

To: Mr. Samuel Njoroge
The Clerk of the National Assembly
Parliament Buildings
Nairobi, Kenya

25 September, 2026

Att: The Departmental Committee on Education

RE: SUBMISSION OF WRITTEN MEMORANDUM TO THE DEPARTMENTAL COMMITTEE ON EDUCATION OF THE NATIONAL ASSEMBLY ON EDUCATION-RELATED BILLS (NATIONAL ASSEMBLY BILLS NOS. 49–54 OF 2026)

Dear Mr. Njoroge,

This cover note provides an overview and background of the joint written memorandum submitted to the Departmental Committee on Education as part of the National Assembly's ongoing public participation and consideration of the below bills, pursuant to Article 118(1)(b) of the Constitution and National Assembly Standing Order 127(3):

1. The Tertiary Education, Placement And Funding Bill (National Assembly Bill No. 49 Of 2026);
2. The Basic Education Bill (National Assembly Bill No. 50 Of 2026);
3. The Kenya National Educational Assessments Council Bill (National Assembly Bill No. 51 Of 2026);
4. The Pre-Service Education And In-Service Training Bill (National Assembly Bill No. 52 Of 2026);
5. The Kenya National Qualifications Framework (Amendment) Bill (National Assembly Bill No. 53 Of 2026);
And
6. The Kenya Institute Of Curriculum Development (Amendment) Bill (National Assembly Bill No. 54 Of 2026)

The memorandum consolidates the observations and recommendations of more than 30 education partners, INSPIRED Consortium (Institutional Strengthening of Policy Implementation to Reduce Education Disparities) and the Regional Education Learning Initiative Africa (RELI Africa) Network, a network of 71 civil society organisations working towards improving learning outcomes for children in East Africa, with a membership of 30 Civil Society Organisations in Kenya.

The education development partners, INSPIRED Consortium and RELI Africa have undertaken a joint technical review of the proposed legislations. The memorandum is organised according to the order of the bills listed above.

We identified specific clauses by analysing them through different lenses, drawing on our organisations' strengths across the education partners, INSPIRED Consortium and within RELI Africa. These include foundational learning; teacher workforce and quality assurance; building a culture of data use; and gender equality, disability and social inclusion (GEDSI). For each proposed amendment, the memorandum sets out the rationale and, where relevant, its relationship with provisions in the other bills.

The recommendations presented are not intended to be exhaustive, but reflect areas in which education partners, INSPIRED Consortium and RELI Africa member organisations have relevant technical expertise and experience and are intended to complement the wider evidence received by the Committee through the public participation process.

We strongly recommend that the Ministry of Education's **Sessional Paper** on Education Reform: Transforming Education, Training and Research for Sustainable Development in Kenya (April 2026) be considered for approval & ratification alongside these bills.

The **Sessional Paper** sets out the overarching policy framework for implementing the recommendations of the **Presidential Working Party on Education Reform of 2023** and provides the policy direction against which the proposed legislative reforms should be understood.

Considering the **Sessional Paper** alongside the proposed bills may also address some of the policy-related recommendations that we have identified and presented in this memo.

This memorandum accompanies slides or summaries of our oral presentation to the Departmental Committee on Education during the public hearing in Nairobi on Friday 25 September 2026.

We welcome the opportunity to provide more evidence and discuss in detail these recommendations with Members of the Committee in an **exclusive technical / working session** at your own convenience and to provide any further information or clarification that may assist the Committee in its consideration of the bills.

If useful to the Committee, the Education Partners, INSPIRED Consortium and RELI Africa would also be pleased to make **relevant technical experts** available to work alongside **the Committee Secretariat** during the consideration of the bills, providing technical support as required, particularly in synthesis of the large number of memos you have so far received from Kenyans as well as the reports from the county public hearings.

We appreciate the opportunity to contribute to these important legislative reforms and now wish to invite our different representatives or sector leads to share our specific observations, evidence, rationale and recommendations on each of the 6 bills of interest.

Thank you for your kind attention.

Yours sincerely,



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Submitted on behalf of the following Education Partners, INSPIRED Consortium & RELI Members (in alphabetical order, logos included where confirmed at the time of submission):



Ademedia Consulting



Innovations for Poverty (IPA)





UNICEF Kenya



World Vision

With coordination support from:



Written Memorandum of the 2026 Education Bills

This is a written memorandum of the six education bills (National Assembly Bills Nos. 49-54 of 2026) currently before the Departmental Committee on Education in the National Assembly, which accompanies an oral presentation to the Committee as part of the public participation hearings, held in Nairobi on Friday 25 September, 2026.

1. The Tertiary Education, Placement and Funding Bill, 2026

Background and Context

The Tertiary Education, Placement and Funding Bill, 2026 proposes to restructure the financing and placement of students in Kenya's tertiary education system. It is one of six major education reform Bills currently undergoing public participation as part of wider reforms to education governance, financing, assessment, teacher preparation, qualifications and curriculum under the Competency-Based Education and Training framework.

A central proposal is the establishment of the Tertiary Education Funding Authority (TEFA) through the consolidation of functions currently performed by the Higher Education Loans Board (HELB), the Universities Fund and the TVET Funding Board. TEFA would manage tertiary education financing, while the Kenya Universities and Colleges Central Placement Service (KUCCPS) would retain and expand its role in student placement. The Bill therefore links placement more closely to access to government-supported financing.

A major proposed change is the transition to an all-loan funding model, replacing the current combination of scholarships and loans with government-supported student loans for eligible learners(29.d). The Bill also proposes new arrangements for loan repayment and recovery, including commencement of repayment after completion of studies or upon securing employment, deductions from borrowers' earnings subject to a statutory ceiling, and obligations on employers to facilitate loan recovery. TEFA would further be empowered to mobilise additional financing through mechanisms including capital markets, pension funds, partnerships and voluntary education savings schemes.

Given the implications of these reforms for access, affordability, participation and completion, a Gender Equality, Disability and Social Inclusion (GEDSI) review is necessary to assess whether the proposed placement and financing framework promotes equitable access to tertiary education and avoids creating or reinforcing barriers for persons with disabilities, students from low-income households, women and men, marginalised and underserved communities, and other groups experiencing structural disadvantage.

Clause	Lens	Current provisions	Gaps	Proposed recommendations	Rationale
Foundational learning					
Clause 7(c) (Functions of the Placement Service regarding career guidance). Pg 10	Foundational Learning	Mandates the Placement Service to offer coordinated career guidance to secondary school students intending to pursue tertiary education.	Career Guidance Framework Omitting Early Childhood and FLN Teacher Education - Career guidance provisions focus broadly on conventional degree/diploma choices without prioritising or incentivising enrolment into specialised Early Childhood Development Education (ECDE) and Early-Grade FLN Pedagogy teacher-training pathways.	Amend Clause 7(c) to mandate targeted career guidance campaigns promoting Early Childhood Education and FLN Specialist Teaching as priority career tracks.	Building a strong foundation in early grades requires attracting top talent to lower-primary teacher training. Strategic career guidance channels high-performing students into foundational education programmes.
CI 20 (5), pg 12	Board appointment provisions & GEDSI	The Bill provides that funding under the Act shall only be available to students who have been placed by the Placement Service. The Placement Service is also responsible for placing students in public tertiary institutions and may place a student in a private institution where the relevant programme is unavailable in a public institution. (Clause 20(5))	Making government funding entirely dependent on placement may create challenges for students who obtain admission through other legitimate pathways, including students already admitted to accredited institutions or those changing institutions or programmes. It may also create a funding gap where placement and admission processes do not align. (Clause 20(5))	The Bill should clarify the relationship between institutional admission, placement and eligibility for funding and ensure that a lawful admission to an accredited institution does not automatically exclude a learner from consideration for government support. (Clause 20(5))	Revise Clause 20(5) to provide that funding shall be available to eligible students admitted to accredited tertiary institutions, subject to the funding criteria established under the Act, while placement remains the principal mechanism for admission to public institutions.
	Governance; transparency ; integrity; diversity	President appoints board chairpersons while the Cabinet Secretary appoints four independent members. Several senior government officials sit on the boards.	Concentration of appointment powers may raise concerns regarding institutional independence, objectivity, transparency and conflicts of interest.	Require transparent advertisement, objective selection criteria, public shortlisting/selection panels, stakeholder representation and conflict-of-interest safeguards.	Strengthens institutional independence, public confidence and compliance with constitutional governance principles.

Clause 43 (Establishment of the Fund), Clause 46 (Eligibility for loans and scholarships). Pg 5 (Arrangement of Clauses) and Pg 22	Foundational Learning	Establishes the Tertiary Education Fund to administer loans, bursaries, and scholarships based on student financial need and programme cost.	Funding Allocation and Scholarship Criteria Disconnected from Education Majors - Scholarship and loan prioritisation models focus heavily on STEM, medicine, and engineering, while neglecting students pursuing specialised diplomas and degrees in Early-Grade Reading and Foundational Mathematics Instruction.	Amend Clause 46 to include Bonded FLN Education Scholarships, offering full government funding or preferential loan-forgiveness schemes for tertiary students pursuing degrees/diplomas in Early Childhood Education and lower-primary teaching who agree to serve in rural/hard-to-staff schools.	Financial incentives directly increase enrolment in early childhood teacher-training programmes, addressing the shortage of qualified early-grade reading and maths specialists in underserved areas.
Clause 44 (Functions of the Tertiary Education Funding Authority). Pg 21	Foundational Learning	Authorises the Funding Authority to allocate funds to tertiary education institutions for training and research activities.	Lack of Funding for Applied Research in Early Learning Methods - Research funding provisions do not ring-fence support for applied pedagogical research, leaving universities and TVETs without grants to study early childhood learning, local-language phonics, or early-grade mathematics instruction.	Insert a provision in Clause 44 directing the Funding Authority to dedicate a ring-fenced percentage (e.g., 5%) of university research grants specifically to Pedagogical Research in Foundational Literacy, Local Language Instruction, and Early Mathematics.	Equipping universities to generate local, evidence-based research on early childhood learning helps inform national curriculum updates and improves classroom instruction for early learners nationwide.
Gender equality, disability and social inclusion (GEDSI)					
Clause 46 (Eligibility for loans), pg 23	GEDSI; substantive equality; and affirmative action	"Every student or trainee admitted into public or private tertiary institution shall be eligible for an education loan," conditioned only on citizenship, admission, and meeting "the requirements of this Act."	No grant or scholarship default for the poorest applicants — eligibility is loan-only by default. No mention of ASAL, orphaned, or child-headed or refugees with legal status, or household status anywhere in the qualifying criteria. There are no sufficiently explicit affirmative measures for disadvantaged groups.	Insert an "Equity Band" sub-clause under s.46 automatically routing applicants from means-tested lowest-income quintiles, orphans, and learners from marginalised/ASAL areas to grants or hybrid grant-scholarships rather than full loans. Introduce transparent affirmative criteria covering marginalised areas/groups, persons with disabilities, very poor households, legally eligible refugees and other constitutionally relevant categories	A 100% loan framework is regressive precisely where ability to absorb debt is lowest; without a statutory carve-out, the most vulnerable are the most likely to defer or decline placement altogether — defeating clause 4(a)'s own "universal access" principle. And also recognises that students have different levels of disadvantage and therefore may require differentiated support to achieve equitable access.

Clause 4 (Guiding principles), pg 9	GEDSI	States the Act shall ensure "universal access to tertiary education" and "equal access to government funding," among other principles.	"Equal access" is stated as an aspiration with no accompanying means-testing mechanism, disaggregation duty, or affirmative-action instruction to operationalise it for PWDs, girls, or marginalised groups. Equal access does not necessarily result in equitable access. Learners from low-income households, marginalised communities, learners with disabilities and those facing geographical or information barriers may require differentiated support to access and successfully benefit from tertiary education.	Amend s.4(b) to read "equitable access" rather than "equal access," and add a guiding principle requiring the Authority to apply a statutory Means-Testing Instrument in all funding decisions. The Bill should explicitly provide for equity-based mechanisms within placement and funding, including targeted support for learners facing socioeconomic, geographic, disability and other barriers to access. (Clause 4 – Guiding Principles)	Formal equality of access ("everyone applies the same way") is not the same as substantive equity when applicants start from very different resource positions — the guiding principles should say so explicitly, since they frame how every downstream clause is interpreted.
Clause 49 (Obligations of the loanee), pg 24 (Page 1790 of the official Gazette)	GEDSI; social protection; economic vulnerability	A loanee "shall, within one year of completion of studies, commence repaying the loan," and deductions from emoluments are capped at 25%; no distinction made for PWDs or vulnerable graduates.	No grace-period extension or repayment waiver for PWDs or vulnerable graduates who have not yet secured verified employment — the one-year clock runs regardless of employment status or disability-related barriers to entry into the job market. Provision for renewal of status as 'unemployed' at the end of the first year, without the principal amount accruing interest until change of status.	Amend s.49(1) to waive or extend the one-year repayment commencement requirement for PWD loanees and other vulnerable graduates until they secure verified employment.	PWD graduates already face longer job-search timelines due to structural labour-market barriers; an inflexible one-year trigger converts a funding mechanism meant to enable access into a debt trap for the very group it should be protecting. This promotes proportionality, dignity and substantive equality while reducing the risk of vulnerable borrowers being pushed into financial distress

Clause 9(1), Page 1776 and Clause 31(1); Page 1784	GEDSI	Both Boards are composed of a Chairperson, named Principal Secretaries, the Attorney-General or representative, "four independent persons" (s.9) or "four persons who shall not be public officers" (s.31), and a non-voting Chief Executive Officer.	Neither Board provision reserves a seat for a representative of the National Council for Persons with Disabilities (NCPWD) or a gender-equality body; there is also no explicit two-thirds gender rule stated on the face of either clause (it would rely on the general constitutional requirement in s.10(1)(d)/s.32(1)(d) "meets requirements of Chapter Six," which does not itself guarantee the two-thirds gender rule in composition).	Amend s.9(1) and s.31(1) to mandate at least one seat each for an NCPWD representative and a gender-equality body nominee among the "independent persons"/"persons who shall not be public officers," and add an explicit two-thirds gender rule to each Board's composition sub-clause. We recommend reservation at least one independent position on each Board for a qualified person with a disability nominated through organisations of persons with disabilities.	Chapter Six vetting screens individual integrity, not group representation — it does not by itself secure a PWD or gender-equity voice in the room. Naming the seats in statute is what converts institutional representation from discretionary to guaranteed.
Clause 29 (Functions of the Authority); Page 1782; and Clause 30 (Powers of the Authority), Page 1783	GEDSI	The Authority's functions include mobilising funds, granting loans, and administering scholarships (s.29); its powers include mobilising resources from treasury bills, bonds, concessional loans, Government grants, and "non-traditional sources... including... sovereign wealth funds or climate finance" (s.30(g)-(h)).	Despite the broad resource-mobilisation powers, there is no ring-fenced or non-divertible percentage of mobilised capital directed to Special Needs Education (SNE) facilities or assistive learning technology — s.29/30 are entirely silent on disability-specific budget lines. Neither Board explicitly provides for PWD representation, and it is unclear whether one of the four appointed members will be reserved for a PWD.	Insert a new clause (or sub-clause to s.30) compelling the Authority to channel a specified, non-divertible percentage of funds mobilised under s.30(g)-(h) directly to SNE facilities and assistive technology procurement.	The Authority already has wide powers to raise funds through capital markets and the Treasury; without an earmarking requirement, SNE needs — being smaller in absolute numbers but higher in per-learner cost — are structurally likely to be crowded out in competition for discretionary allocations.

Clauses 46-48 (Eligibility, minors, application for loans) Page 1789–1790 read with Clause 49 (repayment), Page 1790	GEDSI; social protection; economic vulnerability	The loan and repayment framework is written in gender-neutral terms with no provision addressing interruption of studies for pregnancy, childbirth, or childcare.	No safety net — deferment, leave-of-absence accommodation in loan terms, or flexible repayment/enrolment options — for teenage or young-mother learners who take academic leave for child care, leaving them exposed to loan default risk or permanent discontinuation.	Add a sub-clause under s.48 or s.49 empowering the Authority to grant loan deferment and flexible repayment terms, and empowering the Placement Service (via s.25 transfers) to preserve placement status, for students who take verified maternity- or childcare-related academic leave. The 4% interest rate should be calculated as simple interest. Add after “Within one year of completion of studies” OR “Upon attaining a prescribed minimum income threshold, whichever is later.	Without an explicit safety net, a pregnancy or childcare interruption risks compounding into a double penalty: loss of placement plus an unpaused loan clock — precisely the "forced out of school permanently" outcome flagged in the public participation sessions. Promotes proportionality, dignity and substantive equality while reducing the risk of vulnerable borrowers being pushed into financial distress.
Clause 27 (Career guidance programmes); Page 1781.	GEDSI	The Placement Service "shall develop and implement career guidance programmes," which may include market surveys, data collection, stakeholder collaboration, and benchmarking (s.27(2)), and career fairs, mentor training, and publications (s.27(4)).	The functions are permissive ("may") and generic — there is no explicit targeting mechanism for rural girls towards STEM or PWDs towards specialised vocational programmes.	Amend s.27(1) or (4) to require (not merely permit) the Placement Service to design targeted mentorship tracks for rural girls in STEM and PWDs in specialised vocational programmes as part of its mandatory career guidance function.	Clause 27 already gives the Service the tools (data collection, stakeholder collaboration, mentor training) to do this — what is missing is a mandatory targeting instruction; leaving it discretionary risks the programme defaulting to generic guidance that under-serves exactly the groups county forums identified as needing it most.

