration and employment of teachers; to provide for administration of education institutions and to provide for further offences by teachers.

Clause 1 of the Bill deals with the short title of the Act.

Clause 2 of the Bill proposes the amendment of section 2 of the Act to include new definitions of “registration requirements”, “sexual exploitation”, “employee”, “gainful employment”, “institutional administrator”, “trained teacher”, “serious offence” and “zone. The definitions seek to align the principal Act to the Constitution and the best practices.

Clause 3 of the Bill proposes the amendment of section 4 of the Act to provide for incorporation of affirmative action as a principle under the Act.

Clause 4 of the Bill proposes to amend section 6 of the Act to provide for a clear threshold on the diversity of members of the Commission and to blend the professional background of the members of the Commission.

Clause 5 of the Bill proposes to amend section 7 of the Act to delete paragraph (c) to remove reference to membership in local authorities as a ground of disqualification to be appointed as a Chairperson or member of the Commission.

Clause 6 of the Bill proposes to amend section 8 of the Act to provide for clear timelines within which to nominate and fill vacant positions within the Commission’s membership and to provide for the selection panel.

Clause 7 of the Bill proposes the amendment of section 11 of the Act to provide for further functions of the Commission in relation to powers to deploy institutional administrators and undertaking capacity building.

Clause 8 of the Bill provides for the amendment of section 12 of the Act to provide for powers of the Commission.

Clause 9 of the Bill proposes the amendment of section 13 of the Act to delete subsection (5), (6), (7) and (8) on the consultative committee on the terms and conditions of service of registered teachers.

Clause 10 of the Bill proposes to repeal section 14 of the Act which was referring to the units of the Commission. The provision in this section has been merged with clause 12.

Clause 11 of the Bill proposes the amendment of section 15 of the Act to correct a typographical error.

Clause 12 of the Bill proposes the amendment of section 18 of the Act to provide for creation of directorates, divisions or sections within the Commission and to provide for criteria for appointment of the staff of the Commission.

Clause 13 of the Bill proposes to insert a new section 18A to the Act to provide for decentralisation of the functions of the Commission.

Clause 14 of the Bill proposes amendment of section 20 of the Act to provide for delegation of the powers of the Commission.

Clause 15 of the Bill proposes amend section 21 to provide for the protection of the Commission against suits.

Clause 16 of the Bill proposes the amendment of section 22 of the Act to provide for criminal liability by the staff of the Commission.

Clause 17 of the Bill proposes to insert a new title to Part III of the Act on regulation of the teaching service.

Clause 18 of the Bill proposes to insert a new section 22A to the Act immediately after section 22 to provide for registration and compliance for teachers entering the teaching service.

Clause 19 of the Bill proposes the amendment of section 23 of the Act to provide for new subsections on the qualifications for registration of a teacher.

Clause 20 of the Bill proposes to insert a new section 23A to the Act to provide for qualifications requirements for persons who intend to be registered as teachers.

Clause 21 of the Bill proposes to repeal section 26 of the Act.

Clause 22 of the Bill proposes to provide for amendment of section 27 of the Act to provide for the grounds for refusal to register a teacher.

Clause 23 of the Bill proposes to amend section 30 of the Act to provide for the removal of name from the register of teachers.

Clause 24 of the Bill proposes to amend section 31 of the Act to provide for the reinstatement of a name of a teacher to the register.

Clause 25 of the Bill proposes to amend section 32 of the Act to provide for the publication of the register.

Clause 26 of the Bill proposes to amend section 33 of the Act to provide for grounds for removal of name from the register of teachers.

Clause 27 of the Bill proposes to amend section 34 of the Act to delete subsection (2) and (3) which were providing for disciplinary offences.

Clause 28 of the Bill proposes to delete section 35 of the Act and substitute therefore a new section provide for teaching standards and professional development.

Clause 29 of the Bill proposes to insert a new section 35A to the Act to provide for the Commission making regulations.

Clause 30 of the Bill proposes to insert a new Part IIIA to the Act to provide for teacher management. This clause inserts new sections to provide for performance management and capacity building, establishment of the Institute of Teacher Support and Professional Development, optional utilization of teachers, promotion of teachers, disciplinary control over teachers and temporary vacation from office.

Clause 31 of the Bill proposes to amend section 36 of the Act to provide for the power of establishing bank accounts.

