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THE MARSABIT COUNTY EARLY CHILDHOOD DEVELOPMENT AND EDUCATION BILL, 2016

A Bill for

AN ACT of the County Assembly of Marsabit to provide a framework for early childhood development and education within the county, and for connected purposes

ENACTED by the County Assembly of Marsabit, as follows—

PART I—PRELIMINARY

1. This Act may be cited as Marsabit County Early Childhood Development and Education Act, 2016.

2. In this Act—

“Board” Means the County Education Board as established under Act No. 14 of 2013.

“Early Childhood” means the period before a child joins level one in a primary school

“Director” means the director for the time being responsible for matters related to Pre-primary Education;

“Executive Committee member” means the executive committee member for the time being responsible for pre-primary education and early childhood development in the county;

“Centre” means an early childhood education centre registered under this Act;

“Centre Management committee” means a committee established in accordance with section 20;

“Chief Officer” means the chief officer for the time being responsible for matters relating to early childhood development and education;

“operator” means a person who runs an early childhood development education centre and includes a proprietor.

3. The object of this Act is to ensure effective and efficient management of early childhood development and education centres in the county.
PART II—EARLY CHILDHOOD DEVELOPMENT IN
THE COUNTY

4. (1) The Executive Committee Member in consultation with the County Education Board shall—

(a) implement the curriculum, basic guidelines on minimum standards for Early Childhood Development and Education centres, buildings, equipment and other relevant facilities for early childhood education centres and institutions;

(b) provide the curriculum for the training of Early childhood education teachers and ensure that the teachers who teach in the ECDE centres and institutions have the necessary Trainings and qualifications;

(c) ensure that all Early Childhood Development and Education centres and institutions are licensed, registered and regularly assessed for quality standards by officers from the Directorate of Early Childhood Development and education;

(d) ensure the provision of adequate centres for Pre-primary and early childhood development, education and training; and

(e) perform any other function under this Act.

(2) (a) The County Government shall ensure access to Pre-primary and early childhood development, education and training facilities taking into account the individual learners physical, mental and intellectual abilities.

(b) In enhancing access under 6 (1) the executive member shall ensure that children with disabilities are integrated into society to extent compatible with the interest of the children in accordance with article 54 (1) (b) of the Constitution.

(c) no public centre shall charge or cause any parent or guardian to pay tuition fees for or on behalf of any learner in the centre

(d) every parent or guardian shall ensure any child eligible under this Act is registered in and regularly
attends a pre-primary and early childhood centre.

5. The Executive Committee Member shall—

(a) ensure compliance with quality and relevance in the provision and delivery of education; and

(b) adapt efficient systems to achieve the desired outcomes and objectives.

6. (1) Early Childhood development and education centres shall be categorized as either—

(a) public; or

(b) private.

7. (1) The Directorate responsible for Pre-primary, Early Childhood Development and Education shall—

(a) advise the Executive Committee on all matters relating to early childhood Development and education;

(b) mobilize funds for the promotion and development of early childhood education;

(c) certify and register early childhood development and education centres; and

(d) carry out any other function for the effective provision of early childhood education as may be assigned by the executive member or provided under any other written law.

8. (1) The Directorate shall prepare and submit an annual report to the executive committee on general status of early childhood development and education in the county.

(2). despite subsection (1), the executive committee member may at any time, require a report from the Directorate on any particular matter under the responsibility of the Directorate.

PART III—ESTABLISHMENT AND REGISTRATION OF EARLY CHILDHOOD DEVELOPMENT AND EDUCATION CENTRES

9. (1) A person shall not operate a centre except in accordance with this Act.

(2) Any person intending to operate a centre shall—
(a) ensure the centre is registered;
(b) ensure the premises or facility of the centre has undergone a quality review and approved in accordance with the guidelines and standards issued under this Act; and
(c) ensure that the centre has a relevant land registration document.

(3) Any person who operates a, which is not registered under this Act commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand Shilling or to six month imprisonment or both.

10. (1) An application for registration of a centre under this Act shall be in Form A set out in the schedule and shall be accompanied by—
(a) a duly completed applications form;
(b) relevant land registration documents;
(c) a prescribed fee; and
(d) any other requirement that may be prescribed by regulations.

(2) An application under this section shall be submitted to the Directorate of Early Childhood Development and Education.

(3) (upon receipt of an application) under subsection (1) the Directorate shall—
(a) within thirty days of receipt of the application, consider and approve or reject the application;
(b) notify the applicant in writing within seven days of the decision whether the application has been approved or rejected;
(c) where the application is rejected state the reasons for the rejection; and
(d) where the application is approved, issue a Certificate of registration within 14 days and retain a duplicate in the register kept for that purpose.

11. (1) Any person aggrieved by the decision of the directorate may within 14 days appeal to the executive committee member in Form B set out in the Schedule.
(2) Upon receipt of an appeal under subsection (4) the executive committee member shall within 30 days, determine the appeal and communicate the decision to the appellant.

12. The director shall keep and maintain a register of all registered centres in the county.

13. (1) A registration certificate shall be valid for a period of one year from the date of issuance and may be renewed on application by the operator in accordance with this Act.

(2) Where the directorate is of the opinion that the centre is not in compliance with the provisions of this Act, such certificate shall be made to be cancelled.

(3) An application for renewal shall be in Form C set out in the schedule.

14. The registration certificate issued under section 12 shall be displayed by the operator, in a conspicuous place on the premises of the centre.

