

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 8th June, 2016

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. (Dr.) Laboso) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Ring the Quorum Bell.

(The Quorum Bell was rung)

Can the Bell be stopped now? We have quorum. Settle down Members. We can begin.

PAPER LAID

Hon. Deputy Speaker: Chair of the Public Accounts Committee.

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I beg to lay the following Paper on the Table of the House today, Wednesday 8th June, 2016:-

The Report of the Public Accounts Committee on a study visit to the National People's Congress, Beijing, China from 18th to 22nd April 2016.

NOTICE OF MOTION

ADOPTION OF PAC REPORT ON STUDY VISIT TO CHINA

Hon. (Eng.) Gumbo: Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, this House adopts the Report of the Public Accounts Committee on a study visit to the National People's Congress Beijing, China from 18th to 22nd April, 2016, laid on the Table of the House today, Wednesday 8th June, 2016.

As I thank you for the opportunity to give this Notice of Motion, I would request that this Motion, although it is very brief, be given priority because some of the issues it touches on are actually on policy which would be useful for our country.

Thank you.

BILLS

First Readings

THE INTERNATIONAL CRIMES (REPEAL) BILL

THE OFFICE OF THE COUNTY PRINTER BILL

THE KENYA NATIONAL EXAMINATION COUNCIL (AMENDMENT)
BILL

THE OFFICE OF THE COUNTY ATTORNEY BILL

(Orders for First Readings read - Read the First Time and ordered to be referred to the relevant Departmental Committees)

Second Reading

THE KENYA NATIONAL EXAMINATION COUNCIL
(AMENDMENT) BILL

Hon. Wakhungu: Hon. Deputy Speaker, I beg to move that the Kenya National Examination Council (Amendment) Bill (National Assembly Bill No.1 of 2016 be now read a Second Time.

Ranking is done everywhere even in the animal kingdom. Even when it comes to politics, when we go for our elections, we are always ranked in terms of who is number one, two or three, so that number one is declared the winner. Earlier on, we had a provision where the KNEC was ranking schools in terms of their performance.

Article 35 of the Constitution gives a provision that every Kenyan has a right to information that is held by the State. Sometimes back, Professor Kaimenyi came up with the issue of banning ranking of schools and this has put this country into confusion. As a matter of fact, you realise that immediately after the release of results, the excitement which used to be there when results are released is no longer there. Afterwards, you find journalists trying to get information and data from here and there and continue to do further analysis on ranking which is actually misleading.

This Bill seeks to create a provision for the Kenya National Examination Council (KNEC), as the only body in charge of administration of exams, to have a structured way of ranking schools. There are different categories of schools. There are national schools, county schools and day schools which all have different challenges. The essence of coming up with a structured criterion of ranking those schools is to remove that bias. The challenges at the national level are different from the challenges at the county level. Kenyans should have access to information and conduct further statistical analysis to know the mean score in a given county or county schools and the ranking of the national schools. Maybe we can establish a trend analysis. Maybe a given school has been allocated resources. We want to see whether those resources are positively impacting on performance.

This is a very critical Bill. The stakeholders in the education sector have been on the frontline. We have seen the Kenya Union of Post-Primary Education Teachers (KUPPET), the Kenya National Union of Teachers (KNUT), the church, private schools and many other sponsors being involved in this issue. We want to see an improved performance. This Bill will

bring out the aspect of accountability. When we do not know who is handling which issue, people will be hiding. We need to have accountability and rank schools, so that we can reward those who have done well. The Teachers Service Commission (TSC) has introduced performance contract for teachers. How will you evaluate the teachers yet we do not even know their performance? This Bill focuses on the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE), namely, the Standard Eight and Form Four examinations.

Schedule Four of the Constitution states that matters to do with primary and secondary school education are a prerogative of the national Government. The Bill does not affect the counties. With regard to the usage of money, this Amendment Bill is not going to necessitate any extra costs. The KNEC will do a further analysis of the results, so that they can be captured in a rank form, which we insist must be structured. This Bill is giving an extra function to KNEC.

Sometimes back, this House, in its own wisdom, unilaterally and unanimously passed a Motion on the Floor of this House urging that ranking be brought back. We should ask ourselves whether this House is legislating in futility. This Motion was passed, but unfortunately, when the Cabinet Secretary (CS) announced the results, there was no ranking. That is why we had to move a step further and come up with a Bill. This Bill will make it compulsory for the CS in charge of education to ensure that KNEC ranks schools. Luckily enough, we had a chat with the current CS and he is yearning and waiting for this Bill to go through. He has said that he knows the value of ranking and he is ready to ensure that ranking is brought back to our national examinations, but it must be done in a structured manner.

The education system is very critical. Universities are ranked internationally. Even in the National Assembly, some Members of Parliament (MPs) are ranked in terms of performance. At the grassroots level, people rank us in terms of our legislative, oversight and representation roles. We cannot run away from ranking.

I beg to move and request the indomitable lady from Bomet County, Hon. Cecilia Ngetich, to second.

Hon. (Ms.) Ngetich: Thank you very much, Hon. Deputy Speaker for this opportunity. I stand here to second the Motion that seeks to amend Section 10 of the Kenya National Examination Council Act that deals with the functions of KNEC.

This Bill proposes that besides setting, administering or conducting national examinations, KNEC should rank individuals and schools based on their performance. From the outset, the exercise of ranking is a double-edged sword. It is a necessary evil. This exercise used to be done before, but it lacked structure. It was not fair that different types of schools were ranked on the same platform. You cannot compare a national school such as Alliance High School and one of the schools in the remote and marginalised parts of the country.

Examinations serve three purposes. First, they are used for certification. Second, they are used for selection. Lastly they are used for accountability and motivation. With regard to certification, examinations test what was in the curriculum and how it was taught. In essence, they reveal the interaction between the pupil and the teacher and if, indeed, what was set out in the syllabus was taught. They evaluate teachers and students. Therefore, teaching and learning will be taken very seriously. When this is done, teachers only concentrate on the examinable subjects as opposed to imparting other value-skills. I remember at one time there was a unit of social ethics which was taught in Form One and Two, not necessarily to be examined, but to instill and inculcate the culture of discipline and hard work in the students.

Secondly, those who fail to pass or get good marks are sometimes stigmatised because they are branded as failures. In this country, we had a situation where a pupil committed suicide simply because she could not attain good marks to propel her to secondary school. Teachers, on the other hand, are usually blamed for sleeping on the job when students do not pass examinations. Passing or failing examinations is a complex issue. There are certain social, cultural and other physical conditions that contribute to whether pupils or students pass examinations.

Socially, we have nomadic communities. In some parts of the country, you may go to school in second term only to find that only half the class is present. The rest have migrated to the neighbouring country. There are other communities that have not fully embraced the idea of education and therefore, see no value of education. They do not encourage their children to go to school.

Physical facilities, books, libraries, laboratories and classrooms are required. In this country, we have always been shown pupils learning under trees. You cannot compare them with other pupils who have classrooms and other physical facilities. There is an acute shortage of teachers in this country. As a result, many schools have organised with parents to employ stand-by teachers, who are Form Four leavers, which they can afford to pay. You cannot compare such schools with those that are overstaffed. This could be the reason we have seen teachers resisting to sign the performance contracts. It will be unfair to look at the teachers as a reason for failure of students.

Hon. Deputy Speaker, this kind of situation is what led to the Ministry of Education, Science and Technology abolishing ranking. On the one hand, we need to motivate teachers and on the other hand, we need to have a selection mode. We have places in secondary schools, but we do not have enough places in universities. If we do not have an examination or a selection mode to say one is joining secondary school or university, we will be doing that in futility. Ranking is good and bad, but let us look at the good side. We can rank schools in the right way. This Bill proposes that the CS in charge of education should come up with regulations to govern the ranking of schools and not just rank in a way that compares schools which are not equal in terms of staffing, physical facilities and even regional disposition.

I agree with the proposal to include ranking as one of the functions of the KNEC. We will be asking the CS in charge of education to come up with regulations that will structure ranking of schools so that we can continue with this motivation. The country will then see how to plan for increasing or expanding secondary schools and universities.

Already, you are aware of a proposal by the Ministry to completely abolish national examinations for the reason of several malpractices even as we talk about ranking. Parents and other officials encourage cheating. It is parents who buy leaked papers. There is a proposal to emphasise on school-based assessments, practical examinations, projects and other modes of assessing students. Take the example of KCPE. Suppose a pupil loses his or her mother on the exam day, they will definitely be affected. It has been wrong sometimes. We should assess pupils right from Standard Four all the way to Standard Eight. We can have a better way of doing this. However, that is still under discussion. We are also moving towards encouraging technical vocational education that will change this country and enable us to attain Vision 2030.

I wish to urge the Members to support the Bill as it is. We should recommend a structured way of assessment. The way it has been done condemns and discourages others. We want a situation where every pupil is given a fair chance.

As I end, I received a transfer request from a teacher over the weekend which stated that “if I am in school “A” and the pupils do not perform, I will never be promoted. I want a transfer to a school where I can be promoted”. This has been used wrongly. Let us structure ranking and use it well.

I second.

(Question proposed)

Hon. Deputy Speaker: Hon. Members, before I give chance to another Member, I recognise the presence of Kigumo Bendera High School from Kigumo Constituency of Murang’a County in the Public Gallery. You are welcome to the National Assembly.

(Applause)

Also in the Public Gallery is Sunrise of Africa School from Kajiado County. You are also welcome to the National Assembly.

The first Member on my request list is Hon. Francis Njenga.

Hon. Njenga: Thank you, Hon. Deputy Speaker. I rise to support this important Bill.

I agree with the Seconder that we need a structured ranking. We are aware that our country has various categories of schools. They are from county to sub-county. We have schools that are more facilitated than others. Much as I support the Bill, I agree with Hon. Cecilia that we support it the way it is, but the CS should come up with a structure of ranking schools and institutions on similar basis.

First of all, ranking will enhance accountability, checks and balances. That is not the domain of accounting figures and finances. Accountability should also be ranked on responsibilities. This country is spending over Kshs194 billion to finance the TSC that employs our teachers in the country. In the coming financial year, it is going to spend close to Kshs50 billion to facilitate the Free Primary Education.

Therefore, such a huge percentage of our ordinary revenue going to teachers to facilitate the education of our children requires that we also get outright and equal output in terms of the quality of education they dispense to our children. Teachers should be held accountable because that is the taxpayer’s money. This can only be done and checked when the output of their product is ranked depending on what structures the schools have. Accountability, checks and balances can be enhanced through ranking.

Ranking also promotes competition amongst teachers and students. In a competitive world, efficiency and effectiveness is quite clear. It needs to be attained. If we have competition, you will find teachers working round the clock and getting committed. I was a guest of honour at St. Francis Girls High School, Mang’u, where I found ranking amongst students, teachers and even the support staff. I wonder why we should not rank our schools. By doing so, we will be promoting competition which brings about efficiency. Education is the most important asset that broadens and increases the dimension of our horizons, so that we are able to interpret laws and policies of future Governments and live within the laws of our country, creator and nature. The law can be enhanced and communicated using proper education that has been given and dispensed competitively.

Ranking reduces laxity because you will be detected if you are lax. It deters people from sleeping on their jobs because they will be exposed. In fact, there was ranking of Members in

terms of their contributions in this House the other day. It is under this criterion that we will be ranked against our competitors come August next year. The Members of Parliament should not relax. It is time we gave truth and reconciliation a chance in our country. That is for Parliament and not the teachers. We should reconcile our brothers and sisters leading us so that we can rank highly just like the teachers who perform highly.