Clauses 52-53 (Data Processing / Data Sharing); Pages 1791 - 1792	GEDSI; Data protection; privacy	The Placement Service and Authority "shall maintain a central data repository," managing data on placement, funding, students enrolled outside Kenya, career guidance, and repayment (s.52); the Authority may also request data from third parties under the Data Protection Act (s.53).	No requirement that the repository capture or report data disaggregated by gender, geography, or disability status — s.52(3)'s listed data categories (students funded, loan repayment, placement) are outcome categories, not demographic ones. And Broad data-access powers may permit excessive collection. Safeguards concerning purpose limitation, minimisation, access, correction, retention, security, breach notification and data sharing are insufficiently detailed.	Amend s.52(3) to add a paragraph requiring the repository to capture gender-, geography-, and disability-disaggregated data for each of the listed categories, and require this breakdown in any report submitted under s.24 (Placement report) or s.56 (annual estimates). In addition, establish a comprehensive data-governance framework covering lawful basis, purpose limitation, data minimisation, access/correction, retention, security, audit trails, breach response, third-party sharing and cross-border transfers	A repository that tracks who was funded and who repaid but not their demographic profile cannot show Parliament or the Authority itself whether marginalised groups are actually accessing loans, scholarships, and placement — undermining the very oversight function s.29(f) assigns the Authority ("advise the Cabinet Secretary on matters relating to funding"). Protects sensitive student, financial and potentially disability-related data and strengthens compliance with privacy principles
Clause 54; Page 1792	Administrative justice; access to justice	Disputes are referred to the Placement Service or Authority for ADR	A person challenging a decision may effectively be required to seek redress from the same institution whose decision is being challenged. Independent review and court access are not sufficiently protected.	Preserve access to independent review, appropriate tribunals and the courts, while retaining ADR as an option	Provides meaningful and independent remedies for adverse placement and funding decisions
Clause 30(h)-(i) (Powers of the Authority — private capital, savings scheme); Page 1783	GEDSI	The Authority may "establish a savings scheme or product to receive deposits... for the purpose of saving towards tertiary education" (s.30(i)) and mobilise private capital and pension/sovereign wealth sources (s.30(h)).	The savings scheme is not required to have low minimum-deposit thresholds, subsidised matching contributions, or outreach to informal-sector and low-income households — as drafted it can be designed in a way that only formally banked, higher-income households can realistically use.	Add a provision to s.30(i) requiring the savings scheme to offer low or no minimum-deposit tiers and, where feasible, a government-matched contribution for low-income savers, with outreach targeting informal-sector workers.	A savings mechanism is only an equity tool if it is actually accessible to the households it is meant to help; without accessible design parameters, it risks becoming another instrument that primarily benefits households already able to save.

Clause 63 (Regulations); Page 1794	GEDSI	The Cabinet Secretary may make regulations on, among other things, "the receipt, processing, and approval of applications for education loans," "review on placement and funding," and "loans to minors" (s.63(2)(b)-(d)).	The regulation-making power does not explicitly flag affordability safeguards (e.g., waived application fees, subsidised verification costs) for low-income or marginalised applicants — it is broad enough to include this, but not required to.	Amend s.63(2) to explicitly empower the Cabinet Secretary to prescribe fee waivers or subsidies for loan/placement applications by learners from low-income, ASAL, or marginalised backgrounds.	Leaving an affordability safeguard to unstated regulatory discretion means it can just as easily never be written — naming it in the primary legislation makes it a mandatory design consideration rather than an optional add-on.
Clauses 64-67; Pages 1794–1796		The Bill repeals the Higher Education Loans Board Act and provides for the proposed Tertiary Education Funding Authority to become the successor to the Higher Education Loans Management Board, Universities Fund Board and other former institutions. It also provides for transfer of assets, liabilities, rights, obligations, proceedings and staff.	The transition involves significant institutional and operational changes. There is a risk of disruption to ongoing student funding, loan management, placement records, applications, appeals and other services if the transition is not carefully managed. (Clause 64-67)	The Bill should provide stronger safeguards for continuity of student services and funding during the transition. Existing students and applicants should not lose access to services or be disadvantaged solely because of the institutional transition. (Clause 64-67)	Require the responsible Cabinet Secretary and successor institutions to publish and implement a transition plan covering student funding, loan records, placement records, pending applications, appeals, institutional responsibilities, staff and data migration, with clear timelines and communication to affected learners. (Clause 64-67)
Clause 9(2) (Board of the Placement Service), Page 1777; and Clause 31(2) (Board of the Authority), Page 1784	GEDSI	General constitutional equality obligations apply to the boards.	No explicit statutory requirement for the two-thirds gender principle or representation of persons with disabilities and other relevant constituencies.	Insert an express requirement for compliance with constitutional gender, disability and diversity representation requirements.	Makes inclusion measurable and reduces ambiguity and potential litigation concerning board composition.
Clause 30 – Borrowing/investment and resource mobilisation; Page 1783	Fiscal sustainability; accountability; public finance.	Allows mobilisation through bonds, Treasury bills, commercial partners, pension funds, collective investment schemes, sovereign wealth funds and climate finance.	Risks relating to borrowing, investments, contingent liabilities, guarantees and fiduciary responsibilities are not sufficiently controlled or quantified.	Explicitly subject borrowing and investment to the Constitution, Public Finance Management framework, fiscal-risk controls and required approvals.	Protects public resources and ensures that the financing model remains fiscally sustainable and accountable.

Clause 2, Placement vs admission provisions; Page 1773; and Clause 20, Page 1778	Institutional autonomy; access; governance	Placement involves allocation to programmes/institutions, while admission involves acceptance by an institution.	Placement powers could inadvertently interfere with institutional admissions, academic standards and institutional capacity decisions.	Clearly distinguish the roles of the Placement Service, institutions and regulatory bodies, affirming institutional responsibility for academic and admissions matters within the law.	Prevents institutional mandates from becoming blurred and protects academic and governance autonomy.
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2. The Basic Education Bill, 2026

Background and Context

The Basic Education Bill, 2026 (National Assembly Bill No. 50 of 2026), published in the Kenya Gazette Supplement No. 195, seeks to repeal and replace the existing legal framework governing basic education and to establish a framework aligned with Kenya's current competency-based education structure. The Bill gives effect to Article 53(1)(b) of the Constitution, which guarantees every child the right to free and compulsory basic education, and provides for the organisation, administration, quality assurance, financing and oversight of basic education. It further provides for the establishment and strengthening of institutions and systems supporting basic education, including the Kenya Education Management Information System (KEMIS), the Kenya Institute of Special Education, and the National Council for Education in Marginalised Communities. The Bill also provides for the coordination of scholarships and bursaries and for the regulation of different forms and levels of basic education.

A significant structural proposal is the formal recognition of the comprehensive school model, through which primary and junior school education may be provided within a single institutional and governance framework. This reflects the restructuring of basic education under the competency-based curriculum and seeks to provide a clearer statutory basis for the organisation and administration of schools under the new system. The Bill also addresses learner admission and attendance, school governance, special needs and inclusive education, quality assurance and inspection, school financing and charges, learner protection, alternative and non-formal provision of basic education, and education data and information management.

Viewed through a Gender Equality, Disability and Social Inclusion (GEDSI) lens, the Bill is therefore important not only because of its proposed institutional and administrative reforms, but also because of how its provisions may affect equitable access, participation, retention, learning opportunities, protection and outcomes for learners experiencing different forms of disadvantage. The analysis considers the extent to which the Bill explicitly addresses gender equality, disability inclusion and the needs of marginalised and otherwise excluded learners, as well as whether its institutional, financing, accountability and implementation provisions provide adequate safeguards against exclusion and unequal access. Particular attention is given to the consistency of the Bill with the Constitution of Kenya, existing education legislation and policy frameworks, and Kenya's broader commitments to inclusive and equitable education.

Clause	Lens	Current provisions	Gaps	Proposed recommendations	Rationale
Foundational learning					
Clause 2	Definition	alternative provision of basic education" means an organized form of learning for the delivery of basic education and training to persons who cannot access institutions;	The Bill does not provide sufficiently stringent measures or sanctions for non-compliance with the prescribed criteria and procedures for establishing schools, creating a risk of inconsistent establishment, weak accountability, and inadequate oversight	The Bill should provide a clear definition of APBETS and set out objective criteria and procedures for their establishment, including the respective roles of the Cabinet Secretary, County Education Board, and the National Council for Education in Marginalised Communities.	A clear legal framework is necessary to avoid ambiguity of the definition of access. Defining the criteria for establishing APBETS would also promote equity, accountability and consistency, particularly in marginalised communities where education needs and infrastructure gaps may vary significantly.

Clause 6(n) (page 1814)	Foundational learning	National government to “collaborate with county governments and other relevant agencies to develop and implement policies on foundational learning,” with no further elaboration anywhere in the Bill.	No definition, benchmark or diagnostic-assessment requirement attached — the only mention of foundational learning in the entire Bill. Collaboration between the county and national government has not been made mandatory, the statement could be rephrased to read ‘National government shall “collaborate with county governments and other relevant agencies to develop and implement policies on foundational learning’ No language policy. In Clause 67 (Standards, Quality, and Relevance in Curriculum Development) read together with Clause 5(g) (Guiding Principles on cultural diversity and linguistic identity) of the Basic Education Bill 2026 - the language of the catchment area (first language/mother tongue) is designated as the primary medium of instruction for Pre-Primary to Grade 3, while English or Kiswahili serve as the medium of instruction for multilingual or urban settings.	Strengthen from a general duty to "collaborate" into a binding obligation, for example by requiring the Cabinet Secretary to: - define foundational literacy and numeracy and their scope; (foundational learning means acquiring basic literacy, numeracy and social-emotional skills, often referred to as transferable skills or life skills and values -(UNICEF/UNESCO/world Bank definitions- this definition is also in the draft FL guidelines) - set national early-grade literacy and numeracy benchmarks, building on existing tools such as KISRAT rather than introducing new benchmarks at pre-primary level; - establish a diagnostic assessment mechanism separate from the Clause 68 assessment regime; and - clarify the roles of national and county governments, NECEC, CECEC and County Education Boards in foundational learning. Language of instruction (mother tongue, Kiswahili and English) should be settled through a national consultation, given its sensitivity.	This will improve the relationship between the county government and national government which has experienced some challenges hence hindering effective implementation at pre-primary
Clause 64 (1); Page 1698	Change of name	There is established the office Of the Director of Schools Inspections, which shall be an office in the public service.	The proposal to change the name of the Directorate of Quality Assurance and Standards to		

Clause 68 (page 1844): Standards, Quality and Relevance in Assessment ; and Clause 18 (page 1818): Functions of the Head of Institution regarding learner transition (it's also reference in Clause 20: "Transition to the next level" bars schools from denying a learner promotion — an automatic-progression guarantee.)	Foundational Learning	Establishes overarching quality assurance and inspection frameworks under a Director of Schools Inspections to monitor curriculum implementation and learning standards.	Early Grade Diagnostic & Remedial Interventions - The Bill focuses on general inspection and transition guidelines, but lacks a specific statutory mandate for national diagnostic early-grade reading and maths assessments (EGRA/EGMA) at Grade 2 or 3 to catch learning deficits early.	Amend Clause 68 to include a statutory Early-Grade Remedial Safeguard, requiring schools to conduct diagnostic assessments at Grade 2 and mandate structured, funded catch-up/remedial programmes for learners who fall below baseline FLN levels before entering Grade 4.	Without mandatory diagnostic checkpoints and remedial mechanisms, learners with severe reading or maths deficiencies are automatically promoted, causing compounding learning losses in upper primary and secondary levels.
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Clause 23 (page 1819): Categories of Institutions; and Clause 11 (page 1815): Free Tuition and Capitation	Foundational Learning	Formalises the "Comprehensive School" model, consolidating Pre-Primary, Primary, and Junior Schools under a unified Board of Management and funding structure.	Capitation and Material Resources for Comprehensive Primary Schools - With primary and junior schools merged under one administration, early-grade FLN learning resources (manipulatives, storybooks/ readers/ decodables, play materials) risk being subsumed or reallocated to higher-cost junior secondary needs (like science laboratories and ICT infrastructure).	Amend Clause 11 to require a ring-fenced minimum allocation percentage (e.g., 20%) of the primary capitation budget strictly dedicated to Early Grade FLN teaching-learning materials (TLMs) and manipulatives.	Ring-fenced funding protects the early childhood and lower-primary budget allocations, ensuring that foundational learning environments remain fully equipped despite competing operational demands within the new Comprehensive School model.
Gender equality, disability and social inclusion (GEDSI)					
Clauses 2, 3 and 5 (page 1809)	GEDSID	The Bill establishes equity, non-discrimination, fairness and inclusivity as principles of basic education. Protected grounds include sex, ethnicity, religion, race, colour, social origin, age, disability, language and culture.	The provisions establish formal equality but do not sufficiently operationalise substantive and intersectional equality. They do not clearly require targeted measures where multiple disadvantages overlap, for example disability, gender, poverty, geographic marginalisation or displacement.	Strengthen the interpretation and guiding-principles provisions to expressly include equality, accessibility, reasonable accommodation, participation, substantive equality, intersectionality and the best interests of the child. Require education authorities to identify and address intersecting barriers to access, participation, retention and learning.	A general prohibition of discrimination does not necessarily remove structural barriers. A girl with a disability in an ASAL county, an adolescent mother or a refugee child may experience multiple and mutually reinforcing barriers requiring targeted responses.
Clause 6 (page 1813)	GEDSI	The Bill assigns national government responsibilities for basic education and recognises access for vulnerable and disadvantaged children.	Responsibilities are not sufficiently explicit regarding identification and removal of GEDSI-related barriers affecting girls and boys, learners with disabilities, children in ASAL areas, informal settlements, refugee populations and other marginalised groups.	Specify explicit national government duties to identify, prevent and address barriers to equitable education, including through planning, financing, staffing, infrastructure, learning materials, accessibility and targeted support.	GEDSI commitments require clearly assigned institutional responsibilities. Without explicit duties, implementation may depend on administrative discretion and uneven institutional capacity.

Clause 16 (page 1817)	GEDSI	The Bill provides protections against exclusion from education and addresses circumstances in which children should not be excluded because of child labour. It also restricts unauthorised charges.	The provisions do not comprehensively address the direct and indirect costs that can prevent poor and disadvantaged learners from participating. Prohibiting unauthorised charges without addressing financing adequacy may shift financial pressure elsewhere.	Link the right to free basic education with measures addressing indirect education costs, including uniforms, transport, meals, learning materials, assistive devices, menstrual products, digital access and, where applicable, boarding costs. Strengthen mechanisms for timely and adequate public financing.	Poor/low resourced households are least able to absorb additional education costs. Financial barriers can result in absenteeism, dropout and unequal participation even where tuition is formally free.
Clause 19 (page 1818)	GEDSI	Corporal punishment and cruel, inhuman or degrading treatment are prohibited.	The Bill does not sufficiently specify the institutional measures required to implement positive, non-violent and non-discriminatory discipline. There is limited explicit attention to bullying, accessible reporting, psychosocial support and children with disabilities whose communication or behavioural needs may be misunderstood.	Require schools to establish positive and non-violent and learner-centred discipline systems, accessible reporting mechanisms, safeguards against bullying and violence, procedural fairness and appropriate psychosocial and referral support. Include safeguards for learners with disabilities.	Prohibition alone does not ensure safe implementation. Learners experiencing disability, gender or other forms of disadvantage may be disproportionately affected by inappropriate disciplinary practices.
Clause 21 (page 1819)	GEDSI	The Bill recognises pregnancy, gender-based violence and retrogressive cultural practices among circumstances associated with interruption of education and provides for school re-entry/readmission.	The right to re-entry is not sufficiently supported by statutory requirements for psychosocial support, protection from stigma, flexible arrangements, catch-up learning, childcare where appropriate, safeguarding and referral mechanisms. GBV-related interruption similarly requires stronger institutional responsibilities.	Establish minimum standards for re-entry and continuation, including confidentiality, non-stigmatisation, flexible re-entry, catch-up learning, psychosocial support, safeguarding, referral and follow-up. Require schools to prevent discrimination against adolescent mothers and survivors of GBV.	Recognition of pregnancy and GBV as causes of educational interruption is important, but re-entry will remain difficult unless schools are required and supported to provide the conditions necessary for continued access and participation. Perhaps a provision for alternative assessment modalities for learners affected during the national assessment seasons.
Clause 26 (page 1820)	GEDSI	Registration requirements include appropriate and accommodative infrastructure, with considerations relating to gender and accessibility.	Disability inclusion is not sufficiently mainstreamed across all institutions. There is no clear general statutory duty covering reasonable accommodation, universal design, communication accessibility, digital accessibility, assistive technology and accessible learning materials.	Require all basic education institutions to progressively meet universal accessibility and reasonable accommodation standards, including physical, communication, digital and pedagogical accessibility. Specify responsibility for financing and providing assistive devices, accessible materials and communication support.	Special-needs education should not operate as a separate system while mainstream institutions remain inaccessible. Mainstreaming accessibility supports participation and learning for learners with diverse needs.

Clauses 32, 39, 52 and 87 (page 1824)	GEDSI	The Bill provides for gender equity in County Education Board composition, representation of persons with disabilities and representation of different interests in education governance structures, including the proposed National Council for Education in Marginalised Communities.	Representation is not consistently defined across governance structures, particularly Boards of Management. Representation does not necessarily ensure meaningful participation. There is limited explicit provision for gender, disability, child-protection and marginalised-community expertise.	Establish clear and measurable gender and inclusion representation requirements across education governance structures. Include relevant GEDSI, disability and child-protection expertise and mechanisms for meaningful participation of marginalised communities.	Formal representation should translate into meaningful influence over education decisions, resource allocation and accountability, rather than being limited to presence on governance bodies.
Part VII and Clause 52 (page 1832)	GEDSI	Part VII provides a dedicated legislative basis for special-needs education. The Bill provides for Education Assessment and Resource Centres and representation of persons with disabilities in relevant governance structures.	Functions, staffing, financing and accountability arrangements for assessment and resource services require greater clarity. Disability inclusion remains insufficiently mainstreamed into mainstream education provision.	Clearly define the functions, staffing, financing and accountability of Education Assessment and Resource Centres. Require assessment accommodations, assistive devices, accessible learning materials and appropriate support across mainstream and special/integrated settings.	Effective disability inclusion requires functioning assessment, support and referral systems, backed by adequate resources and clear institutional responsibilities.
Clauses 66–68 (page 1844)	GEDSI	Curriculum and quality-assurance provisions provide an opportunity to address the content and quality of basic education. The wider policy framework includes gender-responsive and inclusive approaches, including the Pre-primary TPD Manual under KICD review.	The Bill does not clearly require curriculum, learning materials, pedagogy and quality assurance to address gender stereotypes, disability inclusion, discrimination and safe and inclusive learning environments. GEDSI is not explicitly connected to teacher preparation and continuing professional development.	Require systematic review of curriculum content, learning materials, pedagogy and assessment for gender responsiveness, disability inclusion and prevention of discrimination. Link these requirements to pre-service and in-service teacher education and continuing professional development.	Teachers' knowledge, attitudes and classroom practices strongly shape whether statutory commitments to inclusion are realised in everyday learning environments.