Clause 32 of the Bill proposes to amend section 37 of the Act to provide for the terms and conditions of service of employees.

Clause 33 of the Bill proposes to amend section 38 of the Act to provide for the sequence of activities to have the budget estimates approved by the Commission first, submitted to the CS and thereafter transmitted to National Assembly.

Clause 34 of the Bill proposes to amend section 41 of the Act to provide for reporting by the Commission.

Clause 35 of the Bill proposes to amend section 42 of the Act to provide for the management of information in accordance with the Data Protection Act.

Clause 36 of the Bill proposes to amend section 44 of the Act to provide for further offences and revised penalties.

Clause 37 of the Bill proposes to insert new sections 46A and 46B to the Act to provide for the review committee of the Commission to consider disciplinary matters of employees and appeal to court after the review.

Clause 38 of the Bill proposes to amend the Second Schedule to the Act to provide for conflict of interest.

Clause 39 of the Bill proposes to repeal and replace the Third Schedule to the Act to provide for additional disciplinary offences in the teaching service.

Clause 40 of the Bill proposes to insert a new Fourth Schedule to the Act to provide for minimum entry requirements to qualify for registration as a teacher.

Dated the 11th September, 2026.

KIMANI ICH'UNGWAH,
Leader of Majority Party.

Section 2 of Cap. 212 which the Bill proposes to amend—

Interpretation

2. (1) In this Act, unless the context otherwise requires—

“Chairperson” means the Chairperson of the Commission appointed under the Constitution and section 8;

“Commission” means the Teachers Service Commission established under Article 237 of the Constitution;

“head teacher” means the lead educator or administrator in a primary school level educational institution appointed by the Commission as such and responsible for the implementation of the educational policy guidelines and professional practices;

“learner” means a person undergoing instruction in an educational institution;

“member” means a member of the Commission appointed in accordance with the Constitution and section 8 of this Act;

“principal” means the lead educator or administrator in a post-primary school level educational institution appointed by the Commission as such and responsible for the implementation of educational policy guidelines and professional practices;

“register” means the register of teachers as provided for by section 24;

“Secretary” means the Secretary to the Commission appointed by the Commission under Article 250(12) of the Constitution in accordance with the procedure set out in section 16;

“teacher” means a person who has been trained as a teacher as provided for in law and registered as a teacher;

“teaching certificate” means a certificate issued to a registered teacher under section 35(2)(b) of this Act;

“teaching service” means the collectivity of all individuals registered by the commission and engaged in the teaching profession whether employed by the Commission or not; and

“teaching standards” mean standards of teaching prescribed by the Commission under section 35 and the regulations made thereunder.

(2) Spent.

Section 4 of Cap. 212 which the Bill proposes to amend—

Guiding principles

4. In the performance of its functions and the exercise of its powers, the Commission shall—

- (a) be guided by the national values and principles of governance under Article 10 and the values and principles of public service under Article 232 of the Constitution, taking into account the best interests of the child under Article 53 of the Constitution; and
- (b) subject to Article 249(2) of the Constitution, consult with State and non-State actors in the education sector.

Section 6 of Cap. 212 which the Bill proposes to amend—

Qualification for appointment of Chairperson and members

6. (1) A person shall be qualified for appointment as the Chairperson if such person—

- (a) holds a degree in education from a university recognized in Kenya;
- (b) has knowledge and experience of at least fifteen years in matters relating to education and training; and
- (c) meets the requirements of Chapter Six of the Constitution.

(2) A person shall be qualified for appointment as a member if such person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has knowledge and experience of at least ten years in matters relating to any of the following fields—
 - (i) education;
 - (ii) governance;
 - (iii) management; or
 - (iv) law; and
- (c) meets the requirements of Chapter Six of the Constitution.

(3) In appointing members of the Commission, the President shall ensure that at least two-thirds of the members have experience in education.

Section 7 of Cap. 212 which the Bill proposes to amend—

Disqualification from membership

7. A person shall not be qualified for appointment as a Chairperson or member if the person—

- (a) is a serving member of Parliament or County Assembly;
- (b) is a serving member of a governing body of a political party;
- (c) is a member of a local authority; or
- (d) has been found in accordance with any law to have misused or abused a State office or public office or in any way to have contravened Chapter six of the Constitution.