Ranking reduces economic wastages. We are giving books and other equipment to schools. We should have a ranking structure which takes into account all the money and facilities that are given to schools by the national Government or the county government. These resources must be efficiently utilised. We should also rank schools according to the usage of economic resources availed to them. This will translate into how students use such facilities and the end result will be the quality of the students that we get.

Ranking will bring other non-quantifiable benefits such as discipline. When you come from a school that is ranked as disciplined, you are expected to enhance your discipline even after leaving the school. Ranking also brings about compliance. There are school regulations against stealing and obedience of laws that appertain to education. Such ranking will also bring about free and fair competition. There is nothing wrong with ranking students who work hard because even economic resources move towards hard workers and away from those who are lazy.

It will also bring about a culture of accountability and being result-oriented. We expect the results to motivate the students to work hard. It can also be used to ensure there is zero corruption where people will be trained from the word go to obtain results from what they have.

Finally, ranking can be interpreted in terms of the usage of Government resources. Today, the National Government Constituencies Development Fund (NGCDF) has limited laws based on national Government laws. One of the major functions of the national Government is education. That is our role. We, as Members of Parliament, in our oversight role, should ensure that resources are going to the education sector. This is a major consumer of the NGCDF and it translates to results. So, it gives MPs an opportunity to oversee and question the utilisation of resources. All this will lead to a better country and institutions. We can change this country if we become one and rank our schools on a common playing ground. I assure Kenyans, from the Floor of this House today, that resources of this country are equitably distributed.

I support the Bill as it is, but urge the CS for Education, Science and Technology to come up with rules and regulations to make ranking of schools constitutional and not discriminative to those who are disadvantaged. We should make it constructive and a resource to make better generations and communities.

Hon. (Ms.) T.G. Ali: Hon. Deputy Speaker, I support the Motion. The issue of ranking of schools is very critical as other Members have said. It is important that we rank schools as per the categories available. We have private schools, national schools and Government schools. I think it is important that we rank them according to their specific categories.

The issue of ranking is very critical in setting standards. It is important that students and teachers are evaluated, so that we can know whether teachers should be promoted or not. It is also important for the students to have a spirit of competition. If there is no ranking, the spirit of competition is killed and many of the students do not even know where they belong or where their intellectual capacity falls.

Therefore, I encourage us to support the issue of ranking of schools. I would also want to say that as we categorise schools, we also need to invest in education. Most schools in the rural areas or in hardship areas, for example, Isiolo, have experienced shortage of teachers over the

years. Looking at my constituency, Isiolo, we have a lot of staff balancing issues because many of the teachers would not want to teach in schools in the rural areas because of hardships. Some of the hardships include lack of accommodation facilities for teachers and lack of communication. Many areas in my constituency lack mobile network coverage. They cannot even communicate with their children and families.

The issue of transport is also a big problem in some of the areas. There is insecurity and many times, the students do not have time to cover their syllabuses. Many schools in rural areas even lack sitting facilities leave alone books. Sometimes ranking them along with other schools that are well established, old enough and have set traditions for performance is also very difficult.

My take on this is that we should ensure that we rank schools according to their classifications. Otherwise, I support the Motion.

Hon. Mulu: Thank you, Hon. Deputy Speaker, for giving me a chance to also give conditional support to this amendment. The issue of ranking schools is good, but has been demonised in this county because of the way it has been conducted. While I am aware of all the advantages of ranking schools, I think the way it has been done in the past has not been in the best interest of this country.

This has been basically because of lack of a detailed framework on how to rank schools. You realise that in the past, schools of different categories were ranked together. Looking at schools in Nairobi County, you will realise that some have all the facilities that they require while at the same time others have no facilities. All these schools are ranked as if they are at the same level. That is where the problem starts. I want to propose, as I support the Motion, that before we reintroduce ranking of schools, we need to put some factors into consideration. This will make sure that schools are ranked fairly.

For example, let us look at the national schools. I want to see a situation where national schools are ranked together so that even as they compete, they know they are at the same level. National schools have similarities in terms of infrastructure, curriculum, number of students and staffing levels. I would like to see a situation where county schools in the same category are ranked together. The Government has gone an extra mile to make sure that some county schools meet the standards for county schools. When county schools are ranked together, they will rank schools which are at the same level. I agree with my colleagues who are saying that Members of Parliament are ranked because they have the same title and exposure to similar facilities such as the NGCDF and logistics. When we are ranked as MPs, it is fair because we are at the same level.

In Kitui Central, we have complete primary and secondary schools which have only three or four teachers at any given time. Another school has eight teachers while others are overstaffed with about 10 teachers. When you rank school "A", which has two or three teachers against eight classes with school "B" which has nine teachers against eight classes, we have a big question on the criteria for ranking. Even as we talk about reintroduction of ranking of schools, it is important for us to make sure that schools are ranked in their categories.

While we have abolished ranking of schools at the national level, last Saturday I was attending an education day in my constituency and teachers were being given presents for doing well. Ranking had already taken place for the Sub-County Education Officer (SCEO) to say a school is position one. They had ranked all the schools in terms of different categories of academics and sports. So, ranking is taking place even though at the lower levels.

This Bill seeks to ensure that ranking is done at the national level. If it has to be done at the national level, then it is important for the categories of ranking to be very clear. We should rank schools which belong to the same category after doing a bit of analysis to make sure that these schools have the same infrastructural development, the same staffing levels and the same science laboratories. Some schools just hear of science laboratories. I want to appreciate what the NGCDF is doing in terms of assisting schools to build science laboratories. It is going to be unfair when you want to rank a school which has a science laboratory with a school which does not have one. Automatically, the basics are not the same.

The whole essence of ranking is to make sure that evaluation is done properly. Evaluation encourages competition. If I know that school “A” performs well and I am the head teacher of another school in the same category which does not perform, I will work hard to achieve the level of performance of the other school as long as similar facilities are there. Competition is good because it improves efficiency and effectiveness. It is important that we encourage competition, but ranking must be done based on the right framework. I want to challenge the Ministry of Education, Science and Technology to develop the framework, so that ranking is seen to be fair.

As I conclude, this country spends a lot of resources on the education sector. With the kind of resources we are pumping into the education sector, it is important for us to improve the quality of our education. One of the things that are going to help us is to rank our schools, so that they can compete and our students can get the best education. This will enable students to access the best courses at the university to assist us to achieve the Vision 2030 targets. Otherwise, we will just be talking about the education sector, pump resources and nothing comes out of it. I support the Bill, but it is important for us to have a detailed framework for ranking.

Hon. Deputy Speaker: Hon. Joseph M’eruaki.

Hon. M’uthari: Thank you, Hon. Deputy Speaker. I rise to support this Bill. It is important for us to come up with a good framework for ranking of our institutions, especially in examinations. In as much as there is pretence that maybe ranking is not good in all ways, it has been tried. Instead of having information that is not clear and not from the source as has happened with the media in the last two or so years, it is important we acknowledge the importance of ranking. After this Bill is assented to, the Cabinet Secretary for Education, Science and Technology will have a responsibility to ensure that KNEC comes up with structures to govern ranking of schools taking into consideration the factors in the specific schools and the way schools are categorised.

We have national schools, extra-county schools, county schools and day schools. Based on these factors, I believe regulations can be made, so that ranking takes into consideration the hardships and particular situations in which students are subjected to.

It is also important that ranking is not done only around examinations, but we should also consider other factors. Although ranking is important and promotes competition, the competition should be healthy. Schools in the past competed only in examinations while other aspects of learning are not taken into consideration. In the process, we end up having citizens who are not informed and have no values. I believe a school should be a place where values and patriotism are taught and encouraged, so that by the end of the day, we have citizens who have a sense of direction and nationhood, which to a large extent has disappeared. That is why we appear to be a country that is so divided. At times it is sad because when you look at the name of a person or the region somebody comes from, you may have an idea what that person will say. This is something that can be rectified through proper learning. That is why I believe the process already

going on around change of curriculum can end up coming up with a process where Kenyans can be taught about nationhood, but not conglomeration of tribes. We need to acknowledge that these tribes exist. From acknowledgement, we can go to the desired direction for one united nation. So, I support this Bill because it will make it mandatory for KNEC to come up with a mechanism that will make ranking a possibility, but within a given clear framework.

With those few remarks, I support the Bill.

Hon. Deputy Speaker: Hon. Janet Wanyama.

Hon. (Ms.) Wanyama: Thank you, Hon. Deputy Speaker. I rise to also support this Bill. It is long overdue. The way my colleagues have spoken, we need ranking. This will motivate our children and head teachers. I support the Bill because it is also going to make school managements to work very hard and develop programmes which will enable our children to perform better. I also support this Bill, so that the Ministry can come up with regulations for the provisions of this Bill to be felt by our schools.

One of my colleagues has spoken about motivation.

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, the consultations are too high.

Hon. (Ms.) Wanyama: Thank you for protecting me, Hon. Deputy Speaker. This Bill is also going to motivate stakeholders in academia so that they can make sure they have good programmes to enable schools perform better. This country has passed through so many challenges when it comes to examinations. It is also going to ensure that we close the loopholes that are used by some schools to cheat in examinations.

I wish to support the Bill.

Hon. Deputy Speaker: Hon. Nicholas Ngikor.

Hon. Ngikor: Thank you, Hon. Deputy Speaker, for giving me this chance to contribute to this very important Bill. Ranking is everywhere. Even in our own bodies, you can see how our fingers have been arranged. They have been arranged in the order that one is number one up to the last one, which is the smallest one. Without ranking, competition lacks meaning because in a competition, we can get number one to the last one as per the number of those who are competing. When we take an example of last year when ranking was not there, you saw how our schools were just given the number of students who did the exam. They were given the marks without ranking. Something was lacking and that is ranking because you could not differentiate between who was the last and who was number one. That made those who were still in school not to be committed in their studies. The meaning of ranking is to see who is number one, number two up to the last one.

That encourages those who are behind to study hard. The education sector has categorised our schools into national schools, county schools and sub-county schools. With ranking, we can know which is best among all our national schools. Even our kids, when it comes to---

(Loud consultations)

Hon. Deputy Speaker: Hon. Members, please, find a place for you to sit and consult. We cannot hear the Members' contribution.

Hon. Ngikor: It is true they are making noise. When there was ranking of schools in examinations, you could see how our national schools celebrated when the CS announced the results. When it was removed, those celebrations are no longer there. The meaning of celebrations is to appreciate somebody who has passed or got something good. When there is no ranking, those celebrations lose meaning. There is no reason to celebrate. Are you the first one? Everybody can celebrate all over the country, but with ranking, we can make those celebrations to have meaning in our schools and even to the individual students at their own level. They can celebrate knowing that they were number one or two. Without ranking, celebrations lack meaning. So, ranking is very important to the performance of our schools and that of our students as individuals.

Ranking makes some communities practise their cultures. In the community I come from, you cannot perform some cultural things if you are the last born or second born. The first born takes lead and the rest come after. So, we need to rank our schools in terms of their performance so that those who excel can be appreciated by the entire community or nation. If we do not do that, our students will not have commitment in their studies.

I suggest that we should rank schools within the specific categories of the schools. National schools should be ranked together. The CS should come up with regulations to guide this process, so that national schools are ranked together, county schools together and sub-county schools are ranked together. This should take into account the available infrastructure, teaching staff and teaching materials. Some small schools, especially in Turkana, are ranked with schools like Alliance High School. Students in a school like Morlem Mixed Secondary School in my constituency have never seen a tarmac road. They have not seen a coffee tree yet you rank them together with students in Alliance High School. It is impossible. We want the schools to be ranked according to their categories and the facilities available in those schools. Schools in upcountry should be ranked together with similar schools. Schools in areas like North Eastern and Turkana should be ranked differently. We cannot lump all these schools in one category and rank them yet they face many challenges. Every area has its own challenges. We want the CS to categorise these schools further. Schools from arid and semi-arid areas should be ranked differently from other schools, so that every student is given what is required.