Clause 72(5) (page 1846)	GEDSI	The Bill refers to affirmative action in relation to scholarships and bursaries. Part X provides a framework for learner financial support.	The Bill does not sufficiently specify which disadvantaged groups should benefit, how eligibility should be determined or how equitable allocation should be monitored.	Establish transparent and equity-responsive criteria identifying groups and circumstances requiring targeted support, with clear eligibility criteria, safeguards against arbitrary allocation and monitoring of distributional outcomes.	Affirmative action is more effective when supported by transparent eligibility rules and mechanisms for monitoring whether resources reach learners experiencing the greatest barriers.
Part X, Clauses 69–79 (page 1844): Financing provisions	GEDSI	The Bill provides for scholarships, bursaries and controls on school charges, creating a basis for supporting disadvantaged learners and improving financial accountability.	There is insufficient linkage between statutory inclusion obligations and adequate, predictable and timely financing. Indirect costs affecting girls, learners with disabilities and poor households are not sufficiently addressed.	Require equity considerations to inform education financing and learner-support mechanisms. Establish mechanisms for assessing the cost implications of GEDSI obligations, including accessibility, assistive technology, safeguarding, re-entry and provision in hard-to-reach areas.	Legislative obligations that are not matched by adequate financing risk being implemented unevenly and can reproduce existing inequalities.
Part XI, Clauses 80–81 (page 1848)	GEDSI	The proposed KEMIS provides for education information management, including information relating to learners with special needs. Sex and special-needs status provide a starting point for disaggregated data.	The proposed data framework does not sufficiently specify disaggregation by sex, disability type, age, location, socioeconomic disadvantage and other relevant dimensions of marginalisation. There is also a need to account appropriately for refugee, displaced, mobile and underserved populations, subject to data-protection requirements.	Require KEMIS to support appropriate GEDSI-disaggregated education data, subject to data-protection requirements, and use the data for planning, resource allocation, monitoring disparities and assessing outcomes.	Without sufficiently disaggregated data, education authorities cannot reliably identify who is excluded, where disparities occur or whether interventions are reducing inequalities.
Part XII, Clause 87 and following (page 1850)	GEDSI	The Bill establishes the National Council for Education in Marginalized Communities and recognises alternative, non-formal and informal education approaches, including mobile schools and provision for hard-to-reach communities.	The Bill does not clearly establish resource-allocation, staffing, infrastructure, learning-material and service-delivery mechanisms for ASAL counties, pastoralist and nomadic populations, informal settlements and other underserved areas.	Establish equity-based criteria for resource allocation and service delivery to marginalised and hard-to-reach communities. Require assessment of local context, safety, accessibility and family preferences when considering boarding provision, alongside appropriate day-school, mobile and alternative models.	Recognition of marginalised communities is important, but institutional recognition alone does not guarantee equitable access. Boarding should not automatically be treated as the preferred response to geographic exclusion, particularly for young children and girls.

Clause 13 (page 1816)	GEDSI	No provision for home schooling in this bill.	Currently we have many children who are home schooled owing to disability, trauma, sickness and re-location of parents.	Recognise and make recognition for homeschooling including the definition.	The learners and trainees with Special Needs Act 2018 recommended provision for homeschooling for learners with complex disabilities and often learners in emergency contexts will benefit from this.
Clauses 5, 13 and 67 (page 1813): Standards, Quality, and Relevance in Curriculum Development; read together with Clause 5(g) (page 1813): Guiding Principles on cultural diversity and linguistic identity; provisions on alternative education (page 1815)	GEDSI / Language of Instruction / Foundational Learning	Language and culture are recognised among protected grounds. The Bill recognises alternative and non-formal education, including Duksi, Madrassa and mobile schools. Under the legal framework carrying forward Kenya's National Language Policy and Competency-Based Education (CBE) standards, the language of the catchment area (first language/mother tongue) is designated as the primary medium of instruction for Pre-Primary to Grade 3, while English or Kiswahili serve as the medium of instruction for multilingual or urban settings.	The Bill gives limited direction on culturally responsive pedagogy, language of instruction, flexible delivery and the deployment of teachers suited to local contexts. In particular: - Non-binding language policy: phrases such as "where practical" and "as far as feasible" allow schools to bypass catchment-area (mother-tongue) instruction in favour of early English immersion. - Urban catchment areas: "catchment area" is not defined for linguistically mixed urban and peri-urban areas (e.g. Nairobi, Mombasa, Nakuru), so it is unclear whether Kiswahili or English is the default. - FLN materials: there is no duty on the state or KICD to fund, translate and distribute FLN materials (storybooks, decodable readers, maths kits) in local languages. - Teacher deployment: early-grade teachers are not required to speak the language of the school's catchment area.	Provide for culturally responsive, context-appropriate delivery, including appropriate language approaches, flexible delivery where justified and teacher preparation for diverse linguistic and cultural contexts. Specifically: - Amend Clause 67 to require the catchment-area language (or Kiswahili in multilingual urban areas) as the medium of instruction from PP1 to Grade 3, with English taught as a subject in Grade 3 and used as the medium of instruction from Grade 4. - Designate Kiswahili as the default catchment language in linguistically mixed urban schools. - Require TSC to match Key Stage 1 (PP1–Grade 3) teacher deployment to the school's language context. - Provide a ring-fenced budget for KICD and the Ministry of Education to translate early reading and maths materials into major local languages.	Education that does not respond to language, culture and livelihoods creates barriers to learning, particularly for pastoralist, minority and mobile communities. Research shows that young children learn to read and grasp early maths faster in a language they already speak/mother language; learning new concepts in an unfamiliar language (English) at the same time creates a "double cognitive load" and is a major driver of low early-grade reading scores. Literacy skills gained in a first language (mother/home language) transfer readily to English, so a child who is literate in their home language by Grade 3 learns English faster from Grade 4. Early failure caused by language mismatch lowers self-esteem and drives dropout, so a statutory requirement protects equitable FLN outcomes for marginalised and rural learners.
Teacher workforce and quality assurance					

Clauses 64–65 (page 1842)	Workforce / QA	Part IX establishes the Office of the Director of Schools Inspections (Public Service Commission office, supervised by the Principal Secretary) and school inspectors, with powers to enter institutions, demand records, and order closures.	“Quality Assurance and Standards Officers” — the cadre used in current practice — does not appear; no coordination with TSC on referring findings into appraisal/discipline; no curriculum support officers, tutors, or sub-county tier; no staffing norms or career-progression structure.	Worth considering an explicit coordination clause between the Director/inspectors and TSC — a joint protocol for referring inspection findings on teacher performance into TSC’s appraisal and disciplinary systems, with reciprocal data-sharing — and possibly a defined middle-tier cadre (e.g. sub-county curriculum support / QA officers) with staffing norms and career-progression provisions.	The pending bill that defines the roles of TSC and MOE will help with the separation of roles and responsibilities between TSC and MOE.
Clause 66 (page 1844)	Workforce / QA	Place the duty to ‘develop’ national and international QA standards on each individual institution, in consultation with the Director, rather than centrally.	Runs counter to centralising and strengthening the QAS function — risks inconsistent standards across institutions and counties.	Might be worth re-centring the standard-setting duty on the Director of Schools Inspections, with institutions responsible for implementing and complying with centrally-set standards rather than each developing its own — this would align the clause with the rest of Part IX.	Standardisation will ensure that institutions and counties work towards the same quality standards and national aspirations for education
Data use					
Clause 80(3) (page 1848)	Data use	Part XI establishes KEMIS: a central register with five learner-focused sub-registers (pre-primary, primary/junior/senior, special needs, adult/continuing education, marginalised-area learners).	Entirely learner-centric — no teacher/workforce data module, no assessment-outcomes module, a gap against interoperability with TSC and KNEAC.	One option: add a teacher/workforce data module (interoperable with TSC) and an assessment-outcomes module (interoperable with KNEC/KNEAC data under clause 68) to the KEMIS register.	There needs to be firmness that KEMIS is the singular data system- that includes TVET and Universities as envisioned. KEMIS should be a comprehensive system, as espoused in the PWPER. All SAGAs- to be made to align to this process. A linkage with across the systems.

Clause 82 (page 1849)	Data use	Cabinet Secretary to establish an information-sharing “mechanism” with “relevant stakeholders,” left largely to future regulation.	No counterpart agency named under a mandatory duty.	Could consider naming specific agencies — Civil Registration Services, TSC, KNEAC and the National Council for Education in Marginalised Communities (whose own mapping function at clause 85(h), p.1851, currently has no stated link back to KEMIS) — under a data-sharing duty, rather than leaving it as a permissive “mechanism.”	
Clauses 74–76 (page 1847) vs. Part XI, Clauses 80–83 (page 1848)	Data use	Scholarship/bursary tracking through KEMIS, annual reporting by granting institutions, and an annual analysis submitted to Parliament — a genuine feedback-loop model but scoped only to bursaries.	This reporting model is not replicated for KEMIS data generally, despite the infrastructure already existing to support it; no institutional evidence-use or M&E function anywhere in Part XI.	Worth considering whether the bursary-reporting model could be extended to Part XI generally — an annual Cabinet Secretary report to Parliament on basic-education performance data drawn from KEMIS, tied to policy and budget decisions, with ongoing capacity-building for county and school staff.	
Clause 107	Clarity on repeal	Transitional provisions The Basic Education Act is repealed.	Lack of clarity on which Act is being repealed which may leave room for misinterpretation	The Bill should provide clarity on which Basic Education Act has been repealed (2013)	This avoids confusion or avoids doubt

3. The Kenya National Educational Assessments Council Bill, 2026

Background and Context

The Kenya National Educational Assessments Council Bill, 2026 (National Assembly Bill No. 51 of 2026), published in the Kenya Gazette Supplement No. 196, is one of the education reform Bills currently before Parliament. Sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, the Bill proposes to repeal the Kenya National Examinations Council Act and establish the Kenya National Educational Assessments Council as the statutory body responsible for national educational assessments.

The Bill seeks to provide a revised legal and institutional framework for the administration of national assessments within Kenya's Competency-Based Education system. It addresses key functions including learner registration, assessment centres, e-assessment, assessment of candidates with special needs and those facing hardship, marking, certification, and the management and protection of assessment-related data. It therefore has important implications for the accessibility, equity, integrity and administration of national assessments, particularly for learners who may face barriers related to disability, gender, location, socio-economic circumstances or other forms of disadvantage.

The proposed legislation is consequently relevant to a Gender Equality, Disability and Social Inclusion (GEDSI) assessment of the education reform agenda, particularly in examining whether the legal and institutional provisions adequately safeguard equitable participation, reasonable accommodation, non-discrimination, inclusive assessment practices and the rights of learners with diverse needs.

Clause	Lens	Current provisions	Gaps	Proposed recommendations	Rationale
Foundational learning					
Clause 31 (page 1893) and Clause 2 (page 1880)	Foundational learning	Formative and summative assessment (both defined at Clause 2) are combined into a final certification score in a ratio the Council determines.	Formative assessment is treated purely as a scoring input, not a diagnostic tool; no measurement of foundational literacy/numeracy at early grades distinct from exit points.	Consider amending so assessment instruments measure foundational literacy and numeracy at early grades, not only at exit points, and so early-grade formative assessment is usable for learning-gap identification rather than only as a scoring input.	Pivoting to Assessment for Learning: True formative assessment under a Competency-Based Education (CBE) model is meant to provide real-time feedback during the learning process. When formative scores are only used as raw inputs toward a final grade, teachers are incentivized to perform "administrative bookkeeping" rather than using assessment data to adapt instruction. Also, true formative assessment helps teachers catch learning deficits early. Using formative assessments

					as diagnostic tools enables teachers to identify specific learning gaps in real time. If a Grade 2 learner struggles with phonemic awareness or basic place value, the assessment must trigger immediate classroom-level remediation rather than sitting passively as a score in a database.
Clauses 3 and 6(1)(b) (page 1881)	Foundational learning	Council's objects and functions are framed around conducting, administering and certifying assessments.	No monitoring or benchmarking function specific to foundational-learning trends over time.	Could add an explicit object or function on monitoring and public benchmarking of foundational-learning outcomes over time.	Public Benchmarking Drives Reform hence publishing regular, standardized national and sub-county benchmarks on foundational literacy and numeracy creates public accountability. It provides Parliament, the Ministry of Education, and County Education Boards with empirical data to evaluate whether curriculum changes under the Competency-Based Education (CBE) model are actually improving basic literacy and numeracy.
Clause 2 (page 1879): Interpretation	Foundational Learning	Lack of Statutory Definition for Foundational Competencies - Interpretation clause defining general terms ("assessment", "competency-based assessment", "formative assessment"), but omitting explicit operational definitions for Foundational Literacy and Foundational Numeracy.	Interpretation clause defining general terms ("assessment", "competency-based assessment", "formative assessment"), but omitting explicit operational definitions for Foundational Literacy and Foundational Numeracy.	Insert explicit definitions for "Foundational Literacy" (the ability to decode, read fluently with comprehension, write, and communicate effectively) and "Foundational Numeracy" (the ability to reason mathematically, solve basic quantitative problems, and apply core arithmetic operations).	Without statutory definitions in the primary assessment law, early-grade evaluations risk treating literacy and numeracy as generic subject content rather than foundational, non-negotiable benchmark competencies required for all subsequent learning.

Clause 6(1)(a) (page 1882): Functions of the Council regarding national assessment administration	Foundational Learning	General functions empowering the Council to conduct school-based and national summative assessments across basic education.	Absence of Mandatory Early-Grade Diagnostic Benchmarks.	Amend Clause 6(1) to compel KNEAC to establish a statutory Early Grade Reading and Mathematics Assessment (EGRA/EGMA) Framework administered at Grade 2/3 to serve as a national diagnostic baseline.	Current provisions focus heavily on cumulative assessments that count towards transition certificates (e.g., Grade 6 or Grade 9). Lacking a legally mandated early diagnostic assessment allows severe learning deficits in reading and maths to accumulate unchecked into upper primary levels.
Clause 18 (page 1887): Assessment results, reporting, and transition criteria	Foundational Learning	Provisions governing learner transition based on cumulative continuous assessment scores and portfolio evidence.	Automatic Progression Without Mastery Verification.	Amend Clause 18 to include a Foundational Competency Readiness Clause, requiring structured catch-up/remedial interventions for any learner failing to demonstrate baseline literacy and numeracy mastery before progressing past Key Stage 1 (Grade 3).	Promoting learners who cannot read or do basic arithmetic creates cumulative learning losses, undermining the Competency-Based Education (CBE) principle of mastery before progression.
Clause 38 (page 1898): Submission of Continuous Assessment Marks and institutional records	Foundational Learning	Mandate for schools to upload electronic continuous assessment scores, practical project evidence, and written portfolios to KNEAC portal systems.	Over-reliance on Written/Digital SBAs for Early-Grade Learners.	Insert a provision in Clause 38 specifying that early-grade (Pre-Primary to Grade 3) FLN assessments must primarily utilise oral, observational, and localised manipulative-based tools, exempting early grades from heavy digital/written portfolio upload burdens.	Having early-grade teachers to rely on written or digital assessment entries distorts early learning, shifts focus away from direct verbal and practical instruction, and penalises young learners in schools with limited ICT infrastructure.

Clause 14 (page 1886): Powers of the Council to issue assessment guidelines and regulations	Foundational Learning	General guidelines authorising KNEAC to prescribe language and formats for national assessment instruments.	Omission of Mother Tongue / Language of the Catchment Area / First-Language Literacy Assessment Guidelines.	Amend Clause 14 to mandate KNEAC to develop and standardise Language of Instruction / Language of the Catchment Area / Mother Tongue literacy assessment guidelines for early-grade learners in line with national language policies.	Evaluating foundational literacy exclusively in English or Kiswahili in early grades fails to accurately measure a child's cognitive reading ability in their first language, leading to flawed diagnostic data on foundational learning levels.
Clause 12 (page 1885): Quality assurance and moderation of school-based assessment tools	Foundational Learning	Authorisation for classroom teachers to score and submit continuous assessment marks directly to the Council.	Lack of Standardised Moderation for Early-Grade Continuous Assessment.	Introduce a mandatory FLN National Moderation Protocol requiring KNEAC to perform random, sampled, direct-observation audits of early-grade reading and maths evaluations across counties.	High variability in how different teachers evaluate basic reading fluency and maths concepts leads to unreliable national data. External moderation guarantees that a "proficient" rating in reading or maths reflects uniform learning outcomes nationwide.
Gender equality, disability and social inclusion (GEDSI)					
Clauses 2–3 (page 1879)	GEDSI	Clause 2 defines key assessment concepts, while Clause 3 sets out the objects of the proposed Act. The Bill provides the institutional basis for national educational assessment and certification.	Equality, equity, non-discrimination, gender equity, disability inclusion, accessibility and reasonable accommodation are not established as explicit cross-cutting principles governing the assessment system.	Amend Clauses 2–3 to define relevant GEDSI concepts, including equality, equity, non-discrimination, disability inclusion, accessibility, reasonable accommodation and, where appropriate, marginalised groups. Amend Clause 3 to expressly require the Council to promote equality, equity, inclusion and accessibility throughout the assessment cycle.	Establishing GEDSI at the level of the objects and interpretive provisions would ensure that inclusion is a statutory responsibility of the Council rather than an issue addressed only through provisions concerning candidates with special needs.

