

REPUBLIC OF KENYA



PARLIAMENT

THE SENATE

DATE	10/02/2021	TAPERS LAID
TABLED BY	Chair	
COMMITTEE	Education	
CLERK AT THE TABLE		

TWELFTH PARLIAMENT

FOURTH SESSION, 2020

THE STANDING COMMITTEE

ON

EDUCATION

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

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

February, 2021

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## **ABBREVIATIONS AND ACRONYMS**

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



## **PREFACE**

The Standing Committee on Education is established under standing order 218(3) of the Senate Standing Orders. The Committee is mandated to consider all matters related to education and training.

### **Mandate of the Committee**

Pursuant to the provisions of the Second Schedule of the Senate Standing Orders, the Standing Committee on Education is mandated to consider all matters relating to education and training.

The Committee is also mandated to;

1. Build capacity of Committee Members to undertake their roles in line with Article 96 of the Constitution;
2. Develop and facilitate the development of legal frameworks, policies and guidelines in the Education Sector (including but not limited to Early Childhood Development Education (ECDE) and tertiary education (youth polytechnic);
3. Provide oversight of the Education Sector (Including but not limited to ECDE and Youth polytechnics;
4. Facilitate budgetary resources toward the Education Sector (ECDE and youth polytechnic); and
5. Any matter that relates to education and training.

### **Membership of the Committee**

- |  |                    |
|--|--------------------|
| 1. Sen. (Dr.) Alice C. Milgo, MP         | - Chairperson      |
| 2. Sen. (Dr.) Agnes P. Zani, MP          | - Vice-Chairperson |
| 3. Sen. Fred Outa, MP                    | - Member           |
| 4. Sen. Mwangi Githiomi, MP              | - Member           |
| 5. Sen. (Prof.) Kithure Kindiki, EGH, MP | - Member           |
| 6. Sen. (Prof.) Imana Malachi Ekal       | - Member           |
| 7. Sen. Seneta Mary Yiane, MP            | - Member           |
| 8. Sen. Falhada Dekow, MP                | - Member           |
| 9. Sen. (Dr.) Gertrude Musuruye, MP      | - Member           |



## **EXECUTIVE SUMMARY**

**Mr. Speaker Sir,**

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

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

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

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

**Mr. Speaker Sir,**

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

**Mr. Speaker Sir.**

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

**Mr. Speaker Sir,**

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

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

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

**Mr. Speaker Sir.**

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

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

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

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

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



**Mr. Speaker Sir,**

Based on these observations, the Committee therefore recommends that:

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

**Mr. Speaker Sir.**

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

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

The Committee further wishes to record its appreciation for the services rendered by the staff of the Senate that enabled the production of this report.

**Mr. Speaker, Sir**

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

I thank you



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

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



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

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

Sen. (Dr.) Alice C Milgo, MP

- Chairperson



Sen. (Dr.) Agnes Zani, MP

- Vice-Chairperson

Sen. Mwangi Githiomi, MP

- Member

Sen. Fred Outa, MP

- Member



Sen. (Prof.) Kithure Kindiki, EGH, MP

- Member

Sen. (Prof.) Imana Malachi Ekal, MP

- Member



Sen. (Dr.) Gertrude Musurive, MP

- Member

Sen. Seneta Mary Yiane, MP

- Member



Sen. Falhada Dekow, MP

- Member



## CHAPTER ONE

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

#### 1.0 Background

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

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

a) That, there is no Public Secondary School in Njiru Ward, Kasarani Sub County making it difficult for students to access subsidized Secondary Education-

a. That, in the year 2014, the residents petitioned the area Member of the National Assembly to assist in the construction of a Public Secondary School which was agreed and the School was built using Public Funds drawn from the National Government Constituency Development Fund (NG-CDF);

b. That, the school is built on Public Land, LR No. 13468/787 measuring six (6) acres;

c. That, Njiru Secondary School, has not been opened although the infrastructure had been completed in the Financial Year 2016/17;

d. That, attempts by residents to have the school opened for intake has been thwarted by the Deputy County Commissioner and the Ministry of Education officials thereby infringing on the rights of the students to access education contrary to the provisions of the Constitution.

b) That, they had made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response

c) That, none of the issues raised in the Petition were pending in any court of law or constitutional or legal body.

