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THE BUSIA COUNTY EARLY CHILDHOOD EDUCATION BILL, 2014

A Bill for

AN ACT of the County Assembly of Busia to give effect to Paragraph 9 of Part 2 of the Fourth Schedule of the Constitution, to provide a framework for the establishment of administration systems for early childhood education centres and child care facilities within the County, and for connected purposes

ENACTED by the County Assembly of Busia as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Busia County Early Childhood Education Act, 2014 and shall come into effect on the 14th day after Gazettement. Short title.

2. In this Act, unless the context otherwise requires — Interpretation

“Board” means the County Education Board established under Section 6 of this Act;

“child” means a person who is at least two years of age and not more than six years of age;

“childcare facilities” means such a building or buildings, grounds, structures, toys and related items that are used for a child’s growth and development.

“children with special needs” means children whose mental characteristic, sensory abilities, physical characteristics, emotional and social adjustment or communication abilities are underdeveloped and include children who suffer from long-term disabilities that affect the body or emotions to the extent that learning growth and development are affected;

“County” means the County of Busia;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to education;

“Director” means the Director of early childhood education appointed under Section 8;

“early childhood” means the period of age between two and six years of age;

“operator” means the individual who runs the affairs of an early childhood education center and includes a head teacher, principal or manager;

“Quality Assurance Officer” means a quality assurance officer appointed under Section 65 of the Basic Education Act.

3. The object and purposes of this Act are to—

Object and
purposes.

- (a) establish a comprehensive early childhood development and education system through public and private programs; provide for the establishment of the infrastructure necessary to support the provision of quality education in the early childhood education system;
- (b) provide for the establishment of the infrastructure necessary to support the provision of quality education in the early childhood special education and family support;
- (c) establish measure that encourage early intervention in child care and early childhood special education and family support;
- (d) promote the delivery of quality early childhood education and provide a framework that enhances the quality and efficiency of early childhood education; and
- (e) provide a framework for the establishment of —
 - (i) developmentally, culturally and linguistically appropriate early childhood care and education system including the implementation of program models, standards and curriculum based on research and best practices;
 - (ii) a partnership between the National government, the County and private individuals or institutions and other relevant stakeholders with an interest or expertise in early childhood care and education.

4. All entities in this Act shall, in performing their

Guiding

functions under this Act, be guided by the following principles—

- (a) the right to free and compulsory education enshrined under Article 53 of the Constitution;
- (b) co-ordinated public participation in the formulation, implementation, monitoring and control of policies and plans related to the implementation of early childhood development and education;
- (c) a holistic approach towards meeting the education and other development needs of the child to ensure that their full potential is realised;
- (d) empowerment and capacity building as a means of facilitating the right to early childhood education;
- (e) recognition of the parents and family of the child as the primary care givers and the role of the community in providing an alternative support system to the parents and an environment that ensures the realization of the right to early childhood education and development;
- (f) equality, equity and non-discrimination in the provision of early childhood education and the recognition of children with special needs;
- (g) transparency in the implementation of programmes and activities relating to early childhood education and the allocation and utilization of public and private resources;
- (h) ensure that interventions are based on objective information and methods, and monitoring mechanisms and regular evaluations are established, thus ensuring transparency in the public management, social audit and taking into account the needs of the population;
- (i) accountability through developmentally appropriate methods of measuring, reporting and tracking a child's growth and development and the improvement of the system's programs; and
- (j) identification and prioritization of communities

most at risk while striving to make the system universally available to all those who wish to participate.

PART II — INSTITUTIONAL FRAMEWORK

5. (1) Every child has the right to free and compulsory early childhood education.

Right to early
childhood
education.

(2) The right to early childhood education shall be enjoyed without discrimination, exclusion or restriction on the basis of sex, race, colour ethnic origin, tribe, birth, creed or religion, social or economic standing, political or other opinion, property, disability or other status.