Section 8 of Cap. 212 which the Bill proposes to amend—

Procedure for nominations and appointment

8. (1) Within fourteen days of the commencement of this Act, or whenever a vacancy arises in the Commission, the President in consultation with the Prime Minister shall by notice in the *Gazette* declare a vacancy and constitute a selection panel for the purpose of selecting suitable candidates for appointment as the Chairperson or member of the Commission.

(2) The selection panel constituted under subsection (1) shall consist of—

- (a) a Chairperson not being a public officer appointed by the President;
- (b) the Cabinet Secretary in the Ministry responsible for matters relating to education or his representative;
- (c) the Attorney-General or his representative;
- (d) the Cabinet Secretary in the Ministry responsible for public service or his representative;
- (e) one person nominated by the Federation of Kenya Employers;
- (f) two persons, one man and one woman, nominated by the registered trade unions representing the interests of registered teachers;
- (g) one person nominated by a recognised association of private schools; and
- (h) a prominent educationist not serving in Government appointed by the Cabinet Secretary.

(3) A person appointed under subsection (2)(f) shall not be a serving official of the nominating union.

(4) The Chairperson shall convene the first meeting of the selection panel within seven days of his or her appointment.

(5) The selection panel shall, within seven days of convening, invite applications from persons who qualify for nomination and appointment as Chairperson or member of the Commission by advertisement in at least two daily newspapers of national circulation.

(6) The selection panel shall within seven days of receipt of applications under subsection (5)—

- (a) consider the applications to determine their compliance with the provisions of the Constitution and this Act;
- (b) shortlist the applicants;
- (c) interview the shortlisted applicants; and
- (d) submit the names of three qualified applicants for the position of Chairperson and thirteen qualified applicants for the position of a member to the President.

(7) The President shall, within seven days of receipt of the names forwarded under subsection (6), nominate one person and eight others for appointment as Chairperson and members of the Commission and forward the names to the National Assembly for approval.

(8) The National Assembly shall, within twenty one days of its sitting, consider each nomination received under subsection (7) and approve or reject any of them.

(9) Where the National Assembly approves the nominees, the Speaker of the National Assembly shall, within five days forward the name of the approved applicants to the President for appointment.

(10) The President shall, by notice in the Gazette, appoint the Chairperson and members approved by the National Assembly within seven days of receipt of the approved nominees from the Speaker of the National Assembly.

(11) Where the National Assembly rejects any nominee, the Speaker shall within five days communicate its decision to the President and request the President to submit fresh nominations from amongst the persons shortlisted and forwarded by the selection panel under subsection (6).

(12) If the National Assembly rejects any or all of the subsequent nominees submitted by the President for approval under subsection (10), the provisions of subsections (5) and (6) shall apply.

(13) The panel shall stand dissolved upon the appointment of the Chairperson and members under subsection (10).

(14) Where the provisions of subsection (11) apply, the panel shall continue to exist but shall stand dissolved upon the requisite appointments being made.

(15) The ministry responsible for public service shall provide secretariat services to the panel.

(16) In nominating or appointing a person as a member of the Commission, the panel and the President shall—

- (a) observe the principle of gender equity, ethnic and other diversities of the people of Kenya, and shall ensure equality of opportunity for persons with disabilities; and
- (b) take into account the national values and principles set out in Articles 10, 27 and 232 of the Constitution.

(17) Spent.

(18) Despite the foregoing provisions of this section, the President, in consultation with the Prime Minister may by notice in the Gazette, extend the period specified in respect of any matter under this section by a period not exceeding twenty-one days.

(19) Subject to this section, the panel may determine its own procedure.

Section 11 of Cap. 212 which the Bill proposes to amend—

Functions of the Commission

11. In addition to the functions set out in Article 237 of the Constitution, the Commission shall—

- (a) formulate policies to achieve its mandate;
- (b) provide strategic direction, leadership and oversight to the secretariat;
- (c) ensure that teachers comply with the teaching standards prescribed by the Commission under this Act;
- (d) manage the payroll of teachers in its employment;
- (e) facilitate career progression and professional development for teachers in the teaching service including the appointment of head teachers and principals;
- (f) monitor the conduct and performance of teachers in the teaching service; and
- (g) do all such other things as may be necessary for the effective discharge of its functions and the exercise of its powers.