PART IV – GOVERNANCE AND MANAGEMENT OF CENTRES

15. (1) There is established a centre management committee for each centre.

(2) a committee in charge of public centre shall consist of—

(a) chairperson and four other persons appointed by the executive committee member;

(b) Three (3) persons appointed under subsection (2) shall serve for a period of three years renewable once.

(3) In appointing members under subsection (2) the executive committee member shall take into account—

(a) the ethnic and regional diversity of the centre parents;

(b) gender equality; and

(c) Chapter 6 of the constitution (under regulations).

(4) The headteacher of the centre shall be the secretary to the Centre Management Committee.

16. (1) The functions of the Management Committee shall be to—
(a) promote quality care, nutritional and health status of children;
(b) maintain good working relationship between the teachers and parents;
(c) recommend charges to be levied for services rendered by the centre; and
(d) oversee centres’ development projects.

17. The committee shall prepare a comprehensive termly report on all areas of its mandate and submit the report to the directorate.

18. The business and affairs of the committees shall be conducted as set out in the second schedule (create a second schedule).

PART V—SAFETY AND PROTECTION OF CHILDREN

19. (1) Each centre under this Act shall—
(a) maintain premises that meet the requirements of the Occupational Health, Safety regulations and building standards;
(b) ensure the welfare and safety of the pupils, teachers, non-teaching staff and other persons within the centre put in place fire fighting equipment, first aid and other emergency equipment and non prescription medicine.

(2) in providing the equipment specified in subsection 1(c), the centre shall ensure that such equipment are accessible during an emergency.

(3) the equipment and the medicine under subsection (1) shall be maintained or kept by a centre in such a manner as to ensure they are out of reach of children and ensures that the safety of children is not compromised.

(4) no person at the centre is allowed to administer corporal punishment.

PART VI—GENERAL PROVISIONS

20. (1) A person holding an authorisation may for the purposes of ensuring the provisions of this Act or for the conditions of any certificate issued are being complied with or for the purposes of conducting any audit, at any reasonable
time—

(a) enter and inspect premises of the centre;

(b) photocopy, print out, copy any document any document whether held in electronic or paper form; and

(c) they can remove any document described in paragraph (b) above whether in original form, electronic or as a paper copy.

(2) the executive committee member may authorize in writing any suitably qualified and trained officer in the exercise of powers under subsection 1.

21. (1) Every management committee shall cause to be kept all proper books and records of accounts of the income, expenditure, assets and liabilities of the centre.

(2) Within a period of three months after the end of each financial year, each centre management committee shall submit to the executive committee member the accounts of the relevant centre in respect of that year together with—

(a) a statement of income and expenditure during the year; and

(b) a statement of the assets and liabilities of the early childhood development and education on the last day of that year.

(3) The accounts of the centre shall be audited and reported upon in accordance with the provision of the Public Audit Act.

PART IX — MISCELLANEOUS PROVISIONS

22. A person who commits an offence under this Act for which no other penalty is provided is liable to a fine not exceeding two hundred thousand shillings or a term of imprisonment not exceeding twelve months or both.

23. (1) The executive committee member responsible for education may, make regulations generally for the better carrying out of the purposes and provisions of this Act,

(2) Without prejudice to the generalities of subsection (1) the Executive Committee member make regulation on-

(a) qualification for members of the centre
management committee;

(b) registration and renewal fees for establishment of centres;

(c) structural standards;

(d) school attendance hours;

(e) safety and protection of children (3)any regulations made under this section shall comply with the objectives of this Act under section 3 and shall be presented to the County Assembly for approval; and

(f) any other matter required for the effective carrying out of objects of this Act.
MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to give effect to Article 43, 53, 55 and paragraph 9 of part 2 of the Fourth Schedule of the Constitution, to provide for early Childhood Education bill.

Part I provides for preliminary matters. It provides for citation and interpretation.

Part II provides for the responsibilities relating to pre-primary and early childhood education. It provides for the responsibilities of the Governor.

Part III provides for systems and structures of Early Childhood Development (ECD). It provides for: the power of the Executive Committee to issue guidelines on minimum standards, the promotion of education, the structure of education, categories of early childhood development schools, the Directorate of Pre-Primary and Early Childhood Education, the head of Directorate of Pre-Primary Education, other officers and staff of the Directorate and annual and other reports.

Part IV is on registration of schools, centres and institutions. This part contains the following provisions: the establishment of schools, private / public centres or institutions to be registered, application for Registration, applicants to pay prescribed fee, publication of the application, registration of a school, centre or institution, permission to operate prior to registration, registration certificate, registration certificate to be displayed and register of schools etc. to be kept.

Part V is about the governance and management of ECD Centres and training institutions. This part contains the following provisions: governance and management of education and training, the structure of governance and management in education, the Board of Management, qualifications of members of Centre Management Committee and qualifications of Board Members.

Part VI is about standards, quality assurance and relevance. These are provisions dealing with: guidelines on standard quality and relevance, policy and guidelines on the Curricular, national and international standards and quality assurance, standards, quality and relevance in ECD.

Part VII contains financial provisions. This part contains the following provisions: financing of basic education, financial year, annual estimates, accounts and audit of Departments of Schools and school-based auditing.

Part VIII contains general provisions regarding general penalties.

Part IX contains miscellaneous provisions. These are provisions
dealing with: administrative and technical costs, the public may institute complaint, publication of matters of concern to the community and Regulations.

Dated the 20th June, 2016

SULEIMAN KHALIF,

_Leader of Majority._