When it comes to admission to public universities, the slots are distributed uniformly in the entire country, but some schools have advantage over others. The minimum requirement for university admission is similar for all the students. We also want the CS to look at that. The minimum grade for joining public universities should not be uniform across the country because the schools are not the same.

The other issue is that of availability of teaching materials like text books. Some schools do not even have text books yet we rank them together with those that have text books. It is not good for us to continue doing that. The CS should put regulations in place to assist our schools when it comes to ranking. Schools should be ranked in national examinations because this brings about competition, which without ranking makes no sense. We compete to see who is number one and who is number two.

With those few remarks, I support.

Hon. Deputy Speaker: Hon. Members, we have several guests today. In the Speaker's Gallery, we have Mwatate Girls High School from Taita Taveta County, Jamhuri Education Centre from Nairobi County and Kibirigwi Girls Secondary School from Kirinyanga Country. You are welcome to the National Assembly. In the Public Gallery, we have St. Michaels Primary School from Kitui County. You are welcome too.

Hon. Deputy Speaker: I now give the Floor to Hon. Eric Keter.

Hon. Eric Keter: Thank you, Hon. Deputy Speaker for giving me this opportunity to air my views on this very important Bill. Education is life. Any development that is not based on education is nothing. Ranking must be reintroduced in our schools for purposes of standards. As we have developed over the years from the colonial times, we have situations where some places are more advanced in terms of infrastructure and schools but certain areas have been marginalised. So, the purpose of ranking is to show us the performance of various areas in this country so that we can allocate more funds for equal development. Ranking is mandatory by nature. As we talk today in the world, what is not ranked? Most of the universities in the world are ranked. You can know the best universities and hospitals in the world through ranking.

The issue of the Ministry of Education and KNEC trying to abolish ranking is not in good faith. Issues of education should be handled with care and not even the Cabinet Secretary (CS) should come and say he has abolished ranking. I know that this issue came up as a result of cheating by KNEC and the way they were running exams. So, they came to a conclusion that we should stop ranking. However, we should find why we get many cheating cases in school exams. I support this Bill in a big way in a sense that it is going to show us the strengths in our schools and weaknesses for purposes of determining their performance.

As a Member of Parliament from Belgut, if there is no ranking, there is no way I will know which schools need more funding for purposes of getting quality education. So, I stand here and commend Hon. Wamalwa for having brought this issue. This is life and I appeal to all the Members to support and re-introduce ranking.

Issues of this nature that affect the lives of thousands of children in this country should not be done overnight. There should be public participation, get people to be involved so that they make decisions which are going to affect them in their standards of living. As I conclude, I am of the opinion that we, as Members of Parliament, support this Bill so that we re-introduce the ranking of schools both in primary, secondary and even universities.

Thank you.

Hon. Deputy Speaker: Hon. Andrew Mwadime.

Hon. Mwadime: Thank you, Hon. Deputy Speaker for this opportunity. Ranking is an important tool used worldwide to measure successes or failures. When we campaigned last time, winners and losers were known through ranking. Without ranking many things will not be resolved. In schools, if we do not rank we shall not get the gaps as to which schools are failing or succeeding. So, it is important for this tool to be brought back to our education system. Ranking in Kenya should be comprehensive. Even laymen should understand why their schools are doing better than others. Ranking should be re-introduced immediately. In fact, I am urging Members to support this Bill.

In our Constitution we have the Equalisation Fund which functions on the basis of ranking. Some counties are marginalised and some are okay because of ranking. Therefore if we remove ranking, we will not know what is happening in many schools. It should be known how a student, for example, in Mwatate in Taita Taveta is performing compared to a student in Nakuru or other places in the country.

Therefore, the person who brought this Bill is in line with our values within the country. Ranking brings respect to society because it is a scientific tool and associated with numbers. Therefore, with ranking, some problems will be solved by getting those numbers. I am supporting this Bill and urging my colleagues to do the same.

Thank you.

Hon. Deputy Speaker: Yes, Hon. Jude Njomo.

Hon. Njomo: Thank you, Hon. Deputy Speaker. Yesterday I was talking to Hon. Wesley Korir and he was taking me through the hard work that the runners do as they prepare to participate in marathon competitions. They work so hard so that they can win these marathons. I would like to congratulate him as he was in position number four in the concluded Boston Marathon. They do this because they want to win. They want to be champions and be at the front. This spirit makes people work hard. When we eliminate competition and ranking in our schools, we are telling our students who are represented today by our visitors who are in the Gallery that they should not compete or work hard.

I would like to support this Bill so that we can bring back the spirit of competition to our schools. We can make our students recognise that they will get top positions if they work hard. That is why I support this Bill.

However, we cannot compete with those who are not our equals. It will be very important for these schools to be classified into categories of equal strength. We know there are national schools, county schools and extra county schools among others. We should have ranking of schools of the same class and this will rid us of unfair competition.

One of the reasons why the Ministry had found it wise to eliminate ranking was because of the rampant cheating that was happening within our institutions. We should work as a nation to eliminate that culture of cheating from our schools. We should make our students appreciate and understand that it is only by working hard that you can get better positions. We can only do this by us in the political leadership being good role models and showing the students that working hard and following the laid down procedures is the only route to get to the top. I am saying this because we have had cases of corruption which I can equate to cheating in our schools. It is only by eliminating it and fighting it, that we can show our pupils and students that we do not want them to cheat.

We also need to devise a way of rewarding and appreciating pupils who do well. We have had problems where candidates who have sat for examinations and have performed very well do not get vacancies in secondary school. This is the case and yet candidates who performed poorly get vacancies in those schools. This encourages cheating because they all want to move on to the next level. We should, therefore, ensure that those candidates who perform well are rewarded by getting to the next level according to the grades they get. To discourage cheating, there should be very stiff penalties for those who are found to cheat. In fact, it should be equated to a death sentence. I do not mean that they should be killed, but academic death sentence. If you cheat, then get your grades, it means you have taken positions that should have been taken by others. Therefore the candidates who are found to be cheating, should get academic death certificate and they should not resit their examinations. Those who facilitate cheating, whether they are staff members from the KNEC or teachers, should be punished severely so that we get rid of cheating.

We should also recognise the fact that not everybody should be rewarded academically. This is because not everybody can do very well in academics. We should recognise that even those who do not perform well academically have other attributes and talents that can help them, help our nation and propel them to better heights. It reminds me of a gentleman called “Bill Gates” who was not able to go through his university because he was not able to perform well but he is one of the richest people in the world today. He is also one of the people who have facilitated technology through Information Technology (IT) in the many activities that we do.

We should also look after the students who do not perform well and recognise the talents that they have.

Hon. Deputy Speaker: Hon. Nelson Gaichuhie, are you on an intervention? Where is he?

Hon. Gaichuhie: No, Hon. Deputy Speaker. Thank you.

Hon. Njomo: We should recognise that they have other talents and other areas where they can excel and these are areas that can help them and help our country at large.

We also have a habit of recognising those who perform well, which is not very good. I equate that to our political system. In the old Constitution, presidential candidates who did not succeed used to get parliamentary positions. In our academic system, if you fail there is no provision for those who are not doing well. It is like winners take it all. I believe that our Government should come up with a system where those who do not pass their exams will get technical training that will enable them to be useful to themselves and to the nation.

Hon. Deputy Speaker, I support.

Hon. Deputy Speaker: Hon. Moses Injendi

Hon. Injendi: Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Moses, before you contribute, we have a group of guests at the Public Gallery. They are Maasai Boys High School students from Kajiado North Constituency, Kajiado County. Welcome.

(Applause)

Hon. Injendi: Hon. Deputy Speaker, I rise to support this amendment. I have been listening to people who are opposing ranking by arguing that ranking promotes cheating and drilling in schools. We cannot stop a noble thing for our children because of bad practices by our children. I would like to laud the Cabinet Secretary in charge of Education, Dr. Matiangi. The former Cabinet Secretary, Prof. Kaimenyi is the one who stopped ranking. Dr. Matiangi is correcting cheating and drilling in schools. If cheating and drilling in schools is checked as it is being checked now, we will have to introduce ranking. Because of ranking in my constituency, I was in a position to reward schools that have been performing well. Since ranking was stopped, it has been a challenge for me to identify schools that have performed well so as to reward them, in terms of development. I support ranking because beneficiaries of the same managed to work hard. Our schools worked hard because we knew very well we will be identified as number one. Through hard work, some of us are where we are.

Hon. Deputy Speaker, through ranking we are in a position to identify some of the weaknesses that are there in our schools. I recall that in my constituency through ranking, we were in a position of getting to know schools that were ranked last in the country. We would have to visit those schools and get to know why they were ranked last. We would then be able to know what was affecting such schools. We managed to treat these schools and eventually they began to work hard and improve. As a matter of fact, I urge that we reconsider reintroducing ranking in our schools.

As I finish, I have just been wondering. I am a first time Member of Parliament. There was a time when we spent three hours talking about ranking in a Motion that was brought by the same Member. It was the spirit in this House that we reintroduce ranking. It was to my surprise that after spending three hours talking about ranking and the whole of this House unanimously supported the Motion, when results were released, the Cabinet Secretary then did not bother to

refer to our discussions. What is the whole business of having these Motions in this House, talk then there is no implementation?

Hon. Deputy Speaker, I support.

Hon. Deputy Speaker: Hon. Joseph Manje.

Hon. Manje: Thank you, Hon. Deputy Speaker, for giving me this chance to contribute to this very important Motion. Ranking was abolished by the Cabinet Secretary and he said that it contributed to cheating. He also said that schools do not have equal facilities in the country and some students are drilled towards examination and that reduces the ability of a student to manipulate life. However, in my opinion, these are not the reasons why he should have not allowed ranking to continue. If the argument is lack of facilities, then the Government should concentrate on that and ensure that all schools have equal facilities.

Hon. Deputy Speaker, I want to support this Motion by Hon. Chris Wamalwa because there is strength in lists. The reason we have numbers, from one to infinity is because it is there for a purpose. We want to rank and many people would love to have the best. It is natural that ranking has to take place. The reason we know the strongest animals is because they are ranked by their strengths. We also know good universities because they are ranked. The same applies to schools. The difference between Alliance High School and another school is because they are ranked. It is through ranking that I know Maasai High School in Kajiado North, which is said to be here today, is one of the best performing schools in my constituency.

In the process of curriculum development, there are various stages. The first one is the development of curriculum which is done by the Kenya Institute of Curriculum Development (KICD). After that, there is the implementation stage that is normally done by teachers and the evaluation stage done by the KNEC. If after evaluation there is no ranking, then the process will not be complete. So, I advocate that they should complete the process so that the curriculum can be evaluated properly.

There is one thing that we have achieved as a country. We might not be there in politics and other things but when it comes to education, our people are highly educated. If you go outside this country, you will know Kenyans are educated and we can only attribute this to the good schools that we have, the good curriculum and the ranking that has been there. There is strength in ranking. Any student, for example, who went to Alliance High School or Mang'u High School had very high chances of succeeding in life. This means it is also a motivator. It is a catalyst to one's achievement in this life.