Section 12 of Cap. 212 which the Bill proposes to amend—

Powers of the Commission

12. (1) The Commission shall have all powers necessary for the execution of its functions under the Constitution and this Act.

(2) In the performance of its functions and in the exercise of its powers, the Commission—

- (a) may inform itself in such manner as it considers appropriate;
- (b) may receive written or oral statements from members of the public;
- (c) may require the attendance of a person before it or its committee; and
- (d) shall not be bound by the strict rules of evidence.

Section 13 of Cap. 212 which the Bill proposes to amend—

Committees of the Commission

13. (1) The Commission may from time to time establish such committees as may be necessary for the better carrying out of its functions and the exercise of its powers.

(2) Without prejudice to the generality of subsection (1), the committees may deal with issues relating to recruitment, promotion, dispute resolution and discipline of registered teachers.

(3) The Commission may co-opt into the membership of committees established under subsection (1) any person whose knowledge and skills are necessary for the proper performance of the functions of the Commission.

(4) A person co-opted under subsection (3) may attend the meetings of the committee and participate in its deliberations but shall have no right to vote at the meeting.

(5) In addition to the committees established under subsection (1), the Commission shall constitute a consultative committee on the terms and conditions of service of registered teachers employed by the Commission.

(6) The committee constituted under subsection (5) shall consist of—

- (a) a Chairperson who shall be an experienced educationist appointed by the Commission;
- (b) a member of the Commission;
- (c) the Secretary to the Commission;
- (d) a representative of the Principal Secretary in the Ministry responsible for education;
- (e) a representative of the Principal Secretary in the Ministry responsible for finance;

- (f) a representative of the Principal Secretary in the Ministry responsible for public service;
- (g) five persons nominated by trade unions representing the interests of registered teachers; and
- (h) a certified public secretary of good professional standing appointed by the Commission, who shall be the secretary and an ex-officio member of the committee.

(7) The Chairperson, members and secretary appointed under subsection (6) (g) and (h) shall serve for a term of three years renewable for one further term.

(8) The Commission may make regulations to give further effect to this section.

Section 14 of Cap. 212 which the Bill proposes to amend—

Units of the Commission

14. (1) The Commission may create within itself such directorates, divisions or units and appoint thereto such staff in accordance with the Regulations.

(2) Each directorate, division or unit created under subsection (1) shall act in accordance with the mandate approved by the Commission and directives given in writing by the Secretary.

Section 15 of Cap. 212 which the Bill proposes to amend—

Conduct of the affairs of the Commission

15. (1) The business and affairs of the Commission shall be conducted in accordance with the Second Schedule.

(2) Except as provided in the Second Schedule, the Commission may regulate its own procedure.

(3) The Commission may invite any person to attend any of its meetings and to participate in its deliberations, but such a person shall no right to vote at the meeting.

Section 18 of Cap. 212 which the Bill proposes to amend—

Secretariat and staff of the Commission

18. (1) There shall be a secretariat of the Commission which shall be headed by the Secretary.

(2) In addition to the professional, technical and administrative staff appointed by the Commission under Article 252(1)(c) of the Constitution,

the Government may, upon the request by the Commission, second to the Commission such number of public officers as may be necessary for the purposes of the Commission.

(3) Further to subsection (2), the Commission may second its staff to other national government institutions at the request of those institutions.

(4) A public officer seconded to the Commission shall, during the period of secondment be deemed to be an officer of the Commission and shall be subject only to the direction and control of the Commission.

(5) The staff of the Commission may be appointed subject to its approved establishment.

(6) The Commission shall ensure that, in the appointment of members of its staff, not more than two thirds of the staff of the Commission shall be of the same gender taking into account of—

(a) persons with disabilities; and

(b) regional and ethnic diversity of the people of Kenya.

Section 20 of Cap. 212 which the Bill proposes to amend—

Delegation by the Commission

20. Subject to this Act, the Commission may, either generally or in particular case, delegate to any committee or to any member, officer, staff or agent of the Commission the exercise of any of the functions of the Commission under this Act.

Section 21 of Cap. 212 which the Bill proposes to amend—

Legal proceedings against the Commission

21. (1) Proceedings against the Commission shall be deemed to be proceedings against the Government and shall be subject to the Government Proceedings Act (Cap. 40).