Clause 6 (page 1882)	GEDSI	Clause 6 sets out the functions of the Council, including responsibilities relating to national assessments and their administration.	The functions do not expressly require the Council to develop inclusive assessment standards, accessible assessment formats, reasonable accommodation, GEDSI-responsive data or equity-focused assessment reporting.	Expand the Council's functions to include development and implementation of inclusive assessment standards, accessible assessment formats, reasonable accommodation, GEDSI-responsive data collection and reporting, and measures to identify and address systemic barriers to assessment.	The Council's functions determine how the statutory mandate will be operationalised. Explicit GEDSI functions would embed inclusion across assessment design, administration, certification, research and reporting.
Clause 8(1)(g) (page 1884)	GEDSI	Clause 8(1)(g) provides for three Cabinet Secretary-appointed members, including one person representing the interests of persons with disabilities, one person with assessment expertise and one person with experience in teacher training.	Disability representation is recognised, but the Bill does not expressly require compliance with the constitutional gender principle or provide for broader gender, marginalised-community, minority-group or social-inclusion expertise.	Strengthen Clause 8 to require compliance with applicable constitutional gender-representation requirements and ensure that the Council collectively has demonstrated expertise in gender equality, disability-inclusive education, social inclusion and assessment. Representation should also reflect Kenya's diversity and marginalised communities.	Council composition influences institutional priorities and decision-making. A broader GEDSI lens would help ensure that inclusion is considered in policy, assessment design, resource allocation and oversight, rather than being confined to disability representation.
Clause 12(1) (page 1885)	GEDSI	Clause 12(1) permits the Council to co-opt up to two persons with special skills.	The Bill does not identify GEDSI, accessibility, safeguarding or inclusive assessment as areas of expertise that may be considered when co-opting members.	Provide that, where relevant, co-opted expertise may include disability inclusion, gender-responsive assessment, accessibility, child safeguarding, social inclusion and other specialised GEDSI competencies.	Co-option provides a flexible mechanism for bringing technical expertise into Council deliberations without unnecessarily expanding the permanent membership of the Council.

Clauses 9, 10 and 18 (page 1885)	GEDSI	The Bill establishes qualification requirements for the Chairperson, Council members and Chief Executive Officer.	Senior qualification requirements could have unintended discriminatory effects if disability-related career interruptions, inaccessible employment environments or other structural barriers are interpreted as evidence of inadequate suitability.	Require appointment and qualification processes to be applied transparently and without discrimination, with assessment based on substantive competency requirements and reasonable accommodation where required.	Formal qualifications and career histories do not necessarily reflect an individual's substantive professional capability where disability or other structural barriers have affected opportunities for progression.
Clauses 13(2)(e) and 19(2)(c) (page 1886)	GEDSI	The Bill provides for removal of a Council member or CEO on grounds of physical or mental incapacity.	The provisions do not expressly require consideration of reasonable accommodation, functional capacity, proportionality, independent assessment or whether the individual can perform the functions with appropriate support.	Amend the provisions to require an objective and disability-sensitive assessment of functional capacity, consideration of reasonable accommodation and proportionality, and appropriate procedural safeguards before removal on incapacity grounds.	Capacity should be assessed in relation to the actual functions of office and the person's ability to perform them with reasonable support. This reduces the risk of disability being treated as an automatic basis for removal.
Clauses 22–24 (page 1888)	GEDSI	Clause 22 establishes requirements relating to registration of assessment centres, including infrastructure, facilities, equipment and a conducive environment. Clauses 23 and 24 require consideration of candidates with special needs or hardship when assessment centres are hosted or merged, alongside factors such as distance, security and weather.	The provisions do not expressly require physical accessibility, accessible sanitation, safe transport and travel arrangements, gender-specific safety considerations, safeguarding, WASH or menstrual-health needs. They also do not expressly address the circumstances of learners in ASAL, remote, informal-settlement, refugee-hosting and insecure settings.	Require assessment-centre registration, allocation and consolidation to consider physical and communication accessibility, accessible WASH facilities, safety and safeguarding, transport and travel burdens, gender-specific risks and the needs of learners in marginalised and underserved locations.	The location and physical conditions of assessment centres can create significant barriers even where a learner is formally eligible to sit an assessment. Equitable access therefore requires attention to the conditions under which assessment is delivered.

Clauses 23(2) and 24(3) (page 1890)	GEDSI	The Council is required to consider candidates with special needs or hardship when hosting or merging assessment centres and to consider factors such as distance, security and weather.	The equity framework remains relatively narrow and does not explicitly address geographic isolation, insecurity, pastoralist mobility, refugee settings, informal settlements or other context-specific barriers.	Require assessment-centre planning to consider the differentiated circumstances of learners in remote, ASAL, pastoralist, refugee-hosting, informal-settlement and other underserved areas.	Geographic access is an important dimension of educational equity. Centre location, travel distance, insecurity and mobility patterns can disproportionately affect learners who already face structural disadvantage.
Clause 26 (page 1891)	GEDSI	Clause 26 provides for e-assessment and regulations governing e-assessment centres, administration, processing and marking.	The Bill does not expressly establish digital accessibility or inclusion standards. Learners may face barriers related to electricity, connectivity, devices, digital literacy or assistive technologies.	Require e-assessment platforms and centres to meet accessibility and digital-inclusion standards, including compatibility with assistive technologies and accessible formats. Provide appropriate alternatives or support where connectivity, electricity, devices or digital skills would otherwise prevent equitable participation.	Digitisation can improve assessment efficiency but can also reproduce or deepen existing inequalities if access to technology and digital infrastructure is uneven.
Clause 27(8)–(13) (page 1891)	GEDSI	The Bill provides for candidate registration and verification of registration information, including gender. It requires a candidate's name to correspond with a birth certificate, deed poll or previous Council certificate and permits registration through assessment centres, including online registration.	Standard documentation requirements may disadvantage refugee, displaced, stateless, nomadic, pastoralist and other marginalised learners who lack conventional documentation or have experienced disruption in access to records.	Establish alternative and accessible verification pathways for candidates facing documentation barriers, while maintaining appropriate safeguards against fraud. Ensure that institutional failure to register an eligible candidate does not create an avoidable barrier to assessment.	Documentation requirements intended to protect assessment integrity should not unintentionally exclude eligible learners whose circumstances make standard documentation difficult to obtain or maintain.

Clause 27 (page 1891)	GEDSI	Candidate registration includes collection of gender-related information.	The provision does not clarify the distinction between sex and gender or provide sufficient safeguards concerning unnecessary disclosure or treatment of learners whose circumstances do not fit conventional binary classifications.	Review the terminology and registration requirements to ensure that information collected is necessary, appropriately protected and administered without discrimination. Provide appropriate safeguards for intersex learners and other candidates whose circumstances require sensitive handling of personal information.	Registration is a gateway to assessment. Inappropriate or unnecessarily rigid data requirements can expose learners to discrimination, stigma or exclusion.
Clause 28 (page 1893)	GEDSI	Clause 28 requires mechanisms to facilitate registration of candidates living with disabilities and candidates with special needs for purposes of reasonable accommodation.	The provision establishes an important principle but does not sufficiently specify how accommodation is requested, assessed, approved, delivered, monitored or reviewed.	Strengthen Clause 28 by recognising reasonable accommodation as an entitlement and providing for accessible procedures for requesting and receiving accommodation based on individual need.	A general commitment to accommodation may not translate into consistent practice without clear procedures, responsibilities and minimum standards.
Clause 31(3)(e), 31(6)–(7) (page 1894)	GEDSI	Clause 31 requires comparable instructions and permits modification of assessments for candidates with special needs. It also provides for reasonable and proportionate measures for candidates experiencing hardship.	The Bill does not establish sufficiently clear minimum standards for accessible assessment or specify the range of accommodations that may be provided. There is also no clear mechanism for challenging refusal or inadequate provision of accommodation.	Specify, as appropriate to individual need, Braille, large print, accessible digital formats, readers, scribes, additional time, Kenya Sign Language interpretation, assistive technologies and accessible practical, oral and aural assessment arrangements. Establish a transparent mechanism for review or appeal where accommodation is denied or inadequately provided.	Consistent and predictable accommodation is essential to ensuring that assessment measures the intended learning outcomes rather than the effects of disability or other barriers.

Clause 31(7) (page 1895)	GEDSI	The Bill allows reasonable and proportionate measures for candidates experiencing hardship.	The concept of hardship is not sufficiently elaborated to address pregnancy, childbirth, postpartum recovery, illness, poverty, displacement, insecurity, geographic isolation and other temporary or structural circumstances that may affect assessment participation.	Clarify that hardship measures may address circumstances that would otherwise materially disadvantage a candidate, including pregnancy, childbirth, postpartum circumstances, displacement, illness, insecurity and other relevant temporary or structural barriers. Pregnancy should not itself be classified as a disability or special need.	An inclusive assessment system needs to recognise that barriers are not limited to permanent disability. Some learners experience temporary or context-specific circumstances requiring reasonable and proportionate flexibility.
Clauses 28 and 31 (page 1893)	GEDSI	The Bill uses terminology including “special needs” in provisions concerning registration and assessment accommodation.	The terminology may reinforce a needs-based rather than rights-based approach to disability inclusion.	Review the terminology and progressively align it with rights-based, disability-inclusive language consistent with the principles of the Convention on the Rights of Persons with Disabilities, while retaining terminology necessary for legal clarity.	Rights-based terminology reinforces the principle that accessibility and reasonable accommodation are matters of equality and participation rather than discretionary assistance.
Clauses 23–24 and 31 (page 1889)	GEDSI	The Bill recognises special needs and hardship in assessment-centre arrangements and assessment administration.	It does not expressly address gender-specific safety risks, sexual harassment, GBV, safeguarding or safe reporting and referral arrangements within the assessment environment.	Require assessment-centre arrangements and administration to incorporate safeguarding, prevention and response to sexual harassment and GBV, confidential reporting and appropriate referral mechanisms.	Assessment environments must be safe as well as accessible. Gender-based violence, harassment or insecurity can directly affect attendance, participation and learner wellbeing.
Whole Bill, particularly Clauses 23–31 (page 1889)	GEDSI	The Bill provides for hardship and reasonable measures but does not specifically recognise pregnancy, childbirth, postpartum recovery, breastfeeding or adolescent motherhood.	The absence of explicit provisions may result in inconsistent administrative responses to candidates who require privacy, timing flexibility, nursing arrangements or other reasonable measures.	Clarify that assessment arrangements may reasonably accommodate pregnancy, childbirth, postpartum recovery and breastfeeding, including appropriate timing, privacy, safe facilities and reasonable flexibility where necessary.	Pregnancy and adolescent motherhood can create practical barriers to assessment participation. Explicit safeguards would support continued participation without treating pregnancy as a disability.

Clauses 41–59 (page 1899); Clause 2 (page 1879)	GEDSI	The Bill establishes offences and penalties relating to examination malpractice and defines “offensive material”.	The provisions do not expressly distinguish authorised assistive technologies, readers, scribes and other approved accommodations from prohibited materials or assistance.	Amend the malpractice framework and implementing regulations to expressly distinguish authorised assistive devices, communication aids, readers, scribes and approved reasonable accommodation from prohibited materials or assistance. Ensure that sanctions against assessment centres do not disproportionately penalise candidates who were not involved in malpractice.	Without an explicit distinction, legitimate accommodation could potentially be misunderstood as prohibited assistance, particularly where candidates depend on assistive technology or human support.
Clause 64 (page 1907)	GEDSI	Clause 64 provides for financial and institutional arrangements for the Council.	The Bill does not expressly require resources for accessibility, reasonable accommodation, assistive technologies, inclusive assessment infrastructure, GEDSI capacity building or related implementation requirements.	Require adequate and appropriately targeted resources for implementation of accessibility and reasonable accommodation standards, inclusive technologies, staff capacity, accessible assessment centres and other GEDSI measures.	Legislative inclusion requirements are unlikely to be implemented consistently without corresponding financial and institutional resources.
Clause 66 (page 1909)	GEDSI	The annual report covers Council performance, audited financial information and other information directed by the Cabinet Secretary.	The Bill does not expressly require reporting on equity, accessibility, participation or outcomes across different groups of learners.	Require annual reporting on GEDSI-related performance, including participation and assessment outcomes where appropriate, accommodation provided, accessibility of assessment centres and digital platforms, complaints and safeguarding issues, and measures taken to address identified disparities.	Regular reporting would make it possible to identify systemic disparities and assess whether statutory commitments to inclusion are being implemented in practice.

Clause 77 (page 1911)	GEDSI	The Bill contains provisions for the management and protection of assessment-related data.	While data protection is recognised, the Bill does not expressly link data management to the need for appropriately disaggregated equity monitoring.	Provide for responsible collection and analysis of relevant disaggregated data, including by sex, disability and other legally and operationally relevant equity characteristics, subject to data-protection requirements.	Disaggregated data can identify participation and outcome disparities, but such data must be collected proportionately and protected against misuse, stigma and unnecessary disclosure.
Clause 78 (page 1911)	GEDSI	Clause 78 provides regulation-making powers for implementation of the Act.	The Bill does not expressly require consultation with institutions and groups with relevant GEDSI expertise and lived experience.	Require consultation, as appropriate, with NGECS, NCPWD, organisations of persons with disabilities, child-rights actors and representatives of marginalised communities when developing regulations relating to accessibility, accommodation, e-assessment, registration and inclusive assessment.	Regulations will determine many of the operational details of inclusion. Consultation can improve the practicality, accessibility and responsiveness of those requirements.
Clauses 22–31 (page 1888)	GEDSI	The Bill contains separate provisions addressing assessment centres, registration, e-assessment, candidates with special needs and hardship, and reasonable accommodation.	GEDSI provisions are fragmented and are not explicitly connected through a common inclusive assessment standard covering design, registration, administration, marking and certification.	Develop a statutory framework or standards for inclusive assessment covering the full assessment cycle, including accessible design, registration, assessment-centre allocation, e-assessment, reasonable accommodation, administration, marking and certification.	A whole-system approach reduces the risk that inclusion is addressed at one stage of assessment while barriers remain at another stage.
Whole Bill	GEDSI	The Bill recognises disability and hardship in several provisions.	It does not expressly recognise that learners may experience multiple and intersecting barriers related to disability, gender, poverty, geography, displacement, insecurity, language or marginalisation.	Incorporate an intersectional approach into relevant assessment policies, standards, data systems and reporting, with particular attention to learners experiencing multiple barriers.	Learners may face several overlapping barriers that cannot be adequately addressed through a single-category approach to disability or hardship.

Whole Bill	GEDSI	The Bill recognises distance, security, weather, hardship and special needs in certain assessment-centre provisions.	There is no comprehensive provision addressing the differentiated needs of learners in ASAL, remote, pastoralist, refugee-hosting, informal-settlement and other underserved contexts.	Require the Council to assess and address context-specific barriers to assessment participation, including distance, mobility, insecurity, infrastructure, connectivity and other geographic or socio-economic constraints.	Equal treatment does not necessarily produce equitable access where learners face substantially different structural and contextual barriers.
Whole Bill	GEDSI	The Bill establishes governance, assessment administration, reporting and regulatory structures.	There is no explicit GEDSI implementation framework with targets, responsibilities, indicators, review mechanisms and institutional accountability.	Require the Council to develop a GEDSI implementation framework or plan with measurable indicators, responsibilities, timelines, resource requirements and periodic review and reporting.	A defined accountability mechanism would translate the Bill's individual inclusion provisions into measurable institutional practice and reduce reliance on discretionary administrative action.
Clauses 2–3, 6, 8, 22–31, 64, 66, 77 and 78 (page 1879)	GEDSI	The Bill contains several important inclusion entry points, including disability representation, consideration of special needs and hardship, registration mechanisms, reasonable accommodation, data protection and regulation-making powers.	These provisions operate largely as separate measures and do not yet form a coherent cross-cutting GEDSI framework for national assessment.	Harmonise the provisions to establish GEDSI as a Council-wide responsibility covering governance, assessment design, registration, assessment-centre planning, e-assessment, reasonable accommodation, safeguarding, financing, data, reporting and regulation.	The central legislative opportunity is to move from a largely special-needs approach to a whole-system inclusion framework in which GEDSI is integrated across the full national assessment cycle.
Teacher workforce and quality assurance					
Clause 69 (page 1909)	Workforce / QA	Council may request TSC-employed teachers to assist with exam administration on a temporary basis, with a joint code of conduct.	Purely transactional — no channel for assessment results to inform TSC's deployment, training or appraisal decisions.	Might be worth broadening beyond temporary staffing to a more structured, ongoing mechanism for sharing disaggregated results with TSC to inform deployment, professional-development targeting and appraisal.	

Clause 6(2)(g) (page 1883)	Workforce / QA	Ad hoc power to co-opt officers responsible for education/training to assist in administering assessments.	No defined role for QASOs or curriculum support officers in interpreting or disseminating assessment findings to schools.	Could be developed into a defined role for QASOs and curriculum support officers in interpreting and disseminating assessment findings to schools.	
Data use					
Clause 6 (page 1882): Functions of the Council regarding conducting continuous assessment and administration of e-assessments	Data	Provisions establishing School-Based Assessments (SBAs), practical portfolio evaluations, and digital e-assessment portals as primary tools for learner progression.	Assessment Infrastructure & Digital Readiness Funding	Amend Clause 6 to mandate the Council and National Treasury to establish a statutory School Assessment Infrastructure Fund to guarantee ICT connectivity, computer hardware, printing facilities, and practical kit capitation to all public basic education institutions prior to SBA implementation.	Mandating digital and practical assessments without an explicit legal financing mechanism creates an unfunded mandate. This deepens regional inequalities between well-resourced urban private schools and under-resourced rural or informal public schools.
Clause 40 (page 1899)	Data use	Council to issue performance-analysis reports and a National Report after results are released — the Bill's core affirmative transparency clause.	No disaggregation, statutory timeline, or open-data publication-format requirement.	Consider disaggregation by county, sub-county, gender, disability and (for basic education) foundational-literacy/numeracy indicators, a statutory release timeline, an open-data format, and transmission of results to KEMIS and the Ministry's central evidence function.	Disaggregating data by county, sub-county, gender, disability, and foundational literacy and numeracy (FLN) indicators enables policymakers to pinpoint exactly where learning poverty is concentrated (e.g., arid and semi-arid lands [ASAL] counties or informal urban settlements) hence helps with Targeted Resource Deployment and protection of Vulnerable Learners: such as children with disabilities and gender cohorts.