The petitioners humbly prayed that the Senate:

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



## CHAPTER TWO

### 2. SUBMISSIONS

#### 2.1 MEETING WITH THE PETITIONERS

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

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

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

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

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

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

## **2.2 REPORT FROM THE MINISTRY OF EDUCATION**

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

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

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

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

## **2.3 REPORT FROM THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)**

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

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

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



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

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

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

#### **2.4 REPORT BY THE NATIONAL ASSEMBLY SPECIAL FUNDS ACCOUNTS COMMITTEE**

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

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

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



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

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

## **2.5 COMMITTEE VISIT TO NJIRU SECONDARY SCHOOL**

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

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

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

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

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

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

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

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

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

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



## **CHAPTER THREE**

### **3. COMMITTEE OBSERVATIONS AND RECOMMENDATIONS**

#### **3.1.1 Committee Observations**

The Committee made the following observations-

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

#### **3.1.2 Committee Recommendations**

The Committee therefore recommends-

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



## ANNEX I

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

#### **PRESENT**

- |   |                    |
|---|--------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP          | - Chairperson      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP      | - Vice Chairperson |
| 3. Hon. Sen. Fred Outa, MP                  | - Member           |
| 4. Hon. Sen. (Dr.) Gertrude Musuruve, MP    | - Member           |
| 5. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member           |
| 6. Hon. Sen. Mwangi Githiomi, MP            | - Member           |
| 7. Hon. Sen. Iman Falhada Dekow, MP         | - Member           |

#### **ABSENT WITH APOLOGIES**

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

#### **SENATE SECRETARIAT**

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

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

#### **PRELIMINARIES**

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

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

#### **ADOPTION OF THE AGENDA**

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

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

**MIN. NO./SEN/EDU/183/2020**

**CONFIRMATION OF MINUTES  
OF THE PREVIOUS MEETINGS**

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

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

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

**MATTERS ARISING**

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

**MIN. NO./SEN/EDU/185/2020**

**PETITION**

**a) Delay in the opening of Njiru Secondary School**

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



3) The petitioners prayed that the Senate:

- a. investigates why Njiru Secondary School has not been opened considering that completion of the infrastructure dates back to 2016/17 Financial Year;
- b. intervenes to have the school opened to benefit the community as it is the only public secondary school in the area; and
- c. makes any other order or direction that it deems fit in the circumstances of the case.

4) The Committee resolved to seek information from the Cabinet Secretary, Ministry of Education on the reasons why the said Njiru Secondary School has not been opened.

**MIN. NO. SEN/EDU/186/2020**

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

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

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

**ANY OTHER BUSINESS**

There was no other business.

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

**ADJOURNMENT AND DATE OF  
THE NEXT MEETING**

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



**SIGNED.....**

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





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

**PRESENT**

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

**ABSENT WITH APOLOGIES**

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

**SENATE SECRETARIAT**

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

**IN ATTENDANCE**

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

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

**PRELIMINARIES**

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

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

**ADOPTION OF THE AGENDA**

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

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





**MIN. NO./SEN/EDU/230/2020****CONFIRMATION OF THE  
MINUTES OF THE PREVIOUS  
MEETING**

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

**MIN. NO./SEN/EDU/231/2020****MATTERS ARISING**

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

**MIN. NO./SEN/EDU/232/2020****PETITION****i. DELAYED OPENING OF NJIRU SECONDARY SCHOOL**

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





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

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

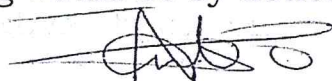
**ANY OTHER BUSINESS**

There was no other business

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

**ADJOURNMENT AND DATE OF  
THE NEXT MEETING**

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



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

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

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... that it ...

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...