(2) Any notice or other processes in respect of legal proceedings under subsection (1) shall be served upon the Secretary to the Commission.

Section 22 of Cap. 212 which the Bill proposes to amend—

Protection from personal liability

22. (1) No matter or thing done by a member of the Commission or any officer, staff or agent of the Commission shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Commission, render the member, officer, staff or agent personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury suffered by them their property or any of their interests and arising directly or indirectly from the exercise of any power conferred by this Act or by the failure, whether wholly or partially, or from any works.

Title to Part III of Cap. 212 which the Bill proposes to amend—

**PART III – REGISTRATION AND DISCIPLINE OF TEACHERS
AND COMPLIANCE WITH TEACHING STANDARDS**

Section 23 of Cap. 212 which the Bill proposes to amend—

Commission to register teachers

23. (1) The Commission shall, in accordance with Article 237 of the Constitution, be responsible for the registration of trained teachers in the teaching service.

(2) A person shall not engage in the teaching service unless such person is registered as a teacher under this Act.

Section 25 of Cap. 212 which the Bill proposes to amend—

Application for registration

25. (1) A person who qualifies to be registered as a teacher under this Act may apply to the Commission in the prescribed manner.

(2) An application made under subsection (1) shall be accompanied by—

(a) certified copies of certificates and other documents as are necessary to prove the applicant's qualification for registration; and

(b) the prescribed fee.

(3) Where the Commission declines to register a person under this section, the Commission shall within thirty days notify that person in writing, stating the grounds for the decision.

Section 26 of Cap. 212 which the Bill proposes to amend—

Qualifications for registration as a teacher

26. A person shall be eligible to be registered as a teacher if such person—

(a) is of good moral character; and

(b) holds a relevant certificate issued to him or her under any law relating to education and training or regulations made under this Act.

Section 27 of Cap. 212 which the Bill proposes to amend—

Grounds for refusal to register

27. The Commission shall not register a person as a teacher if such person—

(a) does not possess the prescribed qualifications;

(b) is not of good moral character;

- (c) has been convicted of a sexual offence or an offence committed against a learner;
- (d) has been convicted of a criminal offence which, in the opinion of the Commission, renders the person unfit to be a teacher;
- (e) is engaged in any activities which, in the opinion of the Commission, are prejudicial to peace, good order or good government in Kenya; or
- (f) suffers from such physical or mental infirmity which in the opinion of a registered medical practitioner, renders the person incapable of performing the duties of a teacher.

Section 30 of Cap. 212 which the Bill proposes to amend—

Removal of name from the register

30. (1) The Commission may, after inquiry, cause to be removed from the register the name of any person—

- (a) who has died;
- (b) who the Commission is satisfied has obtained registration through fraudulent means;
- (c) who has been convicted of a sexual offence or an offence against a pupil or student;
- (d) who has been convicted of a criminal offence which, in the opinion of the Commission, renders the person unfit to be a teacher;
- (e) who the Commission has directed should be removed as a result of disciplinary proceedings instituted under this Act; or
- (f) suffers from such physical or mental illness or infirmity which renders the person incapable of performing the duties of a teacher.

(2) The Commission shall cause the name and particulars of a teacher whose name is removed from the register under subsection (1) to be published in the Gazette within one month from the date of such removal.

(3) Subject to the provisions of this Act, the removal of a teacher's name from the register shall be notified by the Commission to the person by registered mail addressed to his or her last known address.

(4) Where the name of any teacher is removed from the register under this Act, such name shall not be reinstated except by direction of the Commission.

(5) A teacher whose name has been removed from the register shall cease to be a teacher for purposes of this Act with effect from the date of such removal.

Section 31 of Cap. 212 which the Bill proposes to amend—

Reinstatement of name in the register

31. (1) Where the name of any person has been removed from the register, the Commission may, either of its own motion or on the application of the concerned teacher made in the prescribed manner, and in either case after observing due process, direct that—

(a) the removal of that teacher's name from the register be confirmed;
or

(b) the name of the teacher be restored in the register.

(2) An application under subsection (1) may only be made after the expiry of a period of eighteen months from the date of removal of the name from the register.

Section 32 of Cap. 212 which the Bill proposes to amend—

Publication of the register

32. (1) The Commission shall cause to be published and publicized annually, in an accessible manner, a list containing the names, addresses and qualifications of all registered teachers appearing on the register as at the thirty first day of December in the previous year.