Clause 33 (page 1896) and Clause 61 (page 1907)	Data use	Clause 33 bars any candidate, institution, teacher or third party from accessing marked scripts. Clause 61 lets the Council withhold information “in the opinion of the Council” where disclosure would compromise integrity, process or privacy.	No carve-out for anonymised or aggregated diagnostic data; clause 61’s exemption is self-assessed with no independent review mechanism.	Could narrow both clauses with a carve-out permitting release of anonymised or aggregated cohort-level data to schools, teachers and QASOs for diagnostic use, and have the Council publish clear criteria and a review pathway for clause 61’s exemption.	
Clause 6(1) (page 1882); Clauses 64 and 78 (page 1907)	Data use	Functions list is framed around conducting, certifying, and advising on assessments.	No data-sharing duty to KEMIS or county education offices.	Worth adding a function for the Council to share assessment data with KEMIS and relevant county education offices for planning, monitoring and budgeting. There is need for legislation to operationalise the collaboration between KNEC and KEMIS. Clear provisions for the learners with special needs. Financing of education for special needs learners. There is need for clear framework to facilitate proper management and tracking of data	To ensure effective and efficient use of KEMIS data. Use of Data to link KNEC, KEMIS and TPAD Tailoring TPD to education system demands Create a functional strategy to ensure inclusivity of learners with special needs in all its forms. To ensure they are budgeted for. Safeguards of data across the various consumers of data.
Other					

Clause 38 (page 1898): Offences relating to assessment irregularities and integrity of assessment data	Compliance of Hols	Provisions enforcing compliance, record-keeping, secure handling, and timely electronic submission of continuous assessment marks by school administrators.	Liability and Legal Protection for Heads of Institutions	Insert a safe-harbour provision under Clause 38 protecting heads of institutions from personal, administrative, or criminal liability in instances where failure to upload marks or data loss is caused by technical portal crashes (e.g., KEMIS/CBA system downtime), power outages, or network connectivity failures.	School principals currently face severe administrative penalties for portal delay or data errors outside their direct control. Establishing statutory safe-harbour protections ensures administrators are not penalised for systemic national IT infrastructure defects.
Clause 14 (page 1886): Powers of the Council to issue assessment regulations and guidelines	Formative Scores	Framework governing the cumulative weight of teacher-marked projects and local continuous assessment scores towards final national certifications.	Moderation, Auditability, and Standardisation of Formative Scores	Amend Clause 14 to compel the Council to establish an independent National Continuous Assessment Quality Assurance & Moderation Board with regional audit units tasked with random sampling, standardising marks, and cross-school auditing.	Transitioning to high-stakes continuous assessments without statutory standardisation protocols risks widespread mark inflation, subjective scoring, and loss of public credibility in national certification.
Clause 7 (page 1883): Powers of the Council relative to other regulatory bodies	Conflicting mandate	Provisions authorising the Council to set standards, design assessment instruments, and evaluate competencies across basic, pre-service teacher training, and vocational education levels.	Overlapping Mandates and Institutional Clashes	Redraft Clause 7 to explicitly delineate functional boundaries between KNEAC, the Kenya Institute of Curriculum Development (KICD), and the Teachers Service Commission (TSC).	Ambiguous jurisdiction leads to inter-agency conflicts over whether KNEAC assesses curriculum content, teacher performance, or institutional compliance, creating administrative friction across the education sector.
Clause 21 (page 1888): Conduct of assessments for learners with special needs	SNE Learners	General guidelines permitting alternative assessment formats for candidates with special needs and disabilities.	Binding Adaptation Mandate for Learners with Special Needs	Introduce a binding requirement under Clause 21 compelling the Council to publish fully adapted assessment formats (e.g., Braille, tactile materials, simplified cognitive tasks) simultaneously with standard assessments, backed by a dedicated ring-fenced percentage of the operational budget.	Non-binding provisions leave special needs adaptations as an afterthought. Statutory timelines and ring-fenced funding guarantee equal rights to education and assessment under Article 54 of the Constitution of Kenya.

Clause 52 (page 1904): Savings and transitional provisions	Legislative Transition	Transitional provisions repealing the Kenya National Examinations Council (KNEC) Act and transferring assets, systems, and processes to KNEAC.	Legislative Sensitisation and Transition Timeline	Amend Clause 52 to include a statutory 36-month phased transition roadmap with mandatory bi-annual reporting to Parliament on institutional readiness, teacher capacity building, and system testing.	Abrupt repeal of KNEC without a legally binding, phased transition plan risks operational disruption, system failure, and public mistrust during the initial rollout of competency-based assessment certifications.
Whole bill alignment		Need to align with TSC, Sessional paper, KICD and other bills.			

4. The Pre-Service Education and In-Service Training Bill, 2026

Background and Context

The Pre-Service Education and In-Service Training in Basic Education Bill, 2026 (National Assembly Bill No. 52 of 27th July 2026, Kenya Gazette Supplement No. 198) is one of six education reform Bills currently before Parliament. Sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, the legislation provides a framework for pre-service education and in-service training of basic education. In particular, it proposes a statutory framework for the governance, coordination, quality assurance and delivery of pre-service teacher education and in-service training in basic education. It forms part of the broader education reform process informed by recommendations of the Presidential Working Party on Education Reform (PWPER) concerning teacher preparation, professional development and the wider governance of education and training.

A significant institutional change proposed by the Bill is the establishment of the Kenya Teachers Training College (KTTC) as a single body corporate, with the 32 public Teacher Training Colleges listed in the Bill's Fourth Schedule becoming campuses of the new institution upon commencement of the proposed law. The proposed arrangement would therefore move from separately managed public teacher training colleges to a single national institution operating through a network of campuses. The Bill also provides for a common framework for pre-service education and continuing professional development, including the use of programmes, curricula and curriculum support materials developed by the Kenya Institute of Curriculum Development (KICD). The Bill also establishes the Kenya School of Education (KSE) as a national institution responsible for coordinating and providing in-service education and training, professional development and related capacity-building for teachers and other education personnel.

From a Gender Equality, Disability and Social Inclusion (GEDSI) perspective, the proposed reforms are significant because teacher education directly influences the knowledge, attitudes, competencies and pedagogical practices that teachers bring into classrooms. The proposed restructuring of teacher training institutions also has potential implications for equitable access to teacher education, accessibility for trainees with disabilities, regional and socio-economic disparities, gender equality, student welfare and support services, and the experiences of trainees from marginalised and underserved communities. The consolidation of institutions therefore provides an important opportunity to examine whether the proposed governance, training, quality assurance and professional development framework is sufficiently responsive to diverse trainee and teacher needs. The GEDSI review therefore identifies key gaps and opportunities to strengthen, and proposes targeted recommendations for consideration.

Clause	Lens	Current provisions	Gaps	Proposed recommendations	Rationale
Foundational learning					
Clause 7 (page 1925): Curriculum for pre-service education; read together with Clause 6 (page 1925): Qualifications for admission; and the First Schedule (page 1943)	Foundational learning	Pre-service education follows curricula developed by KICD — a pure delegation, with no content standard set in the Bill itself. Establishes the institutional framework for pre-service teacher education and training. Clause 7 mandates that all pre-service teacher training shall be offered in accordance with programmes, curricula, and support materials developed by the Kenya Institute of Curriculum Development (KICD). Read alongside the First Schedule, it formalises a consolidated Diploma in Teacher Education (Pre-Primary and Primary).	No requirement that training builds competence in structured pedagogy or foundational-literacy /numeracy instruction. The Bill establishes the institutions, but with the wider six bills framework does not fully connect preparation to induction, assessment evidence, CPD and workforce data. The Bill merges pre-primary and primary teacher training into a single generalised diploma. It fails to mandate specialised, stand-alone coursework in Foundational Literacy and Numeracy (FLN) Pedagogy (e.g., phonemic awareness, decodable reading, multi-sensory maths teaching). Generalist training risks producing teachers who lack specialised early-grade reading and numeracy instruction techniques.	Could add a subsection on KICD-developed pre-service curricula building competence in structured pedagogy and foundational literacy/ numeracy instruction, including mother-tongue methodology for early grades. Could also create explicit statutory linkage between teacher preparation, induction, CPD, assessments, QA and teacher workforce planning. Amend Clause 7 to mandate that all diploma programmes for Pre-Primary and Primary Education contain compulsory, core specialisation credits in Early Grade FLN Pedagogy, requiring teacher trainees to pass practical oral reading and manipulative maths teaching assessments prior to graduation.	PWPER and session paper call for stronger teacher preparation, clearer standards and better transition practice. Adopt what PWPER and session paper recommended. Teaching a child to read and decode numbers requires distinct psychological and pedagogical tools compared to teaching upper primary subjects. Without specialised FLN units, new teachers enter early-grade classrooms ill-equipped to diagnose or resolve early reading deficits.

Clauses 9–10 (page 1925)	Foundational learning	Cabinet Secretary to establish in-service training frameworks for teachers and education managers, content unspecified.	No requirement for modules on structured pedagogy, diagnostic assessment of foundational learning, or remedial-instruction technique. The framework is provided in the bill but does not clearly specify a structured / continuous evidence-to-CPD feedback loop using assessment, QA and teacher performance data and who is responsible.	Consider having the frameworks include modules on structured pedagogy, diagnostic assessment of foundational learning, and remedial-instruction technique. Specify how TSC, KSE, KICD, KNEAC and School QA structures use evidence to identify CPD needs and design programmes. Consider having KEMI as the institution with the responsibility of coordinating In-Service programmes beyond school management as currently is.	Session paper policy statement 6.1 includes stronger teacher development measures; PWPER supports structured professional development that addresses structured pedagogy and foundational learning.
Clause 11 (page 1925): Operation of a teacher training college; and Clause 12 (page 1926): Registration of a teacher training college	Foundational Learning	Prohibits the operation of unregistered Teacher Training Colleges (TTCs) and empowers County Education Boards and the Kenya School of Education to regulate, inspect, and register TTCs.	Quality Assurance of Teacher Training Colleges (TTCs) in FLN Delivery - Registration criteria for TTCs focus heavily on physical facilities and general administration, omitting specialised instructional infrastructure for early childhood learning (such as functional early-learning resource centres, decodable reading labs, and maths manipulative kits).	Amend Clause 12 to require that any TTC seeking registration to train Pre-Primary and Primary teachers must possess an accredited FLN Learning & Resource Demonstration Centre equipped with early-grade teaching-learning materials.	Teacher trainees must practice with real early-grade teaching materials, manipulatives, and reading kits during their training. Regulating TTC infrastructure guarantees that teacher preparation is practical rather than purely theoretical.
Clause 8 (page 1925)	Foundational learning	KNEAC assesses and certifies trainee teachers, with no specified content requirement.	No practicum or diagnostic component demonstrating classroom-delivery capability.	Could add a practicum or diagnostic component to trainee assessment, demonstrating competence in teaching foundational literacy and numeracy.	
First Schedule (page 1943)	Foundational learning	Training tracks: primary, secondary, special-needs, technical.	No ECDE / pre-primary teacher-education qualification track.	Worth considering an ECDE / pre-primary teacher-education qualification track alongside the existing tracks.	
Gender equality, disability and social inclusion (GEDSI)					

Clause 2 (page 1922): Interpretation	GEDSI	Clause 2 provides the interpretation framework for the Bill but does not define key GEDSI concepts.	The Bill does not define gender equality, inclusive education, reasonable accommodation, universal design, persons with disabilities, marginalised groups, special needs education, safeguarding or gender-based violence. Without common definitions, GEDSI provisions across admission, curriculum, institutional standards and governance may be interpreted inconsistently.	Expand Clause 2 to define relevant GEDSI concepts, consistent with the Constitution, applicable education and disability legislation, and Kenya's international obligations.	A common statutory vocabulary provides the legal basis for consistent implementation, monitoring and accountability across the teacher-education system.
Clause 3 (page 1924): Object of the Bill	GEDSI	Clause 3 establishes the framework for pre-service education and in-service training in basic education.	The object does not expressly identify equality, equity, non-discrimination, equitable access, inclusion, accessibility or affirmative action as principles governing teacher education and training.	Strengthen Clause 3 to expressly recognise gender equality, non-discrimination, disability inclusion, accessibility, equitable access, reasonable accommodation and affirmative action as principles underpinning the implementation of the Act.	The object clause provides an important interpretive foundation for the legislation. Explicit GEDSI principles would guide subsequent provisions on admission, training, governance, standards and accountability.
Clause 6 (page 1925) and First Schedule (page 1943)	GEDSI	The First Schedule provides minimum qualifications for admission to pre-service teacher education. It includes an affirmative measure allowing applicants who are persons with disabilities to qualify with a KCSE mean grade of C-, subject to the conditions specified. It also provides for a Diploma in Special Needs Teacher Education.	The affirmative measure primarily addresses the academic entry threshold. It does not address accessible application processes, reasonable accommodation, financial barriers, under-representation of women in particular teaching fields, access for marginalised communities, flexible entry pathways or second-chance/re-entry opportunities.	Extend the admission framework to provide for accessible application and admission processes, reasonable accommodation, targeted financial support, alternative or flexible entry pathways, and appropriate measures to increase participation from marginalised and under-represented groups. Consider re-entry pathways for prospective teachers whose education has been interrupted by pregnancy, caregiving or other circumstances.	Admission equality requires more than adjusting an academic threshold. Multiple financial, institutional, social and accessibility barriers may affect who is able to enter and complete teacher education.

First Schedule (page 1943)	GEDSI	The Schedule recognises persons with disabilities through the lower admission threshold and recognises specialised preparation through the Diploma in Special Needs Teacher Education.	There is no corresponding comprehensive provision for reasonable accommodation throughout training, including application, instruction, assessment and certification.	Clarify that admission of trainees with disabilities is accompanied by reasonable accommodation and accessibility throughout the training and assessment cycle, including accessible information, assistive technologies, sign-language interpretation, Braille and other appropriate adjustments.	Admission without continuing accommodation may result in formal access without substantive participation or successful completion.
Clause 6 (page 1925) and First Schedule (page 1943)	GEDSI	Admission criteria are generally framed in academic terms and apply formally to applicants.	The Bill does not provide a mechanism for identifying or addressing potential gender-differentiated effects of admission requirements, including requirements linked to particular subject combinations or STEM-related attainment.	Require periodic review of admission patterns using sex-disaggregated and other relevant data to identify significant disparities and inform appropriate measures where under-representation is identified.	A formally neutral admission criterion may have different effects on groups with historically different patterns of participation and attainment. Monitoring allows evidence-based identification of such disparities without treating neutral academic requirements as inherently discriminatory.
Clause 7 (page 1925): Pre-service curriculum	GEDSI	Clause 7 provides for development and review of the pre-service teacher education curriculum through the relevant curriculum authority.	The Bill does not specify minimum GEDSI competencies or require the curriculum to prepare teachers for diverse learner needs.	Require pre-service teacher education to include inclusive and gender-responsive pedagogy, disability-inclusive education, universal design, reasonable accommodation, identification of barriers to learning, safeguarding, prevention and response to GBV, psychosocial support, culturally and linguistically responsive teaching, and approaches for learners experiencing poverty, displacement, pastoralism and other forms of marginalisation.	Teachers are a primary mechanism through which national commitments to inclusion are translated into classroom practice. GEDSI competencies should therefore be embedded in initial teacher preparation.

Clauses 9–10 (page 1925): In-service training and capacity building	GEDSI	Clauses 9 and 10 provide for capacity building of teachers and education managers.	GEDSI is not expressly identified as a required component of continuing professional development. There is no explicit requirement to address disability inclusion, gender-responsive pedagogy, safeguarding, GBV or context-specific inclusion challenges.	Require in-service training and professional development to include GEDSI competencies, including inclusive pedagogy, disability inclusion, safeguarding, GBV prevention and response, psychosocial support and context-responsive approaches.	Pre-service preparation alone cannot address changing learner needs, curriculum reforms, safeguarding requirements and evolving approaches to gender equality and disability inclusion.
Clause 32 (page 1933): Kenya School of Education	GEDSI	Clause 32 establishes functions of the Kenya School of Education, providing an institutional entry point for teacher and education-manager development.	GEDSI is not explicitly integrated into the functions or professional-development mandate.	Include gender equality, disability inclusion, inclusive education, safeguarding, non-discrimination and social inclusion among the areas to be incorporated into professional development and capacity building.	The Kenya School of Education provides a strategic mechanism for ensuring that GEDSI reaches the existing education workforce, not only newly trained teachers.
Clauses 11–15 (page 1925): Registration and institutional standards	GEDSI	Clauses 11–15 establish registration and regulatory requirements for teacher-training colleges, including requirements relating to staff, premises, facilities and infrastructure.	Accessibility and reasonable accommodation are not expressly established as conditions of registration. The framework does not clearly require accessible buildings, sanitation, accommodation, information, communication, assistive technologies or learning materials.	Make physical, communication and programmatic accessibility, reasonable accommodation and non-discrimination explicit requirements for registration and continued compliance of teacher-training institutions. Include accessible facilities, sanitation, accommodation, learning materials and assistive technologies.	Institutional registration provides a practical regulatory mechanism for ensuring that inclusion is built into the physical and educational environment rather than addressed after institutions are established.
Clauses 11–15 (page 1925)	GEDSI	The registration framework provides an opportunity to establish standards for teacher-training institutions.	There is no explicit requirement for institutional mechanisms addressing discrimination, harassment, sexual exploitation and abuse, or safe learning environments.	Incorporate safeguarding, prevention of sexual harassment, GBV prevention and response, protection from sexual exploitation and abuse, reporting and grievance mechanisms into institutional registration and quality standards.	Teacher-training institutions may include residential and other environments where power imbalances can create protection risks. Safeguarding should therefore form part of institutional quality assurance.