Ranking also helps the Government and policy makers to make decisions. For example, if there is a school like Oololaiser School in my constituency not performing or performing better than another school, I would like to know why the other school is not performing. Maybe they will tell me they have few classes or they have fewer facilities. It can only be realised from the way they are performing.

Teachers evaluate themselves on how they make students pass. If you remove ranking the way it has been done, then everybody will relax. Most of the teachers will relax because at the end of the day, they will not have a motivator. There will be no gauge to know whether this school is performing better than the other. That one will discourage the competition that we have in schools. This will dilute the level of education in our country because if there is no ranking, it means the level of education will go down. The Cabinet Secretary said schools should not be ranked because he realised that most of the private schools are performing better than Government Schools, especially in primary school. He wanted to equalise private schools and

Government schools. That is why he said there should be no ranking. This is to get many students going to school.

Lastly, if ranking is abolished, there would be an official ranking that will emerge in the country. In places like the USA where ranking is not official, you get an official ranking from publications. Somebody will come up with a magazine somewhere and start ranking the schools in this country. If we remove this official ranking in our country, then ranking will take unofficial means and it will not be accurate.

I support.

Hon. (Ms.) Sunjeev: Thank you, Hon. Deputy Speaker, for giving me this chance to lend my few thoughts to this very important amendment Bill. From the outset, I would like to appreciate the young students who are with us in the Gallery listening to this debate because it concerns them. I hope when they go back home today, they take what Parliament is talking about ranking.

Ranking is based on performance and everybody knows that. Even when a young person, man or woman, goes to apply for a job, the first thing that the company asks is the grades. The better grades you have, the better chance you have to get the job. So, ranking has been put in place as a tool of measure in many forms of life. Many Members of Parliament have mentioned this. It goes to say that without ranking, we would not be able to differentiate an apple from an apple. So, where is the problem? The problem is that ranking brings extraordinary pressure to children. I have never been an intelligent student but when it came to arts, I was exceptional. That is how many students are.

The fact is that with this ranking, when many students get under a lot of pressure, it brings out a different nature in them. Do we support this ranking? Unfortunately, we do. At the moment, we have world's top 20 projects which rank over 200 nations. It monitors education systems for students and development from ages of 3 to 25. So, you can imagine they rank these students from the age of three and you can imagine the extraordinary pressure that is put on the child from that age, but they have to do so, so that these children can grow up in the spirit of competition. This competition is instilled in them from a very young age. I must commend the children who work efficiently under this pressure.

I would also like to mention that this ranking system is going to demand a lot of accountability. As has been mentioned before, it gives teachers a lot of pressure so that the school can perform. In my opinion, if a public school that does not have many resources is doing very well in terms of ranking, then you will find children who are coming from better social backgrounds being admitted to that school because they want to be taught by the best teachers and be amongst the best performing children.

Kenya ranks strongest in personal freedom and choice in a social progress index. This says a lot. People say that Kenya is not doing very well in many instances but it is doing well as far as personal freedom and choice is concerned. Citizens from other parts of the world like China would like to come to Kenya because they get a better choice in personal freedom. Therefore, I support this Bill and I would like to commend the Cabinet Secretary for his efforts. I support this Bill. Thank you.

Hon. (Eng.) Gumbo: Thank you, Hon. Deputy Speaker for the opportunity to talk to this Bill.

*[The Deputy Speaker
(Hon. (Dr.) Laboso left the Chair)]*

*[The Temporary Deputy Speaker
Hon. (Ms.) Shebesh took the Chair]*

Hon. Temporary Deputy Speaker, even as I contribute to this Bill, the fact that my good friend, Hon. (Dr.) Wamalwa, has had to bring it before this Assembly, tends to confirm two things.

Hon. Temporary Deputy Speaker, this Bill may inadvertently be admitting the diminishing role and stature of Parliament. As we speak now, ranking is happening even in our schools. It is a natural phenomenon. If you go to the counties and the sub-counties, ranking is done and, in fact, people will tell you the top school. In fact, whenever the results are announced, all the major national newspapers will tell you the best school in that year's exam. I find it curious that we are attempting to motivate ourselves. Without ranking, it is trying to motivate ourselves by comparing self with self. That is an irony. I think everyone would want to know how they are doing and the only way to do that is to compare yourself with others.

I went to the great Cardinal Otunga High School in Kisii back in the 1980s and to date, those of us who went there in the late 1970s and early 1980s, when we go back to that school, we are treated with a lot of respect. Why? We happen to have been the generation which despite the fact that the school was a district school, managed to elevate the status of the school to fight with the giants of the time which included; Mang'u High School, St. Patrick's High School-Iten and Alliance High School. I proudly dare say that it was the A-Level class that I sat in in Cardinal Otunga High School which for 32 years now, managed to put that school among the top 10 schools in Kenya. That has given us a pride of place in the school up to today.

It is granted of course that some schools have misused ranking. These are few because when you talk to the school administrators, managers and the Ministry of Education administrators, they want ranking. We should have a method of dealing with the few who abuse the process, for example, those who hide behind ranking and misuse it for commercial activities or overburden students. That is the way to go.

I have alluded to the fact that by debating this Bill, we are inadvertently admitting the diminishing role of Parliament. My good friend, Hon. Chrisantus Wamalwa brought a Motion to this House which was passed. From what I know because I happen to have been in this House for nine years, a Motion passed by Parliament is a resolution of the House. A resolution of the House is a directive to the Executive to execute that resolution. What then do we make of the constitutional provisions which are very clear that Parliament manifests the diversity of the nation, represents the will of the people and exercises their sovereignty? If we are the representatives of the people, what we pronounce ourselves on in this House has to be considered as the will of the people of Kenya. The same Constitution is very clear that the National Assembly deliberates and resolves issues of concern to the people and that means that a resolution of this House is a resolution on a matter which is of concern to the people of Kenya. I find it quite contradictory that a Motion is before this House which was passed instead of the Cabinet Secretary concerned coming back to us with regulations on how to implement that Motion, we are now being forced to take the longer route of bringing a Bill to this House to effect what this House had clearly pronounced itself on.

Having said that, we have to go this way anyway because whether we like it or not, schools are being ranked. It is not right to rank a small day school in Rarieda with Alliance High School. The fact that we are now coming up with regulations which are going to help us rank schools in different categories is good. Ranking will help us to know where we are lagging

behind in our education system. It will help us to come up with reward schemes to improve our education system.

This is a good Bill but as my good friend, Hon. Erick Keter had said, we ought not to have come to where we are. This is the way it should go. Ranking is a natural thing. It happens in our daily lives and to try to attempt to do it otherwise is an exercise in futility because it will happen anyway. It is happening right now. I have a son in Maranda High School and the other day, I found him working very hard because some “small schools” in Siaya County which ordinarily ought not to play in their league had scored a better mean grade than them. Will we then not say that the fact that they knew how their neighbours in the county had performed was motivation enough for them to know where they were failing as a giant in that neighbourhood to execute measures to improve?

Even as we pass this Bill, we must agree about going through this ritual every Wednesday of Members bringing Motions here. Sometimes we say: “This House urges.” Sometimes I do not know what it means to say “Urge the Executive.” To the extent that I know, a resolution of this House is a resolution of the people of Kenya. Sometimes we become more emphatic and say: “This House resolves.” We must agree that whenever this House makes a resolution on a matter, it is binding on the Executive to execute.

This is the time to relook at our model of governance with regard to our legislative framework. Was it such a good idea that Cabinet Secretaries who are the frontline of the Executive be away from this House? We must find a way where whatever resolutions we make are executed, even if it means agreeing in a bipartisan manner to look at those aspects of the Constitution. In a Bill such as this, there would be a Cabinet Secretary who would take notes when we pass it and give a confirmation and undertaking to the House that what has been agreed on will be implemented. It may have been a mistake to let Cabinet Secretaries work outside Parliament. We should relook at it as well as some of the faults that exist in the current architecture of our Constitution.

I support and encourage that we should go this route.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Kesses, Hon. Kimaru.

Hon. J.K. Bett: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute on the subject of ranking of schools. I support it because ranking helps us to rate schools especially if we rank them in the same category. We should rank schools such as Alliance Boys High School and Kapsabet Boys High School together. Schools with similar facilities and infrastructure should be ranked together.

Ranking of schools helps to motivate schools which have not been performing well in the past. It helps them to come up with targets, objectives and a blue print of where they want to go. Schools, like other institutions, must grow from one level to another. So, Hon. Temporary Deputy Speaker, I support ranking because schools which are relatively young, without sufficient facilities, for example classrooms and members of staff, can have a target of where they want to be in some date in the future.

Ranking of schools also helps leaders and policy makers in resource allocation. They will know that this school did not perform well because they do not have science teachers or a laboratory. So, the moment they know that, they will allocate resources accordingly to meet the needs of that school. Ranking is everywhere in human life. It is in the social, economic and political spheres of human life. So, we cannot run away from ranking. That is why I urge Members of this honourable House to support the Kenya National Examination Council

(Amendment) Bill. You will find terms like the G7 in economic spheres. These are countries whose per capita income is comparatively high compared to other countries. We have the less developed countries. You cannot run away from ranking.

In the political scene, if you want to be the President, you must garner most votes to be declared either a president or governor. Why should we avoid ranking in schools, and yet they are said to be game changers in the society? It is only education that can improve the welfare of the people. For Form Four students, ranking in the Kenya Certificate of Secondary Education (KCSE) will assist the placement of students in universities to pursue relevant degree courses. For example, if you want to know who will undertake medicine course or engineering course, there are some clusters which are made through ranking. You will know that somebody who gets this kind of cluster will be able to do medicine or a business course.

This is a very important subject. If this Bill will be passed unanimously, I want to urge the current Cabinet Secretary for Education, Science and Technology to rank the results for 2016 examination.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Member, there is a point of order from Hon. Kabando. Are you on a point of order or you want to contribute?

Hon. Kabando wa Kabando: Thank you, Hon. Temporary Deputy Speaker. I want to humbly request to give the Member some information, if he agrees.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): The Member for Kesses, do you want some information from Hon. Kabando wa Kabando?

Hon. J.K. Bett: I do not need any information, Hon. Temporary Deputy Speaker.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): He has declined your information. Go ahead Hon. Member.

Hon. J.K. Bett: Thank you, Hon. Temporary Deputy Speaker. Hon. Kabando wa Kabando wanted to eat into my time. Thank you for protecting me.

I was saying that ranking is part of our social set up. I want to urge Members to support this Bill unanimously. We hope the Cabinet Secretary for Education, Science and Technology will rank schools in examination results for 2016 which will be pronounced in March, 2017. We will develop a criterion for ranking schools. We want to see day schools ranked in the same category. Let us have district schools ranked in the same category. Let us also have private schools ranked in the same category because the facilities differ from one category to another so that we are able to motivate, allocate resources and move this country forward.

I support the Bill, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I give the Floor to the Member for Butula, Hon. Onyura.

Hon. Onyura: Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this Bill. Right from the beginning, I want to say that I have some reservations about supporting this Bill, particularly if the ranking that we are thinking about is done in the way we have been doing in the past. I would have wished to see the framework, and modalities of the way this ranking will be done. I say so because the kind of ranking that we have done in the past has encouraged certain negative practices like cheating.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Let me hear the point of order from Hon. Gumbo.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, I have no intention whatsoever to interrupt my good friend. However, is he in order to ask for what is already provided for under the Bill? Part of what this Bill is seeking to do is to make rules and regulations for ranking of schools. That is what he is saying. Is he in order to ask what is clearly provided for under the Bill?

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I did not hear exactly what the Member was saying. However, Hon. Member, you can respond to what Hon. Gumbo has raised in his point of order.