(2) Notwithstanding subsection (1), the Commission shall cause any alterations in the entries in the register which have been made since the last publication, to be published one month from the date of such alteration.

Section 33 of Cap. 212 which the Bill proposes to amend—

Discipline of registered teachers

33. (1) The Commission may, subject to the regulations made under this Act, take disciplinary action against any person registered as a teacher under this Act.

(2) Subject to subsection (1), the discipline of teachers not in the employment of the Commission shall be limited to offences leading to removal from the register of teachers.

Section 34 of Cap. 212 which the Bill proposes to amend—

Disciplinary action

34. (1) A registered teacher shall be deemed to be a teacher in the teaching service, save as otherwise provided in this Act or any other law, and shall be subject to the law and regulations from time to time in force in respect of the service.

(2) Disciplinary offences include the offences prescribed in the Third Schedule or any other relevant law.

- (a) (3) The Commission, after interdicting a teacher, may take the following disciplinary actions against a registered teacher—
- (b) issue a warning letter;
 - (c) surcharge;
 - (d) suspend for such period not exceeding six months;
 - (e) cancel a registration certificate and remove the name of the teacher from the register;
 - (f) retire in the public interest;
 - (g) dismiss;
 - (h) terminate services; or
 - (i) undertake any other lawful action as it may consider appropriate.

Section 35 of Cap. 212 which the Bill proposes to amend—

Compliance with teaching standards

35. (1) The Commission shall take all necessary steps to ensure that persons in the teaching service comply with the teaching standards prescribed by the Commission under this Act.

(2) For purposes of subsection (1), the Commission shall—

- (a) require every registered teacher to undertake career progression and professional development programmes as may be prescribed by regulations made under this Act;
- (b) require every registered teacher to take out a teaching certificate as prescribed by regulations made under this Act;
- (c) enter into agreements with any institution, body, department or agency of the Government pursuant to its functions and powers prescribed under this section; and
- (d) appoint an agent or designate a member or staff of the Commission who may enter any educational institution and make an enquiry in that regard.

(3) A teacher who fails to—

- (a) undertake a prescribed career and professional development programmes; or
 - (b) take out a teaching certificate under section 35(2)(b) of this Act,
- shall be dealt with in accordance with the regulations.

Section 36 of Cap. 212 which the Bill proposes to amend—

Funds of the Commission

36. (1) The funds of the Commission shall consist of—

- (a) monies allocated by Parliament for purposes of the Commission;
- (b) grants, gifts, donations or other endowments given to the Commission;
- (c) such funds as may vest in or accrue to the Commission in the performance of its functions under this Act or under any other written law.

(2) The receipts, earnings or accruals of the Commission and the balances at the close of each financial year shall not be paid into the Consolidated Fund, but shall be retained for purposes of the Commission under this Act.

Section 37 of Cap. 212 which the Bill proposes to amend—

Remuneration and allowances

37. (1) The salaries and allowances payable to, and other terms and conditions of service of the Chairperson and members of the Commission shall be determined by the Salaries and Remuneration Commission.

(2) The staff of the Commission recruited by the Commission under Article 252(1)(c) of the Constitution shall serve on such terms and conditions as the Commission, in consultation with the Salaries and Remuneration Commission may determine.

(3) The registered teachers recruited by the Commission under Article 237(2)(b) of the Constitution shall serve under such terms and conditions as the Committee established under section 13(5) of this Act in consultation with the Salaries and Remuneration Commission may determine.

Section 38 of Cap. 212 which the Bill proposes to amend—

Annual estimates

38. (1) Before the commencement of each financial year, the Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned.

(3) The Cabinet Secretary responsible for finance shall present the estimates approved by the Commission under subsection (2) for consideration and approval by the National Assembly.

Section 41 of Cap. 212 which the Bill proposes to amend—

Annual report

41. (1) The report of the Commission under Article 254 of the Constitution, shall, in respect of the year to which it relates—

- (a) the financial statements of the Commission;
- (b) a description of the activities of the Commission; and
- (c) any other information relating to its functions that, the Commission may consider necessary.

(1A) The Commission shall submit the annual report in subsection (2) to the President and Parliament within six months after the end of the year to which it relates.

(2) The Commission shall cause the annual report to be published in the Gazette and publicised and such other manner as the Commission may determine.