Clause 8 (page 1925): Assessment and certification provisions	GEDSI	The Bill establishes the broader framework for pre-service teacher education and training but does not clearly specify reasonable accommodation in assessment, examinations and certification.	Trainees with disabilities may face barriers during assessment if accessible formats, assistive technologies, additional time or interpretation are not formally recognised.	Include explicit provision for reasonable accommodation in assessment, examinations and certification, based on individual need and applicable standards.	Inclusive education must extend across the entire learner journey. Admission without accessible assessment can still result in exclusion from successful completion and certification.
Clause 18 (page 1927): Board of Kenya Teachers Training College	GEDSI	Clause 18 establishes the governance framework for the Kenya Teachers Training College.	The provision does not expressly safeguard gender-balanced representation, disability inclusion or representation of marginalised groups.	Require Board composition to comply with relevant constitutional requirements on gender representation, disability representation and diversity, while ensuring access to GEDSI expertise and lived experience.	Governance decisions will shape the structure and delivery of teacher education. Representation should therefore encompass both numerical compliance and substantive expertise.
Clause 18(1)(h) (page 1928)	GEDSI	The provision includes three non-public-officer positions on the Board.	The Bill does not specify how these positions should contribute to broader social inclusion or representation of groups affected by teacher-education policy.	Consider using the non-public-officer positions to secure appropriate representation of persons with disabilities, marginalised communities and relevant GEDSI expertise, while retaining applicable constitutional requirements.	The existing governance structure provides an opportunity to strengthen representation without necessarily creating additional institutional structures.
Clause 33 (page 1933): Kenya School of Education governance	GEDSI	Clause 33 provides for governance arrangements for the Kenya School of Education.	The provision does not expressly address gender balance, disability inclusion or meaningful representation of marginalised groups.	Apply explicit gender, disability and social inclusion requirements to the composition and appointment of the governing body, consistent with constitutional provisions.	Governance arrangements should reflect the diversity of the education workforce and the communities served by the education system.
Clause 18 (page 1927) and Clause 33 (page 1933): Board eligibility requirements	GEDSI	Board eligibility is based substantially on specified experience and qualification requirements.	Apparently neutral experience requirements may have differential effects on individuals whose professional trajectories have been affected by caregiving responsibilities, disability-related barriers or other structural constraints.	Review eligibility requirements through an equity lens and ensure that selection criteria do not unnecessarily exclude otherwise qualified candidates because of structural barriers in career progression.	Formal equality in eligibility criteria may not always produce equitable access to institutional leadership.

Clauses 43–46 (page 1938): Financial provisions	GEDSI	Clauses 43–46 provide for sources of funds, financial management and annual estimates.	There are no explicit requirements for funding accessibility, scholarships, bursaries, assistive technologies, GEDSI-specific capacity building, research or gender-responsive budgeting.	Require annual estimates and financial planning to identify GEDSI-related resource requirements, including accessibility modifications, assistive technologies, targeted financial support and relevant capacity building.	GEDSI commitments cannot be implemented effectively without corresponding resources. Linking financial planning to inclusion priorities makes commitments more operational and accountable.
Clause 46 (page 1939): Annual estimates and reporting	GEDSI	Clause 46 provides an opportunity to link annual estimates and reporting to institutional priorities.	The Bill does not explicitly require reporting on resources allocated to GEDSI or on expenditure related to accessibility and inclusion.	Require relevant financial reporting to identify GEDSI-related allocations and expenditure, including resources for accessibility, reasonable accommodation and targeted inclusion measures.	Financial reporting provides an additional accountability mechanism for determining whether statutory inclusion commitments are adequately resourced.
Whole Bill / monitoring and reporting provisions	GEDSI	The Bill establishes a national framework for pre-service and in-service teacher education and training.	There are no explicit requirements for collection, analysis and reporting of data disaggregated by sex, disability, age, county, socio-economic status or marginalised-group status, and no clear GEDSI indicators or annual reporting requirements.	Require collection and analysis of appropriately disaggregated data on admission, participation, completion, certification, deployment and professional development, and periodic reporting on identified GEDSI disparities and corrective measures.	Without disaggregated evidence, it will be difficult to determine whether teacher education reforms are producing equitable outcomes or whether particular groups continue to face barriers.
Whole Bill / institutional policies	GEDSI	The Bill establishes teacher-training institutions and their governance and training functions.	There are no dedicated provisions requiring institutional policies on sexual harassment, GBV, safeguarding, protection from sexual exploitation and abuse, safe reporting or referral mechanisms.	Require teacher-training institutions to establish and implement safeguarding, anti-sexual harassment and GBV prevention and response mechanisms, including confidential reporting, referral, protection against retaliation and appropriate disciplinary procedures.	Teacher-training institutions may involve residential settings and unequal power relationships between trainees, staff and institutional authorities. Explicit institutional responsibilities strengthen prevention and response.
Whole Bill / institutional standards	GEDSI	The Bill establishes a national framework applicable to teacher education and training institutions.	It does not expressly address the specific circumstances of ASAL areas, refugee-hosting communities, minority and indigenous communities or nomadic pastoralist populations.	Provide for context-responsive teacher preparation and professional development, including flexible training approaches, appropriate language and cultural responsiveness, and targeted recruitment and preparation of	A uniform national teacher-training framework may not adequately respond to significantly different geographical, linguistic, socio-economic and cultural contexts.

				teachers from underserved communities.	
Whole Bill / recruitment and training provisions	GEDSI	The Bill provides the overall framework for pre-service and in-service teacher education.	There are no explicit measures for targeted recruitment and preparation of teachers from marginalised or hard-to-reach communities to serve their own communities.	Consider targeted and context-sensitive measures to increase recruitment and preparation of qualified teacher candidates from underserved communities, consistent with applicable affirmative-action principles.	Recruiting teachers from local communities can strengthen contextual responsiveness and help address teacher shortages in underserved areas, subject to appropriate professional standards.
Whole Bill / language and cultural responsiveness	GEDSI	Teacher education curriculum is to be developed through the relevant curriculum framework.	The Bill does not expressly require teachers to be prepared to respond to linguistic diversity, indigenous and local knowledge or culturally diverse learning contexts, including early-years language needs.	Require teacher preparation to include culturally and linguistically responsive pedagogy, including appropriate preparation for teaching in diverse language and cultural contexts.	Teachers require specific competencies to translate inclusive education principles into classrooms where learners have different linguistic, cultural and social backgrounds.
Clauses 50 and 52 (page 1940) and transitional schedules	GEDSI	The Bill provides for the transition and integration of existing teacher-training colleges into the Kenya Teachers Training College structure.	The transition provisions do not expressly require assessment of the differential effects of institutional consolidation on trainees, staff, persons with disabilities, women or marginalised communities.	Require a GEDSI and accessibility assessment as part of the transition process, covering physical accessibility, reasonable accommodation, gender-responsive facilities, safeguarding, support services, representation and access for marginalised communities.	Institutional restructuring can unintentionally disrupt access, services or existing inclusion measures. A transition assessment would identify and address such risks before or during consolidation.

Clauses 50 and 52 (page 1940) and relevant transitional schedules	GEDSI	Existing teacher-training colleges are to be integrated into the new institutional framework, with the listed colleges becoming campuses of the Kenya Teachers Training College.	There is no explicit requirement to maintain continuity of reasonable accommodation, accessibility, safeguarding, trainee support or other inclusion measures during the transition.	Require continuity of reasonable accommodation, accessibility, safeguarding and student support services during institutional transition, with clear responsibility for maintaining these measures across campuses. Establish teacher training colleges in every county to ensure access and equity.	Consolidation should not result in loss of existing support or create new barriers for trainees and staff who depend on accessible facilities and services.
Clause 48 (page 1940): Regulation-making powers	GEDSI	Clause 48 provides regulation-making powers that could be used to operationalise provisions of the Act.	The Bill does not explicitly identify GEDSI-related standards that should be addressed through regulations.	Use the regulation-making power to establish detailed standards on accessibility, reasonable accommodation, safeguarding, non-discrimination, inclusive facilities, accessible learning materials, assessment accommodation and GEDSI data and reporting.	Regulations provide the flexibility to translate broad statutory principles into technical and enforceable institutional standards without overloading the primary legislation.
Whole Bill / cross-bill implementation	GEDSI	The Bill creates the framework for teacher preparation and professional development alongside other concurrent education reforms.	There is a risk that inclusion provisions introduced elsewhere in the education system may not be reflected in teacher competencies and professional development.	Include a cross-reference or implementation requirement ensuring that teacher preparation and in-service training equip teachers to implement inclusive education, disability, assessment, pastoralist, faith-based, refugee and other context-responsive provisions emerging from related education reforms.	Teacher education should be aligned with the broader education system. Reforms affecting learners need to be reflected in the competencies expected of teachers.
Whole Bill	GEDSI	The Bill establishes institutional structures for teacher education and training but does not create a specific GEDSI implementation and accountability mechanism.	There is no requirement for a measurable GEDSI implementation plan setting out targets, responsibilities, timelines, resources and reporting arrangements.	Require the Cabinet Secretary to develop and submit to Parliament a GEDSI Implementation Plan with measurable targets, timelines, responsible institutions, budget allocations and accountability mechanisms, with annual reporting on implementation.	A dedicated implementation mechanism would translate broad equality and inclusion commitments into measurable institutional action and allow Parliament to exercise oversight.
Teacher workforce and quality assurance					

Clause 25 (page 1931) and Clause 40 (page 1937)	Workforce / QA	Tutor staffing at both new bodies is left entirely to Board discretion.	No qualification, competency or CPD standard for the tutors and trainers themselves — in contrast to the detailed CEO qualification standard (Clauses 24, 39).	Establish a national Teacher Educator Standards Framework for KTTC and KSE, setting minimum standards for tutors and teacher educators on: - academic and professional qualifications, including a relevant education degree; - classroom teaching experience; - competence and performance in pedagogy (including structured pedagogy), assessment and supervision of teaching practice; - training in CBC/CBTE and emerging areas such as ICT integration; - mandatory induction and continuous professional development (CPD); and - periodic review and accreditation. Recruitment and deployment should follow these standards rather than being left to Board discretion.	
Whole Bill	Workforce	The KSE mandate provides for in-service programmes and CPD but does not sufficiently specify coaching, mentorship, instructional leadership development and school-based professional learning as core approaches to teacher development. This risks maintaining a workshop-based model of professional development rather than continuous support embedded in classroom practice.	The KSE mandate focuses on providing need-based in-service training and CPD but does not explicitly provide for continuous school-based coaching, mentorship, peer-led Professional Learning Communities (PLCs), or instructional leadership development. There is also no clear requirement for Hols and principals to serve as instructional coaches and mentors for teachers. This may perpetuate a training model centred on periodic workshops rather than sustained professional support and improvement of classroom practice.	Explicitly include teacher coaching and mentorship, instructional leadership development, school-based professional learning and peer-led Professional Learning Communities (PLCs) among the core functions of KSE. KSE should develop standards, tools and programmes that enable Heads of Institutions (Hols), deputies and senior teachers to become effective instructional coaches and mentors of their teachers.	The PWPER identified weaknesses in teacher preparation and the capacity of institutions to support effective teaching, while the 2024 Sessional Paper places teacher professional development within the broader teacher-management and quality-of-education framework.

Clauses 9–10 (page 1925) and Clause 32(a)–(c) (page 1933)	Workforce / QA	TSC holds board seats on both bodies; “consultation” / “collaboration” is required on in-service frameworks.	No lead-agency or dispute-resolution mechanism between the School’s new in-service mandate and TSC’s own existing in-service role under the TSC Act.	Might be worth a clause clarifying the division of responsibility — a joint annual work-plan, or lead-agency designation by activity type.	
Part IV (page 1925) / Clause 15 (page 1926)	Workforce / QA	County education boards run a one-time registration and review process for teacher-training colleges, with appeal to the Education Appeals Tribunal.	No continuing supervision or inspection mechanism after initial registration.	Could add a continuing supervision and inspection mechanism for registered colleges and College/School campuses — periodic QA visits, minimum staffing norms, reporting duties.	
Clause 2 (page 1923) / Clause 10 (page 1925)	Workforce / QA (framing)	“Education manager” is defined broadly (board, BOM and PTA members); the College and School track PWPER’s KeTTC/KeSTEM concept in substance.	The correspondence to KeTTC/KeSTEM is never stated explicitly; QASOs and curriculum support officers are not named as an in-service training constituency.	Consider explicitly naming the College’s and School’s relationship to PWPER’s KeTTC/KeSTEM recommendations, and whether QASOs and curriculum support officers should be named alongside “education managers.”	
Whole Bill	Workforce and Equity	The Bill establishes KTTC and KSE with pre-service and in-service training mandates but does not clearly state how the funding will look.	There is no mention of how teachers will be admitted into KTTC and if they are eligible for an education loan.	Clarify eligibility for teacher trainees and incorporate needs-based scholarships / grants or a clearly defined funding model to achieve access and equity.	PWPER recommendation 11(c) proposes a coordinated tertiary placement and funding structure, the session paper supports needs-based scholarships and grants.
Data use					

Clause 17(b) (page 1927) and Clause 32(g) (page 1933)	Data use	The College and School each have a “research and consultancy” function.	Neither creates a data system, sharing duty, interoperability requirement, or transparency obligation — this lens has essentially no other relevant provisions in the Bill.	Could be expanded into an explicit evidence-and-data mandate: maintain and share data on trainee outcomes and training reach with KEMIS and the Ministry, publish periodic public reports, and link KNEAC assessment data and research findings back into curriculum revision and in-service framework design. Link teacher training institutions to a national teacher / workforce information system and specify data-sharing and interoperability responsibilities. KEMI as the coordinating agency of in-service training to be made more accountable.	The session paper includes a teacher and school data management dashboard for monitoring deployment, gaps and equity. This would support evidence generation for teacher preparation and in-service training.
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5. The Kenya National Qualifications Framework (Amendment) Bill, 2026

Background and Context

The Kenya National Qualifications Framework (Amendment) Bill, 2026 (National Assembly Bill No. 53 of 2026) is being considered as part of the wider package of six education reform Bills currently undergoing public participation in Kenya. The Bill seeks to amend the Kenya National Qualifications Framework Act, 2014 and strengthen the statutory framework governing the development, recognition, registration, management and verification of qualifications in Kenya. Among its principal proposals are the formal registration of qualification-awarding institutions, requirements governing the award of national qualifications, and the establishment and maintenance of a National Qualifications Database (NQD). The proposed amendments are intended to strengthen the integrity, traceability, recognition and portability of qualifications and to provide a clearer regulatory framework for institutions operating within the national qualifications system.

The proposed reforms build on the existing mandate of the Kenya National Qualifications Authority (KNQA), which is responsible for coordinating and supervising the development of national qualifications policies and standards, maintaining information on national qualifications, defining qualification levels, supporting credit transfer and mobility, and facilitating the recognition and harmonisation of national and foreign qualifications. The Kenya National Qualifications Framework (KNQF) is designed to encompass formal, non-formal and informal learning and to promote access, equity, quality, relevance, flexibility and mobility across education, training and employment pathways.

Against this background, the purpose of this Gender Equality, Disability and Social Inclusion (GEDSI) review is to examine whether the proposed regulatory framework promotes equitable recognition of learning and qualifications, accessibility of registration and verification systems, reasonable accommodation for persons with disabilities, protection of personal data, affordability and digital inclusion, recognition of prior and non-formal learning, and meaningful access to progression and employment opportunities. The review also examines whether institutional responsibilities are sufficiently clear and whether the proposed framework contains adequate safeguards to prevent regulatory and compliance requirements from disproportionately disadvantaging smaller institutions, learners from marginalised communities, persons with disabilities, or groups with limited access to digital and administrative services.

Clause	Lens	Current provisions	Gaps	Proposed recommendations	Rationale
Foundational learning					
Clause 9 (page 1953): repeals Basic Education Act section 68 (current text at pages 1959–1960)	Foundational learning	Repeals, as “consequential,” the Principal Secretary’s express oversight role for how the Framework applies to basic education, folding NQF governance for basic education into the Authority under new s.18A.	No equivalent basic-education or foundational-learning consultation requirement is inserted in its place; risk of confusion with the new Basic Education Bill’s own, differently-scoped clause 68.	Before finalising, worth considering a savings or cross-reference provision confirming MoE input into the Authority’s work is retained, and stating explicitly that the repeal targets section 68 of the outgoing Basic Education Act, Cap. 211 — not the new Bill’s own, differently-scoped clause 68 — to avoid ambiguity if the two bills are enacted out of sequence.	
Clause 6 (page 1952): inserting section 18B; and Clause 9 (page 1953): repealing section 68 of Cap. 211	Foundational Learning	Inserts Section 18B, prohibiting any institution from issuing a national qualification unless formally registered by KNQA. Imposes fines up to KSh 500,000 or imprisonment for non-registered award bodies. Repeals Section 68 of the Basic Education Act to centralise quality framework powers under KNQA.	While regulating assessment bodies (like the new Kenya National Educational Assessments Council - KNEAC), the clause fails to mandate specific quality assurance metrics for bodies assessing early-grade foundational skills. It evaluates institutional capacity on general parameters rather than specialised FLN diagnostic testing standards (e.g., oral reading fluency instruments, localised manipulative maths tools).	Insert a provision in Section 18B requiring any qualification-awarding body operating in the basic education sector to demonstrate accredited capacity in early-grade diagnostic assessment methodology (EGRA/EGMA-aligned standardisation) as a prerequisite for registration.	Assessing early-grade foundational skills requires completely different tools and methodologies (oral observation, formative practicals) compared to upper-level written examinations. Mandating FLN-specific quality standards prevents awarding bodies from relying on standardised written tests that mismeasure early learning.