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

**PRESENT**

- |   |                    |
|---|--------------------|
| 1. Hon. Sen. (Dr.) Alice Milgo, MP          | - Chairperson      |
| 2. Hon. Sen. (Dr.) Agnes Zani, CBS, MP      | - Vice Chairperson |
| 3. Hon. Sen. Fred Outa, MP                  | - Member           |
| 4. Hon. Sen. (Prof.) Imana Malachy Ekal, MP | - Member           |
| 5. Hon. Sen. Iman Falhada Dekow, MP         | - Member           |
| 6. Hon. Sen. Mary Y. Seneta, MP             | - Member           |
| 7. Hon. Sen. (Dr.) Gertrude Musuruve, MP    | - Member           |

**ABSENT WITH APOLOGIES**

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

**SENATE SECRETARIAT**

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

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

**PRELIMINARIES**

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

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

**ADOPTION OF THE  
AGENDA**

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

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

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

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

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

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Mr. Fred O. ...  
Mary Y. ...

2011

Mr. Fred O. ...  
Mary Y. ...

...

...



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

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

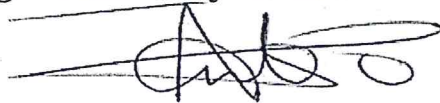
**ANY OTHER BUSINESS**

There was no other business

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

**ADJOURNMENT AND DATE OF  
THE NEXT MEETING**

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



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

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

10



24 OCT 2019  
Dhamb'Chig'Klat'Kut'Gdn'je  
Parliament Buildings  
P.O. Box 41842 - 00100  
NAIROBI  
Email: [cseenate@parliament.go.ke](mailto:cseenate@parliament.go.ke)

RECEIVED  
24 OCT 2019  
CLERK'S OFFICE

RE: PETITION TO THE SENATE CONCERNING THE DELAY IN THE OPENING OF  
NJIRU SECONDARY SCHOOL

We, the undersigned,

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

DRAW the attention of the Senate to the following:

THAT, there is no Public Secondary School in Njiru Ward, Kasarani Sub County, making it difficult for students to access subsidized Secondary Education;

- 1.1 THAT, in the year 2014, as residents, we petitioned our then area Member of Parliament to assist in the construction of a Public Secondary School which was agreed and the School was built using Public Funds drawn from the Constituency Development Fund (CDF);
- 1.2 THAT, the School is built on Public Land, LR No. 13468/767 measuring six (6) acres;
- 1.3 THAT, Njiru Secondary School, has not been opened although the Infrastructure had been completed in the financial year 2016/17;
- 1.4 THAT, attempts by the residents to have the School opened for intake has been thwarted by the Deputy County Commissioner and the Ministry of Education officials thereby infringing on the rights of the students to access education contrary to the provisions the Constitution;

2. THAT, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

3. THAT, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the Senate-

③ Not Change  
Please Process within

Page 1 of 1

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

Dated this 24 day of OCTOBER, 2019.

No.	NAME	CONTACT	ID. No.	SIGNATURE
1.	MOSES NGENGA	0722275102	11316485	MN
2.	JOSEPH MUGAMBI - K	0721439211	13103307	JK
3.				
4.				

Counter signed by Senator Millicent Omanga, MP.

Sign. Millicent Omanga

Date 24/10/2019

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## NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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

P.O. Box 67839, 00200  
P.O. Road, Nairobi, Kenya  
E-mail: [dgnama@nema.go.ke](mailto:dgnama@nema.go.ke)  
website: [www.nema.go.ke](http://www.nema.go.ke)

**NEMA/PR/5/2/21133**


**18<sup>th</sup> September 2020**

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

Dear Sir

**RE: NJIRU SECONDARY SCHOOL PETITION AT THE SENATE**

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



**MAMO B. MAMO**  
**DIRECTOR GENERAL**



## **NJIRU SECONDARY SCHOOL PETITION AT THE SENATE**

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

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

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

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

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

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

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



**MAMO B. MAMO**  
**DIRECTOR GENERAL**

**Encls.**





REPUBLIC OF KENYA  
MINISTRY OF EDUCATION  
*Office of the Cabinet Secretary*

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Email: [cabinetsecretarymoe@gmail.com](mailto:cabinetsecretarymoe@gmail.com)  
Website: [www.education.go.ke](http://www.education.go.ke)

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

**Ref: MOE/CON/9/6**

**September 2, 2020**

**Mr. J. M. Nyegenye, CBS**

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

**Dear Mr. Nyegenye,**

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

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

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

**Yours sincerely**

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

**Encl.**



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

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

### **Response**

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

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

### **Response**

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



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