Section 42 of Cap. 212 which the Bill proposes to amend—

Management of information

42. (1) The Commission shall publish and publicise any important information within its mandate affecting the nation.

(2) A person may request for information in the public interest.

(3) A request for information under subsection (2)—

(a) shall be addressed to the Secretary or such other person as the Commission may for that purpose designate;

(b) may be subject to the payment of a reasonable fee in instances where the Commission incurs an expense in providing the information; and

(c) may be subject to confidentiality requirements of the Commission.

(4) Subject to the provisions of Article 35 of the Constitution and the law relating to freedom of information and data protection, the Commission may decline to give information to an applicant where—

(a) the request is unreasonable in the circumstances;

(b) the information requested is at a deliberative stage by the Commission;

(c) the applicant fails to pay the prescribed fee; or

(d) the applicant fails to satisfy any confidentiality requirements imposed by the Commission.

(5) The right of access to information under Article 35 of the Constitution shall be limited to the nature and extent specified under this section.

(6) Every member and staff of the Commission shall sign a confidentiality agreement.

Section 44 of Cap. 212 which the Bill proposes to amend—

Offences

44. (1) A person who—

(a) procures or attempts to procure the entry of any name on the register by willfully making or producing or causing to be made or produced, either orally or in writing, any declaration, certificate or representation which the person knows to be false or fraudulent; or

(b) falsely or fraudulently holds himself or herself out to be a registered teacher, commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding twelve months, or to both.

(2) A person shall not—

(a) without reasonable justification or other lawful excuse, obstruct or hinder, or threaten a member or staff or agent of the Commission in the course of duty under this Act;

(b) submit false or misleading information; or

(c) make false misrepresentation to or knowingly mislead a member or staff of the Commission acting under this Act.

(3) A person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Second Schedule to Cap. 212 which the Bill proposes to amend—

SECOND SCHEDULE [s. 15]

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND
AFFAIRS OF THE COMMISSION

MEETINGS

1. (1) The Commission shall have at least six meetings in every financial year and not more than four months shall lapse between one meeting and the next meeting.

(2) The Chairperson may at any time convene a special meeting of the Commission, and shall do so within one month of the receipt by the Chairperson of a written request signed by at least two other members.

(3) Unless three quarters of the members otherwise agree, at least seven days' notice of a meeting shall be given to every member.

(4) The Chairperson shall preside over all meetings and in the absence of the Chairperson, by the vice-Chairperson and in their absence, by a person elected by the Commission at the meeting for that purpose.

QUORUM

2. The quorum of a meeting of the Commission shall be one half of members.

VOTING

3. A decision of the Commission shall be by a majority of the members present and voting and in the case of an equality of votes the person presiding at the meeting shall have a second or casting vote.

MINUTES

4. Minutes of all meetings shall be kept and entered in records kept for that purpose.

CONFLICT OF INTEREST

5. (1) If any person is present at a meeting of the Commission or any committee at which any matter is the subject of consideration and in which matter that person or that person's spouse is directly or indirectly interested in a private capacity, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not, unless the Commission or committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching such matter.

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) A person who contravenes subsection (1) commits an offence and upon conviction shall be liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding seven years or to both such fine and imprisonment.

(4) No member or staff of the Commission shall transact any business or trade with the Commission.

Third Schedule to Cap. 212 which the Bill proposes to amend—

THIRD SCHEDULE

[s. 34]

DISCIPLINARY OFFENCES

- (a) Immoral behavior, including but not restricted to—
 - (i) sexual intercourse;
 - (ii) sodomy;
 - (iii) lesbianism; and
 - (iv) sexual harassment or flirtation;
- (b) professional misconduct including but not restricted to—
 - (i) negligence of duty;
 - (ii) lateness to duty;
 - (iii) chronic absenteeism;
 - (iv) desertion;
 - (v) incitement; and
 - (vi) insubordination;
- (c) infamous conduct including but not restricted to—
 - (i) drunkenness;
 - (ii) fighting; and
 - (iii) conduct or behavior which in the opinion of the Commission contradicts the spirit and tenor of Chapter six of the Constitution;
- (d) forgery;
- (e) mismanagement and embezzlement of public funds; and
- (f) any other act or conduct that is incompatible with the teaching profession.