Clause 4 (page 1951): amending section 8 - Functions of the Authority	Foundational Learning	Section 8 grants KNQA the power to approve, align, and harmonise national qualifications across general, TVET, and professional education sectors.	Alignment with Teacher Qualifications Framework (Pre-Service FLN Training) - The Bill does not link the basic education qualification level (KNQF Level 1) with the teacher qualification level (KNQF Level 6/7 for Diploma/Degree in Early Childhood & Primary Education). It fails to require pre-service teacher training qualifications to contain mandatory, standardised units on teaching foundational reading and maths.	Amend Clause 4 to mandate KNQA to establish a Cross-Framework Alignment Rule, specifying that teacher-training qualifications (Level 6+) in Early Childhood and Primary Education must contain compulsory, accredited modules on Pedagogy of Foundational Literacy and Numeracy to be registered on the Framework.	A qualifications framework must ensure that educators possess the exact skills required to deliver lower-level learning outcomes. Mandating FLN pedagogical units in teacher qualification descriptors directly bridges the gap between teacher training standards and early-grade classroom performance.
Clause 4 (page 1951): amends section 8 (current text at pages 1956–1957); and Clause 6 (page 1951): new section 18A	Foundational learning	Authority's functions include setting standards and benchmarks for qualifications and competencies — unchanged in substance by this Bill. Amends Section 8 and Section 18A (Part IIA) of Cap. 214, making the KNQF binding on all qualification awarding institutions. It mandates KNQA to formulate level descriptors ranging from basic/primary education (KNQF Level 1) up to doctorate degrees (KNQF Level 10). Inserts Section 18C requiring KNQA to maintain, update, and publicise a central qualifications database,	No requirement to consult the State Department of Basic Education or its QAS Directorate on early-grade or foundational-level competencies. The Bill treats KNQF Level 1 as an administrative "school leaving stage" or "primary level completion certificate" rather than setting statutory micro-benchmarks for foundational literacy and numeracy. Lacking specific entry-level competency indicators, KNQA's framework accepts time-bound completion rather than verified reading and mathematical fluency. Recognition of Non-Formal, Adult, and Early-Grade Remedial Learning (RPL) - The database provisions emphasise formal certificates awarded by	Could add a function for the Authority to consult the State Department of Basic Education and its QAS Directorate when registering qualifications touching foundational-level competencies. The Authority to conduct consultation with other departments during the development of qualification benchmarks, not during the implementation. This to be made explicit in the functions of the authority. Amend Clause 5 (Section 18A) to mandate that KNQF Level 1 qualifications must explicitly incorporate a sub-framework for Early Learning / Key Stage 1, requiring candidates/learners to pass verified foundational reading fluency (words per minute with comprehension) and basic	The benchmarks are to ensure that certification is credible and meets the required standards, not merely watered down by divergent opinions from consultations during the accreditation process. A national qualifications framework is only as strong as its foundation. If Level 1 does not legally mandate functional literacy and numeracy as a prerequisite, the framework awards "qualifications" to learners suffering from learning poverty, compromising the integrity of all subsequent KNQF levels (Level 2 TVET/Vocational, Level 3, etc.). Thousands of vulnerable or displaced early-grade learners acquire literacy and numeracy

		including foreign and domestic recognised learning pathways.	accredited assessment bodies within 90 days. It completely omits Recognition of Prior Learning (RPL) pathways for out-of-school children, over-age early-grade learners, or informal community-based literacy/numeracy programmes that impart FLN outside traditional primary schools.	arithmetic operations before earning Level 1 credits. Expand Section 18C to require KNQA to create a dedicated FLN Equivalency & Micro-Credential Register within the national database, allowing informal, accelerated learning programmes (ALPs) and adult/continuing education centres to register basic reading and numeracy micro-credentials.	through non-formal community programmes. Providing statutory recognition for FLN micro-credentials under KNQF enables seamless re-entry into formal primary or vocational education tracks.
Gender equality, disability and social inclusion (GEDSI)					
Clause 6 (page 1952): new section 18C (Establishment of the database)	GEDSI	The Authority "shall establish, maintain, update and publicise a database of national qualifications" and include harmonised foreign qualifications in it.	No provision on offline/alternative access channels, connectivity requirements, or accessibility standards (e.g., WCAG) for the database. Silent on how rural, marginalised, or nomadic populations verify credentials without internet access. No explicit mention of inclusivity or of the database being equitably accessible to all.	Amend s.18C to require the database to meet recognised web-accessibility standards and to mandate an alternative (offline/USSD/physical verification desk) channel for areas with low connectivity. The data base must be equitably accessible to all	A purely digital, centralised database risks locking out exactly the populations the qualifications system is meant to serve, undermining the Bill's stated goal of a trusted national system. To ensure no institution is left out on the basis of regional inequalities

Clause 6 (page 1952): new section 18C(1)–(2)	GEDSI	Database covers "national qualifications" and harmonised foreign qualifications; no reference to Special Needs Education (SNE) certifications or alternative assessment frameworks.	No explicit recognition pathway for SNE certifications or alternative/modified assessment outcomes within the database or registration scheme. The awarding institution as defined in the Bill is wider in scope with no specific pathways	Insert a clause requiring the Authority to map and register SNE certification pathways and alternative assessment frameworks alongside mainstream qualifications. The Bill could highlight or specify the various pathways	Without explicit inclusion, PWD learners assessed through alternative frameworks risk having no formal "national qualification" to register, excluding them from the very system meant to standardise recognition. The pathways will give recognition to the entities such as NITA
Clause 6 (page 1952): new section 18B (Registration of qualification awarding institutions)	GEDSI	An institution "shall not award a national qualification unless" it is registered under the Act; non-compliance is a criminal offence (six months' imprisonment or a KES 500,000 fine, or both).	The clause formalises the awarding side but says nothing about recognising informal or prior learning acquired outside registered institutions — e.g., jua kali apprenticeships, traditional skills transfer, which disproportionately serve women and marginalised youth.	Embed a statutory RPL mechanism (cross-referenced to Kenya's existing RPL policy) into s.18B or as a new sub-clause, allowing informal skills and prior learning to be assessed and mapped onto the Framework rather than requiring award only through registered institutions.	Without an RPL bridge, the criminal penalty in s.18B(2) effectively criminalises or delegitimises informal skills transfer that a large share of women and informal-sector workers rely on, widening rather than closing the equity gap. The need to reference the Recognition of Prior Learning Policy explicitly in the draft Bill to ensure its implementation.

Clause 3 (page 1951): repeal of section 5 — Award of national qualification	GEDSI	Repeals the existing s.5 route that allowed institutions to award qualifications if "recognised or accredited" under the Act or as a university under the Universities Act.	Repeal removes the only existing textual "recognition" pathway without the Bill substituting an explicit alternative recognition or RPL route in its place (registration under s.18B is narrower — institution-based, not learner/prior-learning based).	Before repealing s.5 outright, retain or replicate a "recognition" limb (or an RPL-based recognition route) so that non-institutional or modular pathways to qualification are not lost entirely. Explicitly mention RPL in the Bill Introduce the role of NITA in assessing and certification of RPL Recognising RPL in section 18B will take care of this concern as long as the assessments are done by an accredited and registered institution under the Act.	Repealing the sole recognition clause without a replacement risks narrowing, not widening, the range of legitimate ways a person's competence can be recognised. To ensure the RPL is anchored in law To provide motivation for skilled workforce to see the value of enrolling for certification
Clause 5 (page 1951): new section 13(3)(ca) (Director-General as registrar) and existing section 10 (Council, unamended by this Bill)	GEDSI	Clause 5 adds "registrar of qualifications awarding institutions" to the Director-General's functions; the Bill does not touch the Council's composition under s.10.	No provision — in this Bill or the principal Act as amended — mandating seats for PWD representatives or gender-equality bodies on the Council that oversees the Authority, including the new registration and database functions. No explicit composition of the council as presented in Section 13 of CAP 211	Introduce an amendment to s.10 (Council composition), even though not currently opened by this Bill, to include mandated representation for PWDs and gender-equality bodies, given the Council's new oversight role over registration and the database. Have the composition of the council and their roles after the appointment of Director General.	Institutionalised representation in governance is what makes the GEDSI safeguards above (RPL, accessibility, disaggregated data) durable rather than discretionary.

Clause 6 (page 1952): new section 18D (Notification of Authority of issuance of award)	GEDSI	Requires every qualification awarding institution to notify the Authority within 90 days of issuing a national qualification, "in the prescribed manner."	"Prescribed manner" is left to future regulations (Clause 7 amends s.29 to allow fee-setting) with no statutory ceiling, waiver, or subsidy for low-income or informal providers/learners.	Amend s.29 (as amended by Clause 7) to explicitly empower the Cabinet Secretary to prescribe subsidised or waived fees for verification/registration by low-income, rural, or marginalised applicants and institutions.	Fee-based verification without a subsidy safeguard risks financially excluding exactly the jua kali artisans and low-income youth the RPL opportunity is meant to reach.
Clause 6 (page 1952): new section 18C(1), read with Clause 7 (page 1952): section 29 regulations	GEDSI	Database requirement is generic ("a database of national qualifications"); regulation-making power in amended s.29 covers fees, accreditation manner, staff responsibilities, and "any other matter prescribed" — broad enough to cover data fields but not mandated to.	No requirement that the database or its reporting disaggregate by gender, geography, or disability status.	Add a sub-clause to s.18C (or under s.29(2)) mandating that the database capture and report gender-, geography-, and disability-disaggregated data on registrations and qualifications awarded.	Without disaggregated data, the state cannot monitor whether marginalised groups are actually accessing the framework, undermining evidence-based policy correction.
Teacher workforce and quality assurance					
Clause 4 (page 1951): amends section 8; and Clause 6 (page 1952): new section 18B	Workforce / QA	Director-General becomes "registrar of qualifications awarding institutions"; new s.18B creates a registration requirement and offence for unregistered institutions.	No coordination clause with TSC even though the registration mandate could extend to teacher-training qualification-awarding institutions; no reference to KeSTEM or KeTTC. The broader definition of awarding institutions in the Bill simply means any awarding institution that has been accredited/registered under the council which may include TTCs.	Worth considering a function for the Authority to coordinate with TSC — and, once established, KeSTEM/KeTTC — when registering teacher-training qualification-awarding institutions.	

Clause 6 (page 1952): new section 18E	Workforce / QA + Data use	Enables Government-agency and stakeholder access to the qualifications database, “in accordance with the Data Protection Act and the Access to Information Act.”	TSC is not named explicitly among agencies entitled to access, despite teacher qualifications and TSC records being a natural downstream use.	Could name TSC explicitly among the “Government agencies” entitled to structured access under section 18E. Clause 18E broadly anticipated that government agencies and stakeholders can access data in accordance with Data protection Act and Access to Information Act	
Data use					
Clause 6 (page 1952): new section 18E	Data use	“Enable access” language — a permissive access gateway.	No explicit interoperability mandate with KEMIS or other MoE education data systems.	Consider strengthening into an explicit interoperability mandate — the database being interoperable with KEMIS and other designated government education data systems, not only accessible on request.	This will enhance verification of certifications and reduce bureaucracy.
Clause 6 (page 1952): new section 18D	Data use	Mandatory 90-day notification duty on every qualification-awarding institution to report awards to the Authority.	No unique learner or candidate identifier requirement — qualification records cannot be reliably linked to an individual’s broader education history in KEMIS.	Could the prescribed notification format include a unique learner or candidate identifier aligned to the national learner UPI, so records can be linked to KEMIS and, per PWPER, birth-registration data.	This will be addressed through Interoperability and linked to KEMIS.
Clause 7 (page 1952): amends section 29(2)	Data use	Adds regulation-making power covering registration of QAIs, establishment of the Framework, and establishment of the database.	Regulations are not yet directed to address data standards, interoperability protocols or sharing timelines.	Worth directing that the regulations already contemplated specifically address data standards, interoperability protocols and sharing timelines with KEMIS and other MoE systems.	

Clause 6 (page 1952): new section 18C (read with existing section 8(h), page 1957)	Data use	Authority “shall establish, maintain, update and publicise” a database of national qualifications; existing s.8(h) already requires an annual report on the status of qualifications.	“Publicise” is undefined — unclear whether it is tied to any specific open-data publication standard.	Might be worth defining “publicise” or tying it to a specific open-data publication standard, so the database duty and the existing annual-report duty reinforce rather than duplicate each other.	
Clause 6 (page 1951)	Data use	There are conflicting timelines.	No clear statutory framework	Clear defined timelines between KNEC and KNQA. Aligning definitions on assessments especially on accreditation across all the Bills.	To facilitate clear transition process.

6. The Kenya Institute of Curriculum Development (Amendment) Bill, 2026

Background and Context

The Kenya Institute of Curriculum Development (Amendment) Bill, 2026 was published as National Assembly Bill No. 54 of 2026 in Kenya Gazette Supplement No. 200 and is dated 24 July 2026. The Bill proposes amendments to the Kenya Institute of Curriculum Development Act, Cap. 211A, with the stated aim of streamlining the Institute's operations and refining its mandate, particularly in relation to basic education and teacher education and training.

This document provides a Gender, Equity and Social Inclusion (GEDSI) review of the Bill to support the Parliamentary team in its consideration of the proposed amendments. It highlights key gender, equity and social inclusion issues and gaps, identifies opportunities for mainstreaming GEDSI within the proposed legal and institutional framework, and sets out specific recommendations for strengthening the Bill before approval, with the aim of ensuring that KICD's mandate, governance and curriculum functions are responsive to the diverse needs and circumstances of all learners.

Clause	Lens	Current provisions	Gaps	Proposed recommendations	Rationale
Foundational learning					
Clause 9 (page 1964): new section 17	Foundational learning	Current s.17(1) mandates a standing research, monitoring and evaluation panel; clause 9 repeals and replaces it with a purely discretionary power for the Council to “set up such committees and panels as may be required.”	Removes the Act’s only standing curriculum-quality review mechanism, with no replacement mandate specific to ECDE, pre-primary or lower-primary levels.	Worth considering whether to retain a mandatory — rather than purely discretionary — research, monitoring and evaluation function, with a mandate to review curriculum implementation and outcomes for ECDE, pre-primary and lower-primary levels, closing the loop with KNEAC diagnostic data.	

Clause 4 (page 1961): amends section 4 of Cap 211A; and Clause 2 (page 1961): Interpretation	Foundational Learning	Lack of Statutory Priority and Definition for FLN	The Bill outlines KICD's broad mandate to develop curricula for basic education, pre-primary, and teacher training, but fails to define or prioritise Foundational Literacy and Numeracy (FLN) as a mandatory, core statutory objective. The draft treats all basic education levels uniformly without establishing early-grade reading and arithmetic as statutory benchmarks.	Amend Clause 4 (Section 4) to add an explicit function: "Ensure that curriculum design, scope, and sequence for Early Years Education (Pre-Primary 1 to Grade 3) prioritise the acquisition of age-appropriate Foundational Literacy, Numeracy, and critical thinking skills as non-negotiable prerequisite competencies."	Global and national learning loss data demonstrate that children who do not master basic reading and arithmetic by Grade 3 struggle to learn in Grade 4 and beyond. Elevating FLN to a statutory duty obligates KICD to prioritise early-grade learning outcomes in resource allocation and curriculum design.
Clauses 4(a) and 4(d) (page 1961): amend section 4 of Cap 211A	Foundational Learning	Failure to Standardise Language of Instruction and Mother-Tongue Learning Materials	The Bill charges KICD with approving and vetting instructional materials, but remains silent on the legal requirement to produce, standardise, and supply indigenous language and mother-tongue instructional resources for early-grade literacy instruction.	Insert a new sub-clause in Section 4: "Develop and approve standardised, phonics-based instructional and supplementary reading materials in Mother Tongue (Language of the Immediate Catchment Area) and Kiswahili for Pre-Primary through Grade 3."	CBE policy mandates local language instruction in early grades to build literacy foundations. Without a statutory requirement binding KICD to develop and approve mother-tongue phonics resources, early-years classrooms remain under-resourced in native-language reading materials.
Clause 4(d) (page 1962): amends section 4(h) of Cap 211A	Foundational Learning	Missing Statutory Framework for Structured Pedagogy & FLN Teacher Guidelines	Clause 4(h) empowers KICD to collaborate on curriculum support for teacher development, but does not bind KICD to supply structured teacher guides and systematic synthetic phonics schedules specifically for FLN educators.	Amend Clause 4(h) to include: "Provide standardised, evidence-based structured pedagogy materials—including structured teacher guides and formative assessment toolkits—specifically designed for early-grade literacy and numeracy instruction."	Evidence from large-scale early-grade reading programmes (such as Tusome) demonstrates that structured pedagogical guides are essential for teacher delivery and consistent FLN learning outcomes across diverse socio-economic regions.

Clause 4 (page 1961): Functions of the Institute	Foundational Learning	Absence of Early Grade Assessment & Remedial Frameworks	The Bill grants KICD authority to conduct educational research and review curricula, but contains no provision mandating diagnostic and formative FLN assessment tools or targeted remedial curriculum packages for children who fall behind in lower primary.	Insert a new subsection under Clause 4: "Design and embed continuous, formative Early Grade Reading Assessments (EGRA) and Early Grade Mathematics Assessments (EGMA) tools within the lower primary curriculum framework, alongside structured remedial learning modules for lagging learners."	FLN targets cannot be met if learning deficits are only identified during high-stakes summative assessments in upper primary. Legally tasking KICD with providing diagnostic tools ensures teachers can identify and fix literacy gaps in real time.
Clauses 2 and 4 (page 1961): amend sections 2 and 4 of Cap 211A	Foundational Learning	Omission of SNE and Assistive FLN Material Mandates	While Clause 2 introduces the concept of "differentiation" (adapting content for special needs), the Bill does not enforce concurrent development of accessible FLN resources (such as tactile-braille books or tactile maths tools) for Special Needs Education (SNE) early-year learners.	Amend Clause 4 with a binding provision: "Provided that all foundational literacy and numeracy instructional materials are published and distributed concurrently in accessible formats (including Braille, simplified sign-language, and adapted tactile tools) for learners with special educational needs."	Special needs learners in early grades face severe foundational learning loss when adapted reading and numeracy kits are delayed, exacerbating educational inequities at the most critical stage of development.
Gender equality, disability and social inclusion (GEDSI)					
Clause 2 (page 1961): section 2; also reflected in section 5(f)	GEDSI	The Bill introduces the concept of "differentiation", primarily in relation to distinguishing curricula and curriculum support materials for learners with special needs in special needs education.	The definition is relatively narrow and does not sufficiently recognise the wider diversity of learners or the multiple and intersecting barriers affecting participation, learning and progression. These may include disability, gender, language, poverty, geographic location, displacement, refugee status and other forms of disadvantage.	Broaden the definition of differentiation to cover reasonable curriculum adaptations and differentiated approaches responsive to diverse learner needs, including disability, gender, language, socio-economic circumstances, geography, displacement and other intersecting disadvantages.	A broader definition would position differentiation as an equity and inclusion mechanism, rather than limiting it primarily to special needs education. It would support more responsive curricula and reduce barriers to participation and learning.