Hon. Onyura: Hon. Gumbo should be patient, and wait for me to finish my contribution and then he will see where I am coming from. I was saying that the sort of ranking that we have had in the past has encouraged cheating and discrimination of weak children. It has also encouraged unnecessary commercialisation of education, particularly in private schools. We know there have been cases where children who are weak are either forced to repeat or transported to nearby schools to enrol. That is discrimination.

There has been too much obsession from certain schools and teachers on the ranking. This has led to lack of development of other strong points from students, for example development of students with talents. There has been too much emphasis on academics and ignoring the other aspects. I would rather have an all-round student with proper social and life skills rather than have a first class robot. We need to approach this issue of ranking very carefully. I do not know whether ranking is the best practice. I do not know which other countries take this sort of approach to education. I wonder why most of the commissions which have been set up to look into various aspects of education, including ranking, have usually recommended that ranking be done away with. I do not see how ranking will fit in the future of our education system.

Hon. Temporary Deputy Speaker, we have all been talking about universal education where our children will start from pre-school and go all the way to Form Four. So, if you want to rank schools at Standard Eight, I do not see the purpose it will serve.

If there should be any ranking, at least, at this point in time, there should be just two ranks; those who have attained pass mark and those who have not reached the pass mark so that we try to minimise the negative aspects of competition just for the sake of it.

At this point in time I do not support ranking unless I see the real framework that will show us the proper way of ranking so that even when we are comparing or ranking, we do not compare oranges and apples. They may all be fruits, but there is no way you can rank this. It is most important that people in the education sector work out the modalities and framework before we reintroduce this ranking.

I oppose.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Hon. Member for Vihiga County, Hon. Kedogo.

Hon. (Ms.) Kedogo: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. Ranking is very important. Some complain that there will be a lot of cheating. For the last two years ranking has not been done but the number of the student who cheated was very high. So, that should not be an excuse. We will come up with regulations so that cheating is minimised.

Competition is all over even in athletics or games. There is ranking. It is everywhere. Even in classes in schools, students are given exams and given positions after from the first to

the last one. So, if we now say that ranking should not be done, it should start from the classroom itself. Ranking is very important.

I remember last year Members of Parliament, County Women Representatives and other people were ranked. We should not say that ranking is bad. It is always good to know what is happening or which position you are. How do you measure your performance if there is no ranking? You must evaluate yourself. Even teachers rank themselves after a lesson. They evaluate themselves to find out how they taught a lesson whether it was well done or not and then correct themselves.

I would wish that the Government makes sure that it facilitates by giving funds to schools to equip laboratories and provide the facilities that are needed so that everyone is at par. It is now giving textbooks to schools. So, we cannot complain that some schools are getting textbooks while others are not. There is a cash transfer that is given to each student. From that they buy books which are given to all schools. If the Government facilitates and gives that money for buying equipment, there will not be any problem.

Ranking motivates students to compete and also enables them to find out where the problems are and easily avoid them. If schools are ranked, we will find out what happens in a school that does not perform well. We will have to assist so that each one is at par.

In my culture, sometimes ranking is done depending on the number of children one has. One becomes a hero because of the number of children. Ranking has always been there. We should not say that it is a bad thing. If we continue ranking schools, we will know where we are coming from and where are going to.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Hon. Member for Igembe Central, Hon. Iringo.

Hon. Kubai Iringo: Thank you, Hon. Temporary Deputy Speaker, for this opportunity to contribute to this Bill. From the outset, I rise to support the ranking of students or schools as far as examinations and other assessments are concerned.

I remember the same Hon. Member who brought this amendment Bill brought a Motion which we passed in this House. I am happy he found out that the powers that be did not take into account what this House decided and, therefore, he came up with a Bill. Once this Bill is made into law, the people who are supposed to actualise or to do what it entails will take action because it will be law.

Again, I am happy that once this Bill is enacted, it will not be a subject for variation if a different Cabinet Secretary comes to office. When the former Education Minister brought these changes, there was a lot of hue and cry. There were many who opposed and others who proposed. He did not take time to give the public a chance to decide on the same. He did it unilaterally and there was a lot of resentment in several quarters.

Even if the Cabinet Secretary issued a circular that they were not going to rank schools, it automatically continued. If you went down to the counties after the examinations, you would find that there are some local newsletters and magazines that rank schools in the counties. If you go to an individual school after exams, you will find that the school ranks the students and has a prize giving day. So, it is only at Mtihani House when the results are released by the Cabinet Secretary where they were not doing the ranking. Once they release the results, every Area Education Officer and school principal moves up and down to see who has performed better than the other. So, it has been continuing albeit at the grassroots. It is only at the national level where it is not done.

As we have been on recess, I have been to several schools and several education zones presiding over education days and prize giving days. You find many prizes lined for the best student and teacher in a subject. Automatically, this ranking is there with us and we cannot run away from it. When we go to these schools, as leaders, to encourage and motivate the students and the teachers, we promise to do so much for a school that will give us so much. We have been doing it and we are still doing it. You say that a student who will get these many marks will get this. The Equity Bank's Wings to Fly initiative says that if a student gets 350 marks, they will be a candidate for sponsorship. They have to put a mark somewhere. In as much as we say we do not want ranking of schools, it is with us. We would like to know what other schools are doing. This encourages competition. Why are private schools doing better than public schools? On inquiring, you will find out that most public schools do not have enough teachers. The teachers are also not happy or comfortable with what they are doing. Therefore, the Ministry should find out what it can do for those schools to be at par with the others.

On the same note, I propose that once we pass this law, the Ministry should structure this ranking system so that it cannot be misused to encourage cheating or to turn students or pupils into only being robots of books. It should not be misused to poach teachers from some schools to others. It should be structured in such a way that it encourages healthy competition among students and schools. There are schools whose students score low marks. Bigger schools like Alliance High School, Mang'u High School, Maseno School and others take the cream of the students who have good marks. We should have a structure to categorise different classes of schools. For example, there are national schools which take a high standard of students and day schools which take students who get marks as low as 100. If all these categories are put into a structure and those structures are gauged nationally, then a school can be certain that it is competing against its peers and it would like to go far and achieve the best position. I strongly support the idea of ranking. At the end of the day, the Ministry should put in place proper structures which will encourage competition and improve our standards of education. However, we should also fight the vice of examination cheating.

I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Wajir South, Hon. Diriye. He is not in the House. I now give the Floor to Hon. Geoffrey Odanga of Matayos.

Hon. Odanga: Thank you, Hon. Temporary Deputy Speaker. I have finally got a chance. I want to thank Hon. Chris Wamalwa in absentia because he brought a Motion on the same subject last year and he has now decided that we anchor it in law. This is because the Committee on Implementation of the National Assembly is not performing up to expectations. This is the third time I am lamenting about that Committee. This is because the resolutions we make in the Assembly are never implemented anywhere. I would wish that it ups its game. First and foremost, the reasons why ranking was stopped need to be addressed.

(Loud consultations)

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Hon. Members, please consult in low tones.

Hon. Odanga: As much as we would like there to be ranking, we would like to see the reasons and justifications why ranking was stopped. One of them was cheating, which has been mentioned severally. That is a vice. Another one was forced repetition of pupils and students in

our schools thus leading to a lot of wastage. Another one could have been expenses that go with the idea of ranking. Because of ranking, schools' boards of management come up with extra levies that are a big burden to the parents of this country. Those aspects need to be addressed before we decide, as a nation, that ranking should be immediately introduced.

Some of us who went to school a little while ago were only aware of schools that had students who had scored Division I, Division II and Division III grades. We were not bothered about those who had scored a "Z" grade and they were very many. We were able to know that Sigalame High School, St. Paul's Amukura High School, Friends School Kamusinga High School or Kakamega High School were doing very well and, therefore, we would take our children to those schools. We knew the best schools.

If we have to go for the structured ranking, there are several questions that we need to answer. Are students in national schools, county and sub-county schools going to sit for the same exams? Even if we rank them in their categories, will they be doing the same or different examinations? Issues of infrastructure have been addressed. The Ministry of Education needs to do better because it has failed to evenly provide infrastructure in our schools. There are schools in certain counties in this country that receive infrastructure development funds yet some schools in some sub-counties get nothing. Before these issues are addressed, let us not talk about ranking. Let us do the ranking as we used to do it in class. We would know that certain students were first, second and third or they got Division I, Division II or Division III grades. Let there be individual grades. The idea of putting all students together and saying that they have a certain mean score when one student has a "D" (Minus) and another one has an "A" is not wise. Unless we address the issues of virtues against vices, ranking is going to do more harm than good to this country. Therefore, unless those issues are addressed, I will not support the ranking of schools as it is now.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Member for Bureti, Hon. Sang.

Hon. Sang: Thank you, Hon. Temporary Deputy Speaker for this opportunity. I want to start by thanking Hon. Wamalwa for coming up with this very important Bill. For a long time, students have been doing the KCSE and KCPE and they have been ranked. It was very unfortunate when we learned that the former Cabinet Secretary for Education banned ranking without any public participation. It was very unfortunate because we have never been told what informed the banning of this ranking. I join my colleagues and friends in supporting Chris Wamalwa's Bill because we want ranking to be brought back.

It is a very good Bill because with structured ranking, schools that have infrastructure are going to be ranked differently from schools that have challenges with issues of infrastructure. It has been unfortunate. The ranking that was there previously was biased because schools like Alliance High School were being ranked the same with very small schools in our rural areas. It was very unfortunate. However, with the Amendment Bill that has been sponsored by Hon. Wamalwa, things will be sorted out and schools will be ranked according to their categories. Some schools have issues of infrastructure, shortage of teachers, security issues and other challenges. Once these issues are sorted out, things will improve.

I thank the Government because it has done well so far on the issues of payment of examination fees for both KCPE and KCSE candidates. Students are no longer paying examination fees. For a long time, students from very poor backgrounds were unable to sit for those examinations because of challenges with examination fees. With the Government doing

something with regard to the payment of the examination fees, most students will sit for the exams. After this, things will probably improve.

On the issue of ranking, it has improved competition for a very long time. When results are being announced every year, we are always proud as Bureitians. We usually have around six schools performing so well from my sub-county. Schools like Litein Boys, Litein Girls, Tengecha Boys, Tengecha Girls, Korongoi Girls, Roret Girls, Chebwagan and several schools in my place have been competing. We have seen the mean score coming up. I know the issue that my neighbour, Hon. Eric Keter, talked about. It is an issue of accountability and cheating. Once the problem of structures of assessment is sorted out, I know things will improve.

The Ministry of Education, Science and Technology (MOEST) has some challenges. It has challenges like the placement of students and ranking. I know Dr. Matiang'i who is the CS in charge of education will do something good so that we get rid of the confusion in MOEST. As we speak, I know that Ministry is coming from somewhere with confusion. With the current CS, I know things to do with placement, ranking, books, shortage of teachers, school fees and infrastructure are going to improve in a few months.

Today is important. The Cabinet Secretary (CS), National Treasury is going to give us the Budget. I know that the Ministry of Education, Science and Technology is going to get a good chunk of money. Issues of school fees for orphans and such will be sorted out.

It is important to note that MOEST is also working on the curriculum. The curriculum which will come out has some very key competences that are going to help some of the students when they qualify from high school. Communication skills, critical thinking, entrepreneurship and what have you will be included. It has been unfortunate that one is condemned to desperation once one fails in the Kenya Certificate of Primary Education (KCPE) or the Kenya Certificate of Secondary Education (KCSE) examinations. With the new curriculum, even if the 8-4-4 System of Education will not be changed, it will be improved at some point. Students who failed in KCPE or KCSE will come out and get something to do. It has been unfortunate for a very long time that students who do not perform in examinations have been condemned as failures. They despair and you see them idling around in the villages after a very short time. Once the new curriculum is adopted or the 8-4-4 System of Education is changed, most of those students will come out qualified and get something to do. I know the Jubilee Government is doing something on vocational training. Ministries are opening technical institutions everywhere in our constituencies. Within a very short time, our young men and women will come out and have something to do once they qualify from primary and secondary schools.

Otherwise, I congratulate my friend Chris Wamalwa. I support this amendment.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Thank you, Hon. Member. I now give the Floor of the House to Hon. Ali Wario, Member for Bura Constituency.

Hon. Wario: Thank you very much for giving me this opportunity, Hon. Temporary Deputy Speaker.

On my behalf and that of the people of Bura Constituency, my I take this opportunity to wish the House and the nation Ramadhan Kareem.

That said and done, it is wrong to anchor the existence and practices of a structured ranking of schools and candidates in a statute law. I am saying so because Article 204(2) of the Constitution has appreciated different stages and levels of development that our country is in today. It went ahead to giving remedy in terms of giving the Equalisation Fund because the levels of development in this country are different. It disturbs me if you develop a structure to

measure performance of students for a country which has different levels of development. That rule is not fair.

There is another issue that I want to share. There have been different consultants at different levels. There is the Omingo Report on Education of 1974; the Koech Report of 1980s and the United Nations Development Programme's (UNDP) 2002 Report. They all raise a red flag in terms of Arid and Semi-Arid Lands (ASALs) and children of pastoralists.

Key issues in this Report are enrolment and retention rates. We are at the very basic. Educational issues of enrolment and retention have not been addressed for the last 50 years and you want to come up with a tool to bring all schools at par. This law will do more harm than bringing solutions to the problem that are facing the education sector.

The other issue is the plight of the children of pastoralists. Fortunately or unfortunately, the fate of those children is determined by the climatic condition they live in. If it rains, well and good, we continue with education. Because of their way of life, they are forced to move from one position to the other in search of pasture and water in times of drought. In those processes, the children are forced to alternate between their way of life and academic excellence.

If we come up with a tool of ranking a kid in a place called Hirimani in Bura Constituency or Balambala which is inaccessible, it is unfair. We are in the process of requesting the Kenya National Examination Council (KNEC) to recognise and register those areas as examination centres. If you take a kid from Hirimani or Balambala in Kora Secondary School and you want that kid to be ranked and do the same exam with a kid from Alliance, this law is dangerous for this country.

Tana River has been leading from behind for the last 50 years in national examinations. What appropriate structures, laws and policies has the Government put in place to address that problem? As if that is not enough, you are bringing a tool which will force the marginalised and the settled people of this country to do the same exam and measure the performance of those children. At times, I doubt if the current education system is meant for the children of pastoralists. What we need as pastoralists or people from ASAL counties of Kenya is a fair play ground and affirmative action that enables us, through the Equalisation Fund, to be at par with other Kenyans. Thereafter, you can come up with the tool named ranking.

With those few remarks, I stand to oppose this Bill. I know this is a minority voice. We can go further in challenging the legality of this law in the courts of law if it goes through. This is unfair to the pastoralists' fraternity of this country.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): Okay Hon. Member. I now give the Floor of the House to the Member for Nyamira County, Hon. Chae.

Hon. (Ms.) Chae: Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity. I stand to support this Bill by saying that there are so many things that made us to do away with ranking of schools after exams. When we again talk about ranking, it means that what made us to say no to ranking is going to be addressed. I hope that we are now going to have categories of ranking of schools.

Where I come from, we have national, county and district schools. But when it comes to ranking, you find that there is no separation. We rank them jointly, knowing very well that some schools lack many facilities which make them not to perform like national schools. Furthermore, the teachers in those schools are not the same. Government district schools do not have enough teachers. Most of them are employed by Board of Governors (BOG) and what they are paid to enable them to work properly and ensure that students pass examinations is wanting.

If we are going to rank schools fairly, we need to ensure that all of them have Government teachers who are equally paid, are determined to work and change the lives of students. When I was in school, I went up to Form Four. After that, there were those who made it to the university and others joined Government diploma colleges. Those who did not go to Form Five and Six went to primary teachers colleges and community nursing. There was ranking that could sieve people. That criterion is no longer there. You find that after students do their Form Four examinations, with a grade of “C” plus (C+), they join universities if they can manage to go for parallel studies and others are admitted by the Joint Admissions Board (JAB). There is also a category of students who are not taken care of.

We need to look for a way of closing that gap so that there are intermediary colleges and a good criterion is put in place to ensure that students go to those colleges and serve the community. I believe that ranking raises the morale of teachers and students regardless of negative issues. Also, we have departments in schools like science and humanities and teachers from various schools come together and come up with ways in which they can better the students’ performance in those particular subjects. But without ranking, I no longer see those departments coming together and having conferences in various places.

Therefore, ranking will ensure that teachers are committed, determined and measured because they will have to prove they are good in various subjects. Teachers who do well will be respected and promotion will be evident. In local schools, teachers stay there for ages and students do not perform. Remember that students who join local schools are those who did not perform well and were not admitted to national, provincial or county schools. They, therefore, attend those local day schools. How then are they going to be ranked? That is why we need to have criteria of ranking our schools.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Shebesh): I now give the Floor to the Hon. Member for Bondo.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. This country is living a lie and we are cheating ourselves in a big way. Immediately we are doing exercises as CORD, we are marked and definitely graded. We are grading and ranking in one way or another. We are living a big lie as a country. It is very unfortunate that the Ministry of Education, Science and Technology is leading in this. Immediately we have standards in the sense of examinations and we set people to do them, definitely we are looking out for indicators of performance.

We can call those examinations, appraisals or anything in any environment or set up but, at the end of the day, there will be scores. Immediately you score even at the work place, you are scoring your colleagues. We appraise workers and employees and defiantly give them grades. Immediately we grade them, we score them and give some kind of ranking. This is something we are not going to do away with and it is here to stay. The best way is to get to know how well to do it. That is the main question because we are doing it.

The Ministry cannot say that there is no ranking now. That is because it is there. If they do not do it in Nairobi, it is done in the villages and counties. The daily newspapers do it for them. We must agree and have a proper way of doing it so that it is acknowledged. Examinations are done worldwide. In other countries, the kind of situation that we have in this country does not work there. For example, it is not applicable in Germany because different states have their own set of examinations which is completely different from ours. Immediately we have national examinations, they are supposed to be done by students at the same level of education and definitely some ranking must be there.

If ranking is not done, then employers look at what one scored. Did one have grade “A”, “B” or “C” before being called to the Kenya Medical Training College (KMTC) or to the Bridges Institute. There are definite things which employers will always look out for. So, if this is the direction and the situation we find ourselves in, the best way is to get a proper way of doing it and not deny. We are trying to put our heads in the sand and assume that things are fine.

In this country, the Ministry of Education, Science and Technology has not done us a fair job as a department over a period of time. From the year 2000 to date, they had registered five times the number of schools that we had between Independence and the year 2000. They registered schools with no idea of where they are in every village in this country to an extent that, there are schools in this country that have 90 teachers and yet, in the constituency that I represent, there is an average of six teachers in a school. Those students are expected to sit the same examinations.

The Ministry has cumulatively failed this country. There are certain things that they need to look into, but they have totally failed. I am isolating the registration of schools specifically because if the Ministry was seriously looking at what it takes for a school to be registered, it would have put some certain parameters. Immediately we register those schools and assume that they are the same and subject them to the same examinations, then there is a big problem. We have to agree at this moment in time that schools are not the same and they are subjected to the same examinations and, definitely, there must be outcries.

The question that is coming from Bura and other places will definitely be there. There is no way a small group of people who are struggling or a small minority suffering somewhere will hold the idea that ranking should not be there when it is there anyway and going on. Students from North Eastern or other hardship areas are normally given lower marks. They have lower entry levels to the university or to Form One. In fact, Maranda High School in my constituency takes students from North Eastern with much lower marks. So, those arrangements are there. When we have all those, I do not think it is good to assume that some of those things will be answered the way we are trying to do it here. Ranking is necessary and, as we rank, we must agree that examinations are necessary. Immediately we have exams, definitely, we must rank. When we have grading, we must rank. When we are scoring, that is ranking. When we are doing whatever we are doing in terms of awarding marks, even if it is internal examinations in a class, you grade a student based on the scores – whether one has 70 and another one has 40. Immediately you do that, you are ranking. Those who score 70 marks and above are in class and they know who are able to score those kind of marks. That carries on and on.

This idea that we are so examination-based; the idea that we are so academic in terms of our educational approaches can be solved in a different way, other than looking at ranking. We can look at the issue of the best in terms of academics. We are talking about an all-rounded person yes, but we can do it differently. We can do the appraisal arrangement differently and the examinations can be done differently. In my view, ranking will have to be there.

I want to believe what brought the whole idea of non-ranking was the issue of cheating, which has been alluded to here. In the last two years, there have been a lot more cases of cheating than any other time. It is when we did not have ranking. So, the whole thing of looking at in-depth arrangement of how examinations are conducted in this country is important. The Ministry as at now is trying to do much more in terms of reforming the Kenya National Examination Council (KNEC). I think there was a big rot in the Council. Immediately all those things are cured in terms of how we are able to protect our exams; how we are able to set exams; how we are able to facilitate the movement of exams and how we are able to monitor how the

examinations are conducted, it will be fine. Examinations need to be there. Immediately we accept that we have examinations, definitely examinations will give us ranks whether we like them or not. We will call them by any other names, but they will remain rankings. So, I support the Bill.

I want to believe that a formula must be found that indicates very clearly that schools are not in the same level. Schools are endowed differently and so, they will have different results. We have to see how we can categorize those results. A day school with only two classrooms and other pupils are served under a tree cannot be the same as Lenana School that has been there over the ages since before Independence.

Hon. Temporary Deputy Speaker, I support.

*[The Temporary Deputy Speaker
(Hon. (Ms.) Shebesh) left the Chair]*

*[The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu) took the Chair]*

Hon. (Ms.) Munene: Thank you, Hon. Temporary Deputy Speaker. I rise to support the ranking of schools. It is better to rank our schools. You must get number one and two. If teachers know that one time they have failed, they are going to put more effort so that their schools can be ranked number one or two. It is better to think of how we are going to support the teachers. They should be given enough money to make sure that our children pass exams. Nobody can steal exams if the Government puts measures to curb cheating. It is good for this country. If we are not going to rank schools, we are going to make some teachers to just work ordinarily because they will not be competing with anybody. Even as Members of Parliament, we have competitions. We know what we want to do in order to be elected again. So, it is better to rank our schools. When the students know their school needs to be number one, they are going to put more effort. Even if we say we are not going to rank schools, during prize-giving days, students are given presents. So, we can know which students have done well. So, we are cheating ourselves that we are not ranking our schools.

It is better to think of how we are going to make sure that all the schools in this country have enough teachers, including the schools which employ Board of Management (BoM) teachers. We need to ask our Government to make sure that education is given priority in this country. So, let us do something for every school. Let us employ more teachers so that even when people get out of our schools, it is known that qualifications from Kenya are good. It is better not to condemn ranking. I beg the Cabinet Secretary to go back to the ranking of schools.

I am saying that because I know that in my constituency of Othaya, we used to have girls' and boys' schools which used to do better. But those days are long gone because they know that they will not be ranked and so, they do not work hard. Let us have competition between the girls and boys in schools. Even the least developed schools are going to be given categories so that they can work better. It is good to make sure that the schools are ranked.