Clause 4 (page 1961): section 4, Functions of the Institute	GEDSI	KICD retains functions to develop, review and approve programmes, curricula and curriculum support materials, including for early childhood, pre-primary, teacher education and training and special needs education.	The Bill does not expressly require curriculum development and review to be informed by gender analysis, disability inclusion, social inclusion or intersectionality. It also does not require systematic assessment of whether curricula reinforce or challenge gender inequalities and stereotypes.	Add an explicit requirement for KICD to integrate gender equality, disability inclusion, social inclusion, accessibility and intersectional analysis into curriculum development, review, piloting and approval, including curriculum support materials and assessment approaches.	Curriculum is a major mechanism through which social norms, gender relations and expectations are reproduced or challenged. A statutory GEDSI requirement would make consideration of differential impacts systematic rather than discretionary.
Clause 4 (page 1961): section 4	GEDSI	KICD's broad curriculum mandate provides scope for responding to barriers affecting learners' participation and learning.	There is no explicit direction to consider gender-specific barriers affecting adolescent girls, including teenage pregnancy, HIV and gender-based violence, adolescent motherhood, menstrual health, sexual harassment, child marriage, FGM, harmful gender norms and care responsibilities.	Require KICD to ensure that curriculum development, teacher preparation, learning materials, assessment and implementation guidance respond to gender-specific barriers affecting girls and adolescent girls, while allowing the specific issues to be addressed through curriculum frameworks, standards and guidelines.	These barriers can affect girls' attendance, retention, participation, transition and learning. The legislation need not enumerate every issue, but should establish a clear statutory mandate for gender-responsive curriculum development.
Clause 4 (page 1961): section 4	GEDSI	The Bill does not expressly identify gender-specific needs of boys within curriculum development and review.	A gender-responsive approach could be interpreted too narrowly as addressing girls' vulnerabilities, while overlooking gender norms and expectations affecting boys, including harmful masculinities, pressure to conform to traditional male roles, violence, risk-taking, emotional expression, disengagement and limited help-seeking.	Clarify that gender-responsive curriculum development should consider the different gender-related experiences and needs of girls and boys, including age-appropriate approaches to healthy relationships, consent, SRHR, HIV/STI prevention, prevention of violence and positive masculinities.	A comprehensive GEDSI approach should examine how gender norms affect all learners. Addressing boys' experiences is also important for preventing violence and promoting respectful, equitable relationships.

Clause 4 (page 1961): section 4(e)	GEDSI	KICD retains the function to “initiate and conduct research to inform curriculum policies, review and development.”	The research mandate does not expressly require examination of differential experiences, participation, learning outcomes or barriers among diverse groups of learners, including those affected by disability, poverty, geography or other intersecting disadvantages.	Expand the research function to require generation and use of disaggregated and intersectional evidence on learner participation, learning outcomes, access and barriers, including gender, disability, geography, socio-economic circumstances, language and other relevant dimensions.	KICD's research function provides a statutory entry point for ensuring that curriculum decisions are based on evidence about who is being reached, who is excluded and why.
Clause 4 (page 1961): section 4(j)	GEDSI	KICD retains the function to “promote equity and access to quality curricula and curriculum support materials.”	Equity and access are broadly stated without sufficient statutory guidance on responsibilities, standards, mechanisms or indicators for addressing differential access and participation. The provision does not explicitly address gender-specific or intersectional barriers.	Operationalise the equity and access mandate by requiring KICD to consider accessibility, reasonable accommodation, differentiated learning needs and barriers affecting marginalised and disadvantaged learners when developing and approving curricula and curriculum support materials.	Equity should extend beyond whether a curriculum formally exists or is available. It should address whether learners can access, use, understand and benefit from curriculum and learning materials.
Clause 4 (page 1961): section 4	GEDSI	The Bill provides a broad curriculum development mandate and retains functions covering curriculum and curriculum support materials.	There is no sufficient explicit requirement to account for linguistic diversity, culturally diverse communities, indigenous and local knowledge, or learners whose first language differs from the language of instruction.	Require curriculum development and review to take account of linguistic and cultural diversity, indigenous and local knowledge, and the language needs of diverse learners, consistent with constitutional protections for marginalised groups.	Language and cultural relevance directly affect comprehension, participation and the extent to which learners experience the curriculum as accessible and relevant.
Clause 4 (page 1961): section 4	GEDSI	The Bill provides for KICD's curriculum development and review functions but does not establish a specific mechanism for learner participation.	There is no statutory mechanism for incorporating learner voice, children's views or youth perspectives into curriculum review and development.	Provide for appropriate mechanisms through which learners, children and young people, including learners with disabilities and those from marginalised communities, can participate meaningfully in curriculum consultation and review processes.	Curriculum directly shapes children's learning experiences. Meaningful participation strengthens the relevance, responsiveness and legitimacy of curriculum reforms and is consistent with the principle of children's participation.

Clause 4 (page 1961): sections 4(i) and 4(k)	GEDSI	The Bill recognises electronic learning, distance learning and the appropriate utilisation of technology within KICD's functions.	The Bill does not expressly require safeguarding, child protection, prevention of violence, sexual harassment, exploitation or online safety to be incorporated into curriculum development and technology-enabled learning.	Require KICD to integrate child safeguarding, protection from violence and exploitation, sexual harassment prevention, online safety, and appropriate referral and support information into relevant curricula, curriculum support materials and digital learning approaches.	Increasing use of digital and technology-enabled learning creates both opportunities and risks. Curriculum policy should ensure that access to technology is accompanied by appropriate protection and safeguarding measures.
Clause 4 (page 1961): section 4	GEDSI	The existing KICD mandate includes incorporation of psychosocial skills and services into curriculum development.	Although this provides an important entry point, the Bill does not explicitly require consideration of differential psychosocial needs associated with gender, disability, poverty, displacement, violence, stigma and discrimination.	Strengthen the psychosocial provision by requiring KICD to consider learner wellbeing, psychosocial support, stigma, discrimination, violence and other contextual factors that affect learners' participation and learning.	Learner wellbeing is closely linked to participation, retention and learning. A GEDSI lens helps ensure that psychosocial needs are not treated as uniform across different groups of learners.
Clause 5 (page 1962): section 5, Establishment of the Council	GEDSI	The Bill retains the requirement that not more than two-thirds of Council members should be of the same gender and that the Council should reflect regional and ethnic diversity.	Formal gender balance does not necessarily guarantee substantive gender-responsive decision-making. The provision does not clearly ensure access to expertise in gender equality, disability, inclusive education, safeguarding or social inclusion.	Retain the gender-balance requirement while providing mechanisms to ensure that the Council has access to appropriate GEDSI expertise, including gender equality, disability inclusion, inclusive education, safeguarding and the experiences of marginalised learners.	Numerical representation is important but does not by itself ensure that GEDSI considerations influence institutional decisions. Descriptive representation and substantive expertise serve different purposes.

Clause 5 (page 1962): section 5	GEDSI	The proposed Council includes representatives from key education institutions and stakeholder groups.	The composition does not expressly provide for representation or specific expertise relating to disability, inclusive education or the lived experiences of learners with disabilities and other marginalised groups.	Consider providing for direct representation of persons with disabilities and marginalised communities, including at least one member who is a person with disability nominated through an appropriate recognised representative mechanism, and representation of marginalised, minority or indigenous communities.	Direct representation can bring lived experience into policy and curriculum decision-making rather than relying solely on institutional representatives to articulate the interests of affected groups.
Clause 9 (page 1964): section 17, Academic Committee and Panels	GEDSI	The Academic Committee and panels provide mechanisms for technical and stakeholder input into KICD's curriculum-related functions.	The Bill does not sufficiently clarify whether these structures will consistently have the expertise and perspectives necessary to identify differential barriers and impacts across diverse learner groups.	Establish principles requiring Academic Committee and panel processes to have access to relevant GEDSI, disability, inclusive education, safeguarding and social inclusion expertise, with meaningful stakeholder participation appropriate to the subject under review.	Technical curriculum structures have a significant influence on what is ultimately approved. GEDSI expertise therefore needs to be available throughout the technical decision-making process, not only at the final approval stage.
Clause 4 (page 1961): sections 4(e), 4(j) and related monitoring functions	GEDSI	The Bill retains functions relating to research, equity and access, creating a basis for evidence generation and monitoring.	There is no explicit requirement for systematic collection and use of sex-, disability- and other relevant disaggregated data, nor for periodic reporting on equity and inclusion outcomes.	Require KICD to monitor and report on differential access, participation, learning and curriculum outcomes, using appropriately disaggregated data, and to use findings to identify disparities and inform corrective action.	Without disaggregated evidence and reporting, broad commitments to equity and access are difficult to assess. Accountability mechanisms would help translate the statutory mandate into measurable practice.

Clauses 4 and 5 (page 1961): sections 4 and 5	GEDSI	KICD has a broad mandate covering curriculum development, review and approval.	GEDSI considerations are not established as a systematic requirement across the curriculum cycle. There is therefore a risk that GEDSI is addressed only through curriculum content rather than through design, pedagogy, assessment, materials and implementation.	Establish a GEDSI screening and analysis mechanism for curriculum development, review and approval, with more detailed analysis where significant gender, disability, equity or social inclusion implications are identified.	Screening would make GEDSI a routine part of institutional quality assurance and curriculum decision-making rather than an optional or late-stage consideration.
Clauses 4, 5 and 9 (page 1961): sections 4, 5 and 17	GEDSI	The Bill creates or retains several institutional structures through which curriculum policy and technical decisions are made.	GEDSI expertise is not consistently embedded across governance, technical committees, research and accountability arrangements.	Provide for a formal advisory and consultative mechanism through which KICD can obtain expertise on gender equality, disability inclusion, non-discrimination and social inclusion, including consultation with relevant statutory bodies and representative organisations where appropriate.	A formal mechanism would provide institutional continuity and reduce reliance on ad hoc consultation, particularly for curriculum reforms with significant implications for equality, disability inclusion and marginalised groups.
Teacher workforce and quality assurance					
Clause 4(d) (page 1962): amends section 4(h)	Workforce / QA	Current s.4(h) is the only place in the Act naming QASOs: KICD's function to run joint professional-development programmes with "teachers, teacher trainers, quality assurance and standards officers." Clause 4(d) deletes this, substituting "collaborate with other agencies to provide support in curriculum development." KICD is carrying out the function of developing teacher training curriculum and conducting teacher orientation / retooling on CBE.	The Act's only reference to QASOs is removed entirely. Directorate of Teacher Education whose mandate is to train teachers does not have powers to do their functions	Suggest retaining explicit reference to joint professional-development work with teachers, teacher trainers and QASOs, and considering an explicit coordination duty with the Directorate of QAS and TSC, rather than a more generic "collaborate with other agencies." KICD to remain as a stakeholder in the process of teacher orientation / retooling of teachers in collaboration with TSC	A way to eliminate power struggles between the two entities while strengthening teacher capacity on the curriculum designs To establish proper accountability structures This will help streamline reporting and accountability across TSC, KICD and Directorate of Teacher Training.

Clause 5(a) (page 1962): new section 5(2)	Workforce / QA	Adds Council seats for the CEOs of the Kenya Institute of Special Education and the Kenya Teachers' Training College (apparently the PWPER-recommended KeTTC); drops the current seats for the Kenya Primary and Secondary Schools Head Teachers Associations.	No new seat for the Directorate of Quality Assurance and Standards; loses structured school-leadership representation on Council.	Could add a seat for the Directorate of Quality Assurance and Standards, building on the KeTTC/Special Education additions already made, and it may be worth reconsidering — or at least explaining — the removal of Head Teachers Association representation.	
Clause 9 (page 1964): new section 17; and Clause 10 (page 1964): repeal of section 18(3)(b)	Workforce / QA	Repealed s.18(3)(b) guaranteed TSC and Teachers' Professional Association/Union representation on the Academic Committee.	No mandatory membership floor for any successor committee — left entirely to Council discretion.	Consider requiring that any committee or panel the Council establishes under the new s.17 include TSC and QAS representation as a floor, replicating what the repealed s.18(3)(b) currently guarantees rather than leaving it to discretion.	
Data use					
Clause 12 (page 1964): amends section 29	Data use	Shifts the regulation-making trigger to the Cabinet Secretary and adds accreditation regulations; carries forward, unchanged, the existing s.29(b) hook for "information management systems for the Institute" and the untouched s.4(f) data-bank function.	No interoperability requirement between KICD's data bank and KEMIS or KNEAC's assessment system; the one mechanism that might have operationalised a feedback loop (the repealed ss.17–18) is being removed at the same time.	Could add a regulatory head empowering regulations on interoperability between KICD's data bank and both KEMIS and KNEAC's assessment system — this would pair naturally with a reinstated research/M&E function (row above) as the feedback vehicle.	
Other					

Clause 4(e) (page 1962): amends section 4(l) of Cap 211A	Disengagement from Tertiary and TVET Curriculum Alignment	in paragraph (1) by deleting the words "and tertiary education and training" and substituting therefor the words "teacher education and training";	Clause 4(e) deletes the phrase "and tertiary education and training" and substitutes it with "teacher education and training," effectively severing KICD's statutory mandate over tertiary and TVET curriculum coordination.	Reinsert Tertiary & TVET Liaison Provisions in Section 4 by adding a new sub-clause: "collaborate with the Technical and Vocational Education and Training Authority (TVETA) and the Commission for University Education (CUE) to establish seamless pathways from senior school into tertiary education."	Under CBE, Senior Secondary School is divided into three distinct pathways (STEM, Social Sciences, Arts & Sports). Without a legal mechanism obligating KICD to co-design pathway transitions with tertiary quality assurers, learners face vertical misalignment when entering higher education institutions.
Clauses 2 and 4 (page 1961): amend section 2 (Interpretation) and section 4 (Functions) of Cap 211A	Ambiguous Implementation Standards for "Differentiation" (Inclusion)	Clause 2: "differentiation" means the process of distinguishing curricula and curriculum support materials for use by learners with special needs in special needs education.	While Clause 2 introduces a new definition for "differentiation" (adapting learning materials for diverse capabilities), the Bill sets no legal standards, funding formulas, or timelines mandating when adapted materials must be published relative to mainstream content.	Amend Section 4 to include a mandatory proviso: "Provided that any instructional material approved for mainstream basic education shall be concurrently adapted, converted, and distributed in accessible formats (including Braille, simplified sign-language, and digital assistive formats) within ninety (90) days of approval."	Special Needs Education (SNE) centres consistently receive adapted CBC learning materials years after mainstream schools. Defining "differentiation" without statutory publication deadlines perpetuates educational inequity for learners with disabilities.
Clauses 2 and 4 (page 1961): amend section 2 and section 4 of Cap 211A regarding "accreditation"	Lack of Transparency and Arbitration in Commercial Content Approval	Section 2: "accreditation" means the procedure by which the Institute recognises a person or institution as a curriculum developer and as having fulfilled the prescribed criteria for developing curricula and programmes for use in the basic education; and	The Bill enhances KICD's powers over the accreditation of content creators and instructional materials, but contains no provision for an independent dispute resolution mechanism or statutory timeline for reviewing submitted books and digital tools.	Insert a new subsection under Section 4 / Clause 29 Regulations providing that: KICD must issue evaluation outcomes within 60 days of material submission. Any publisher aggrieved by a rejection has a right of appeal to the Education Appeals Tribunal established under the Basic Education Act.	Unlimited review periods and lack of an independent appeals body create commercial bottlenecks, promote market monopolies, and increase the risk of conflict of interest in textbook selection.

Clause 4(d) (page 1962): amends section 4(h) of Cap 211A	Overlapping Mandates in Teacher Capacity Development	collaborate with other individuals and institutions in organizing and conducting professional development programmes for teachers, teacher trainers, quality assurance and standards officers and other officers involved in education and training on curriculum programmes and materials;	The Bill gives KICD the mandate to "collaborate with other agencies to provide support in curriculum development" for teacher training. However, it fails to delineate boundaries with the Pre-Service Education and In-Service Training Bill 2026, CEMASTE, and the Teachers Service Commission (TSC).	Amend Clause 4(h) to explicitly specify KICD's boundary: "provide curriculum orientation, pedagogical frameworks, and support materials for teacher training, while actual execution of in-service teacher professional development remains under the relevant statutory training bodies."	Clashing agency mandates result in duplicated teacher re-tooling workshops, loss of instructional time, and wasteful expenditure of public funds.
Clause 4 (page 1961): amends section 4 of Cap 211A	Absence of Digital Learning, AI, and Data Protection Safeguards	i) develop, disseminate and transmit programmes and curriculum support materials through mass media, electronic learning, distance learning and any other mode of delivering education and training programmes and materials;	The Bill expands KICD's function to develop digital and e-learning content, but includes no explicit legal standards on data privacy, protection of minor's data, or AI content moderation in learning management systems.	Insert a new sub-clause in Section 4: "ensure all digital learning platforms, e-content, and AI-driven educational software developed or approved by the Institute strictly adhere to the Data Protection Act and international child online protection standards."	As KICD scales digital e-content delivery into schools, failing to embed data protection and algorithmic vetting standards directly into its legal mandate leaves children exposed to commercial tracking and unvetted algorithmic content.
Clause 10 (page 1964): repealing of role stakeholders	Participation - Centralisation of Power via Abolition of the Academic Committee	Shifting the power and removal of the role and function of stakeholder consultation is problematic. The Bill completely repeals Section 18, which established the statutory, multi-stakeholder Academic Committee (comprising representatives from teachers' unions, religious organisations, TVETs, universities, and parents). In its place, Clause 9 / Section 17 grants the Council sole discretion to appoint ad-hoc panels without statutory representation requirements.	No space for stakeholder consultation provided for in the bill, posing accountability challenges	Amend Clause 9 (Section 17) to explicitly mandate that all curriculum panels and ad-hoc committees must retain mandatory, percentage-based representation from key stakeholders (KNUT, KUPPET, faith-based organisations, Special Needs Education experts, and parent associations).	Oversight and accountability from the public is important. Curriculum development requires broad national consensus and institutional checks and balances. Leaving committee formation entirely to executive discretion risks administrative bias and reduces public ownership of the Competency-Based Education (CBE) pipeline.

Clause 4 (page 1961): section 4	KICD Mandate	Clause 4 (Narrowing of Mandate by Striking Out TVET/Tertiary).	By deleting "technical and vocational education and training" (TVET) and "tertiary education" and replacing them strictly with "teacher education and training," KICD is legally abandoning its role in developing curricula for polytechnics and technical colleges.	KICD should still retain the legal mandate to develop curricula for technical colleges and polytechnics.	
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