I support this Bill and thank Hon. Chris Wamalwa for bringing it.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Ababu Namwamba.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. Mswada huu ni muhimu kwa sababu unapendekeza utaratibu ambao utatuwezesha kurejelea mfumo wa kuorodhesha wanafunzi na shule mbalimbali katika mitihani ya kitaifa. Ni lazima tukubali ya kwamba

kuorodheshwa ni suala ambalo linapatikana katika kila nyanja. Hata sisi kama Wabunge, tunajua kwamba ukitazama ule utaratibu na utamaduni kwenye Jumuiya ya Madola, utapata ya kwamba hata Wabunge kama sisi huorodheshwa kwenye viwango mbalimbali na kuna utaratibu wa utamaduni huo. Kwa mfano, ikiwa ni lazima utoe nafasi katika mjadala kati ya Mbunge wa kawaida au Mbunge ambaye anashikilia wadhifa fulani katika uongozi wa Bunge hili, utatoa nafasi ya kwanza kwa yule Mbunge anayeshikilia wadhifa fulani ama kwa yule Mbunge ambaye amekuwa hapa kwa muda fulani. Huo ni utaratibu ambao umekubalika katika utamaduni wa Bunge za Jumuiya ya Madola.

Utaratibu huu wa kuorodhesha uko hata mbinguni. Kule mbinguni, hata malaika wameorodheshwa. Kuna malaika mkuu ambaye ukifika kule mbinguni, atakufungulia mlango. Hilo ni suala ambalo sisi Wakristo tunalijua sana. Utaratibu huu wa kuorodheshwa tumekuwa nao kwa muda mrefu hapa nchini. Mwenyekiti wangu wa Kamati ya Bajeti anajua suala hili la orodha kule mbinguni. Hili si suala geni katika taifa hili. Tumekuwa na utaratibu huu wa kuorodhesha shule na wanafunzi katika mitihani ya kitaifa, lakini suala hili lilikumba na matatizo kwa sababu ya udanganyifu katika mitihani na mashindano yasiyostahili. Shule nyingi ziliiga mtindo ambao mashindano yalifikia kiwango ambacho kilikuwa kufa na kupona. Shule kadhaa zilianza kutumia mbinu potovu ambazo zilipelekea aliyekuwa Waziri wa Elimu, Sayansi na Teknolojia, Jacob Kaimenyi, kufutilia mbali utaratibu huu wa kuorodhesha shule na wanafunzi. Lakini mimi ningependa kumkosoa Kaimenyi kwa sababu matatizo hayakuwa katika kuorodhesha. Matatizo yalikuwa katika usimamizi wa mitihani, jinsi Wizara ya Elimu, Sayansi na Teknolojia inavyosimamia secta hii ya Elimu na jinsi tunavyosambaza rasilimali katika shule mbalimbali katika sehemu tofauti za taifa. Haya ni masuala ambayo Serikali, kupitia Wizara ya Elimu, Sayansi na Teknolojia, inastahili kuyashuhulikia. Lazima tuwe na usimamizi bora wa mitihani. Baraza la Kitaifa la Mitihani (KNEC) lazima lifanyiwe mabadiliko makubwa ili kuhakikisha kwamba linasimamia mitihani kwa njia inayostahili.

Sasa tumeingia kwenye mfumo wa ugatuzi. Nimewasikia wenzangu wakichangia Mswada huu. Wameleta tetesi kwamba itakuwa vigumu kuorodhesha shule ilhali kuna hali tofauti katika sehemu mbalimbali za taifa letu. Wamesema kwamba hatuwezi kuorodhesha shule za kaunti kama vile Wajir sambamba na shule katika kaunti kama Nairobi ama Nakuru. Suala hilo la viwango tofauti ni nyeti na sugu na lazima lishughulikiwe. Ni mojawapo ya sababu ambazo zilitufanya kubuni mfumo wa ugatuzi. Sasa tuna nafasi ya kuhakikisha kwamba shule katika sehemu zote za taifa hili zinapata rasilimali tosha. Ndio sababu tumetenga pesa maalum kwenda katika maeneo ambayo kihistoria yamebaki nyuma, kusahaulika ama hayajapata rasilimali za kutosha. Kwa hivyo, suala hilo lisitutie wasiwasi tena kwa sababu tayari limeshughulikiwa na linaendelea kushughulikiwa. Wabunge kutoka maeneo kama hayo wanastahili kuunga mkono Mswada huu kwa sababu utabuni utaratibu ambao utawezesha shughuli ya kuorodhesha shule kufanywa kwa viwango mbalimbali. Kwa mfano, shule katika kaunti kama Wajir, Tana River ama Kwale zitaorodheshwa kwa njia ya kutufahamisha tujue hali ya kila shule katika maeneo hayo na hali hiyo inachangia vipi matokeo katika shule hiyo.

Kwa hivyo, tuorodheshe shule katika kila kaunti ili tujue shule shupavu katika kila kaunti. Tuorodheshe shule katika maeneo, shule za kitaifa na katika viwango vingine vya shule kwa mfano, shule za kaunti ili tujue shule za kiwango cha kaunti ambazo zimefanya mitihani kwa njia bora zaidi. Tuorodheshe shule kwa kiwango cha shule za kitaifa kwa sababu tuna shule za kitaifa katika kila kaunti. Kila kaunti sasa imepata shule ya kitaifa. Tuorodheshe shule katika kiwango hicho cha kitaifa.

Kwa hivyo, Mswada huu unatupatia nafasi ya kubuni utaratibu maalum. Hapo mbeleni, shule ziliorodheshwa bila utaratibu. Zimeorodheshwa kiholela. Sheria hii itabuni utaratibu wa kutuwezesha kufanya shughuli hii kwa njia ya utaratibu ambayo ninaamini itazuia udanganyifu. Ni lazima sisi kama Wabunge tuunge mkono hatua hizi hasa hatua ambazo lengo lake ni kuhakikisha kwamba tunaondoa kila aina ya udanganyifu katika mitihani.

Ndio sababu nachukua fursa hii kumpongeza Waziri wa Elimu, Bw. Fred Matiang'i, kwa hatua ambazo amechukua kujaribu kuimarisha hali ya wizara na kurejesha heshima katika usimamizi wa mitihani, ingawa sikubaliani naye katika maamuzi yake ya hivi punde ambayo yanaondoa maombi kwa wanafunzi ambao wanajitayarisha kufanya mitihani yao ya mwisho shuleni. Ametangaza kwamba tufutilie mbali wanafunzi kutembelewa na wazazi wao wakati wa muhula wa tatu. Sioni jinsi maombi ya kuomba wanafunzi wanaojitayarisha kufanya mitihani yanavyoweza kuchangia wanafunzi kudanganya katika mitihani. Sioni njia ambayo wanafunzi kutembelewa na wazazi wao inaweza kupelekea udanganyifu katika mitihani. Na ukisema kwamba utafutilia mbali wanafunzi kutembelewa na wazazi wao, je utafanya vipi kwa wale wanafunzi ambao wanasoma kwenye shule ambazo wanarejea nyumbani kila siku? Je, utajenga ukuta wa China kati ya wanafunzi hawa na wazazi wao au na familia zao? Uamuzi huo wa Bw. Matiang'i ni uamuzi potovu ambao hauwezi kuchangia hata kidogo kuimarisha hali ya mitihani. Ningependa Bw. Matiang'i achukue hatua za kutosha za kuhakikisha kwamba KNEC inasimamia mitihani kwa njia inayostahili. Vile vile, ningependa kuona sheria ikiletwa hapa Bungeni ya--

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Muda wako wa dakika kumi umeisha. Umeongea kwa Kiswahili kizuri. Ahsante. Wacha tumpe mwingine nafasi.

Tumsikize Mbunge wa Kajiado ya Kati.

Hon. Memusi: Thank you very much, Hon. Temporary Deputy Speaker. I have been sitting here waiting to contribute to this very important Bill. I take this opportunity to congratulate my good friend, Hon. Chris Wamalwa, for bringing this Bill. As we debate this Bill and as Members have contributed, I cannot stop myself from thinking what informed the former Cabinet Secretary (CS) for Education, Science and Technology to come up with a decision to stop ranking schools. I think whatever advice he got was ill-advised.

I support this Bill and say that if ranking is used properly, it is a motivational tool. Ranking, if used properly, is a tool that will help those interested in decision making to come up with proper decisions. If a parent wants the best for his or her child or, if they want to take their child to the best performing school, then what will they use to determine which school performs well? This can only be done through ranking. If leaders like us want to motivate and reward those who are performing well, then ranking is the only tool that we can use to come up with a decision that a certain school is performing better than another. For those that are not performing well, ranking is also used to tell us that there is a problem in those schools. Why are they not performing?

Hon. Temporary Deputy Speaker, my colleagues have already spoken and I would like to just agree with what Hon. Njomo had earlier contributed to this Bill. There are a lot of ideas that have come up from this Bill but, from what Hon. Njomo has said, we can cluster schools. Schools in the same position can be clustered in the same way and ranked the same way. If you want to rank a national school with a school in the interior part of this country, it will be unfair. However, those with equal strengths can compete equally. There are those colleagues from pastoralist areas who have talked of the challenges that those areas face and I represent those in pastoralist areas.

Hon. Temporary Deputy Speaker, as a leader, I am concerned about the quality of education in Kajiado Central. This is stemming from many challenges such as lack of teachers and poor infrastructure. As Hon Wario has said, when it rains, schools are closed. We have a lot of challenges during the drought seasons because children migrate with their parents and livestock. I am reminded of a saying that states: “Your “I can” is stronger than your Intelligent Quotient (IQ).”

We might have different challenges but if you are motivated, you would want to compete with that person who has everything because you can say: “I can.” It is not your IQ. It is not the opportunities that you have. It is not your challenges. There are children who are studying under trees and they are performing better than those who are in schools that are well equipped. So, because of the interest of time and those who want to contribute to this very important Bill, I finish by saying that I support the ranking of schools. But we must cluster those schools. You cannot, for example, put me in the same league with a runner from the Kalenjin areas and tell us to compete. However, ranking is important because it is used for decision making. It is used to tell us when there is a problem in an area. As leaders, those are the things that we use to make decisions. So, I support and I thank Hon. Wamalwa for bringing this Bill.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let us have the Member for Wajir West. Remember I have 14 requests.

Hon. A.O. Ahmed: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. At the outset, I support this Bill. I want to be brief in the interest of time and many colleagues also want to contribute.

Ranking leads to competition. We know that any competition enables one to make a lot of efforts to achieve or strive to attain a target. It is a motivating factor and it is a source of accountability for the individual student and the teachers as they work. We give them resources from the national Government through the National Government Constituencies Development Fund (NGCDF) and the contribution by parents. We need a source of accountability and this is one way to make sure that they are doing the work that they are supposed to do.

However, I support as has been said by many of my colleagues. Having said that, we need to make sure that, as we go the ranking way, we cannot have it as a one size fit it all. Schools are different in shapes and categories with different facilities. Some schools in hardship areas such as North Eastern are not well staffed. The teachers that teach in a school in Wajir are not the same as the ones who teach in Alliance. We very well know that teachers have departed from those schools and we are grappling with using teachers who have not finished college education. So, for that reason, we need to come up with a criterion to make sure that the ranking is at different levels such as the national schools, schools with facilities and schools from Arid and Semi-Arid Areas (ASALs). That is the only way schools with facilities or no facilities will have a measure to ensure that they are ranked.

Lastly, before we embark on ranking, we need to ensure that the Kenya National Examination Council (KNEC) is beyond corruption and is up to the task. As it is, it is riddled with corruption. Every time, there is rigging and cheating. We need to ensure that, that house is clean before we can be able to say that there is proper ranking for our schools.

Thank you so much for giving me the opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Now that you are speaking on ranking, I give the chance to the Deputy Chair of the Departmental Committee on Education, Research and Technology.

Hon. Melly: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Bill. Ranking, as a form of making decisions in our society, has a long history. If you look at the individuals who came up with the idea of ranking, like the Pearson's rank order, he envisaged that in every society and class, individuals are supposed to be ranked so as to know if the teaching learning process has adequately been attained.

I thank the Hon. Member for coming up with this Bill because in the education sector, a teacher is measured by the output or what the learner has achieved. When a teacher is preparing his or her plan of work, there are certain objectives he is supposed to attain. Those particular objectives shall be measured in a rank order. The rank order that we have here is going to be shown in the number of grades, marks and scores that, that particular student has attained.

The cumulative marks that a child has attained will be given in a form of Continuous Assessment Tests (CATs), end term exams, end year exams or end of course exams. Previously, all students and schools have been competing because those particular marks have been given publicly in form of ranking of schools based on performance of the teachers per subject, based on overall school output and that is why you realise that certain schools have been ranked as number one or last based on the output.

One thing that I want to agree with the Hon. Member who has brought this Bill is that the kind of ranking we are advocating for in this Bill is a comprehensive kind of rank where schools and institutions and students are going to be ranked comprehensively based on the facilities, levels of school, extra curriculum activities, the management of the school and all that encompasses a school system. In the earlier system, schools were ranked based on merit alone - that is what the students had attained in Mathematics, Physics, Chemistry or Biology. However, we are now talking about a comprehensive ranking tool. How has the school performed in terms of psycho-social development of the child? How has the school performed in terms of the physical development of the child in terms of athletics and other sports?

I would like to commend the current Cabinet Secretary (CS) because he is not against the ranking system. Once we entrench this in the system, it will not give education officers the whims to cancel or to stop ranking at will. We would want to entrench it so that schools and even institutions can compete fairly and favourably. At times, some scholars have believed that ranking demotivates. It will only demotivate if it is used wrongly. As educationists, this is not going to cause any harm. If we want to find out how a curriculum implementation has been successful in a school, you will never have good results without ranking. You must rank the way teachers have used material resources availed to them, how they have attended their lessons and how their school system and the overall school climate performed in order to achieve that particular curriculum implementation.

I would like to support, but the ranking of schools in examinations should be brought back. If we fail to rank, then teaching as profession will not achieve what we want it to achieve. Institutions tend to believe that you can still attain what you want without ranking. But I would like to ask: If you want a particular objective to be achieved, the performance of an institution has to be measured to establish whether it has done very well or it has achieved the least. That is ranking. I would like to support by saying that this Bill is at the right place and at the right time. I would also like to ask the Ministry of Education officials to implement it once it is assented to.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you. Hon. Members, at 12.50 p.m., we will have the Mover to reply.

Let me now give the Floor to the Member for Kwanza, who is next in my request list.

Hon. F.K. Wanyonyi: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

At the outset, I want to thank Hon. Chris Wamalwa for coming up with this Bill. Ranking should be done. I would like to agree with the Chairman of the Committee because ranking enables us to know the resources to allocate. That is because not all the schools have been taught with all the resources. Of course, some of them have less teachers and poor infrastructure. Take a case where we have students who have passed very well with over 380 marks. Where do you take them? You will take them to a school which is doing well – a school that is rated well – so that in future, they can pursue good professions.

Ranking also motivates. The previous speaker has said that it de-motivates but, to me, ranking motivates good performance, particularly amongst the teachers. Two weeks ago, I attended a function in Hon. Wamalwa's constituency where the best principal and best teacher of the year had been identified in Mombasa. The teachers went to Mombasa for a seminar. It was motivating. Those who were ranked first were given some rewards so that they can do better in future. Similarly, and this is a submission, we compete everywhere. Prof. Kaimenyi came and said that we should not rank schools. But I am here as a Member because I beat my opponents hands down in politics. The President of this country is in office because he beat his opponents. Ranking has been there since time immemorial. When I did my Form Four examination, I had my Division One with 15 points. So, I joined the best school at that time; namely, Maseno School. From there, I did my Form Four examination and pursued the best course based on how I performed. So, ranking is good. I want to thank Hon. Chris Wamalwa for coming up with this Bill.

With those remarks, I support the Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Thank you for your contribution. We still have four minutes. Hon. Wamunyinyi.

Hon. Wamunyinyi: Thank you very much, Hon. Temporary Deputy Speaker for giving me this opportunity to add my voice to this important Bill. Because of time, I would like to go straight to the point.

Ranking is important because it does not only identify the performers, but it gives encouragement and motivates them to sustain good performance. It also identifies the areas which need to be improved. Where schools have not done well, we endeavour to identify the reasons for non-performance. If it is lack of teachers, we seek to deploy teachers. If it is lack of infrastructure development, the problem is addressed. If they have no classrooms, we endeavour to build classrooms in those schools. If the problem is lack of instruction or teaching materials, we endeavour to ensure that the relevant materials are supplied.

Therefore, ranking helps us to evaluate ourselves to see how we have performed and where there are difficulties, to put in place remedial measures. Where we have done well, we reward and ensure that those that are doing well are motivated to keep up those performances. In short, I strongly support his Bill and commend my younger brother, Hon. Wamalwa, for bringing this important Bill for enactment by this House.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, you will catch the Speaker's eye through your requests. I have 12 Members on my request list. They want to speak on the same Bill. We have interest from Hon. Joseph Lomwa, Hon. Munuve, Hon. Ibrahim Saney, Hon. Abdul Dawood, Hon. (Ms.) Zipporah Kering, Hon. (Ms.) Rose Mitaru, Embu, Hon. Suleiman, Hon. (Ms.) Susan Chebet of Elgeyo Marakwet and Hon. Sammy Mwaita of Baringo.

Hon. Chris Wamalwa will be replying. That is how your requests list appears but because of the procedure that provides for three hours, we will have Hon. Chris Wamalwa to reply.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. Before I reply, I would like to donate one minute to the following Members: Hon. Saney of Wajir, Hon. Lisamula of Shinyalu, Hon. Shakeel Shabir, Hon. Washiali and the professor. They will have one minute each before I reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The first will be Hon. Saney.

Hon. Saney: Thank you, Hon. Temporary Deputy Speaker. I rise to support the Bill that ranking is good. But my only request, due to limited time, is to have the academic environment levelled so that we have candidates at par. That means we have to sort out the issues that bring disparity such as staffing-related issues, appropriate learning environment and classification of schools. If they are to compete and we are to administer exams so that you end up with ranking, then we should make sure that all players are at the same level. Ranking is good but, at the end of the day, we must make sure that it does not jeopardise the real values of learning. It should not be centred on exam performance because there are other values that come along with education.

With those few remarks, I support.

Hon. Anami: Thank you very much, brother Wamalwa, for the donation of a minute. Speaking as a teacher, I can confidently say that evaluation is the greatest function in the entire education process. It is important for it to be analysed and to be spread out so that we can have a clear normal curve distribution. In this case, we can always be able to pick the best practices for us to share. Indeed, life is a shared opportunity.

I have an issue with this categorisation of institutions. As we categorise, there should be a moment when we rank everyone. You will be surprised to see that it is through that kind of random ranking that institutions like Shikunga and Lugala secondary schools have come up to floor big names. In that way, even smaller schools are encouraged.

I support.

Hon. S.S. Ahmed: Thank you, Hon. Temporary Deputy Speaker. I would like to thank my colleague for giving me a minute. I support ranking. It is the way of monitoring and evaluation. We feel that it is important that there should be a level playing field. When you are ranking some of those schools, you cannot rank a private school with millions of shillings against a public school that does not have enough classes. It is an important element. We want to put into the minds of the students that they have to work.

One of the major sins of society is giving rewards when you do not deserve them. That is basically the way we want to do things. In Switzerland, the other day, they wanted to give everybody US\$2,500 whether they worked or not. It does not motivate. I am concerned. I feel that ranking should go on. I am a beneficiary of ranking.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Your one minute is over. The last one to benefit was Hon. Washiali.

Hon. Washiali: Thank you, Hon. Temporary Deputy Speaker. As long as the education sector is setting exams, those exams require ranking. We shall have students who answer correctly and others wrongly. We shall always rank. Whether we publicise ranking or not, there will always be ranking. The question here is: Why are we not publicising?

By publicising ranking, we will be motivating those who have done best. I want to remind you that for four years running, my constituency of Mumias has been the best in KCPE. If I ask you now, you will not tell because you would not know. Nothing has been publicised.

We have been doing our best. For a constituency to have a mean score of 289, that is not a mean score. I want to encourage Hon. Chris to go ahead. We shall support this Bill until ranking is re-introduced.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We get back to Hon. Chris Wamalwa. You have your six minutes.

Hon. Wakhungu: Thank you, Hon. Temporary Deputy Speaker. I beg to respond. I want to thank hon. Members who have contributed to this Bill and those who have had concerns, for instance, people from marginalised communities. That is why this Bill is specifically talking about structured ranking. We are going to have different strata depending on different circumstances. National schools cannot be ranked together with the county schools because they have different circumstances. That has to be taken care of.

Ranking has been there since time immemorial because scholars like Abraham Maslow had hierarchy of needs; physiological, safety, love, esteem and self actualisation. We want what is in line with Article 35 of the Constitution whereby Kenyans have a right to information. Ranking used to be a function of the Kenya National Examination Council (KNEC) so that it is publicised and given to the people. It is also a basis of allocation of resources. Those who do well should be rewarded. For instance, Trans Nzoia County has been number one in the whole country. The Teacher and the Principal of the Year were both from Trans Nzoia County. My schools have also done very well. With teachers signing contracts, the Teachers Service Commission (TSC) must have a basis of promoting teachers. Students' performance can be a key indicator in measuring performance.

Thank you, Hon. Temporary Deputy Speaker.

I beg to move.

Hon. Ramadhani: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Ramadhani, there is nothing out of order. Hon. Members, I will not put the Question because of obvious reasons. I, therefore, order that the Question be put in the next appropriate time.

Next Order!

BILL

Second Reading

THE VALUE ADDED TAX (AMENDMENT) BILL

Hon. Wamunyinyi: Hon. Temporary Deputy Speaker, I beg to move that the Value Added Tax (Amendment) Bill be now read a Second Time.

Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to initiate debate on the Bill before the House. The aim of this Bill is to exempt sugar-cane farmers from paying Value Added Tax (VAT) on the transportation of raw sugar-cane from the outgrower farmers to the processing or milling factories.

In the sugar industry, cane harvesting and transport take the bulk of the cost of production of sugar. Those of us from sugar growing areas like my brother Hon. Washiali will tell you that, at the end of the day, the ordinary farmer ends up not getting value because of the cost of production. Harvesting is key because you cannot take cane to the factory without harvesting. You cannot get processed sugar without taking the cane to the factory. Harvesting and

transportation are key. Cane is bulky thus making it expensive. It is also weighed and charged in tonnes. The transport is charged in kilometres from the farm to the milling factory.

Hon. Temporary Deputy Speaker---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, you have registered your moving. You will have a balance of 27 minutes.

Hon Members, the time being 1.00 p.m., this House stands adjourned until 2.30 p.m. today.

The House rose at 1.00 p.m.