(3) For the enjoyment of the right to early childhood education, the County Government shall—

- (a) respect, protect, promote, prove, inform, monitor, supervise and evaluate the right to early childhood education and guarantee mechanisms for its enforcement;
- (b) refrain from actions that undermine access to early childhood education;
- (c) ensure the availability and accessibility of early childhood education by all children within the County by making provision of sufficient access to resources, funding and support and maintaining an enabling environment in which children can attain early childhood education;
- (d) promote and encourage private sector initiatives for the establishment of Early Childhood Education centres and childcare facilities.
- (e) provide an opportunity for the public to develop their understanding on the need to support the implementation of early childhood education and for public participation in the formulation and implementation of any service or programme interventions towards early childhood education;
- (f) ensure the development of skills and capacity building necessary for achieving an equitable and effective early childhood education system in the county; and
- (g) provide and maintain a sustainable early

childhood education systems and protect the early childhood education from encroachment by any public authority or any person.

(4) The County Government shall identify children with special needs and put in place mechanisms to ensure that such children have access to, and are provided with early childhood education.

(5) The County Executive Committee Member may make regulations setting out the criteria for the identification of children with special needs under subsection (4) for the effective implementation of this Act.

6. (1) There is established a County Education Board which shall be the department responsible for education in the County.

Establishment of
the County
Education Board

(2) The Board shall be composed of the following persons—

- (a) the Chief Officer responsible for the education department who shall be the chairperson of the Board;
- (b) the Director OF early childhood education who shall be the secretary of the Board and shall be an ex-officio member;
- (c) six other members appointed by the County Executive Committee Member in accordance with the provisions of this Act

(3) The chairperson shall serve for a term of four years and shall be eligible for reappointment for one further term of four years.

(4) The members shall serve for a term of three years and shall be eligible for re-appointment for one further term of three years.

(5) The conduct and regulation of the business and affairs of the County Education Board shall be as provided in the First Schedule.

7. For purposes of this Act, the Board shall perform the following functions—

Functions of the
Board.

- (a) formulate policy for the implementation of the right to early childhood education;

- (b) be responsible for the training, registration, staffing and supervision of the early childhood education and development personnel in the County;
- (c) develop, in consultation with the Board and the County Education Board, local curriculum programs for early childhood development.
- (d) identify and undertake an assessment of children with special needs in the county and put in place special programmes targeting such children in the provision of early childhood education;
- (e) carry out public awareness and advocacy programmes in relation to early childhood development and education;
- (f) ensure the provision of, and support investment in infrastructural facilities and learning resources to facilitate the provision of early childhood education;
- (g) establish and maintain relationships with international, national and local institutions within the county involved in the provision of early childhood education;
- (h) promote the circulation of and access to up-to-date and timely information on early childhood education and development; and
- (i) ensure that all early childhood education centres and institutions are licenced, registered and regularly inspected by government education quality assurance and standards officers.

8. There is established the office of the Director of early childhood education which shall be an office within the County Public Service.

The Director of early childhood education.

9. (1) The functions of the Director of early childhood education, with authority of the Chief Officer in charge of education shall be to—

Functions of the Director

- (a) make recommendations to the County Education Board on the most efficient and effective way to ensure the achievement of the objectives of this Act;

- (b) make recommendations to the County Education Board on how to coordinate and align an early childhood care and education system to include child care, home schooling, early childhood special education, early intervention and family support and to provide families within the County with consistent access to appropriate care and education services; and
 - (c) be responsible for the implementation of policy on early childhood education within the county.
- (2) In formulating recommendations under subsection (1), the Board shall —
- (a) consider how to consolidate and coordinate resources and public funding streams for early childhood care and education and ensure the accountability and coordinated development of all early childhood care and education services;
 - (b) take into account a parent's decisive role in the planning, operation and evaluation of programs that aid families in the care and education of children;
 - (d) examine ways to provide consumer education and accessibility to early childhood care and education resources;
 - (d) consider the advancement of quality early childhood care and education programs in order to support the healthy development of children and preparation for their success in school;
 - (e) consider the development of a seamless service delivery system with local points of entry for early childhood care and education programs administered by local and national agencies;
 - (f) ensure effective collaboration between national and local child welfare programs on early childhood health and behavioral health programs;
 - (g) consider how to develop and manage effective data collection systems to support the necessary functions of a coordinated system of early childhood care and education and track children through the education system from early

childhood to kindergarten to higher education, in order to enable accurate evaluation of the impact of early childhood care and education;

- (h) focus on the diversity, cultural heritage and strengths of the families and communities of the County;
- (i) consider the development of an aligned system of professional development for professionals providing early childhood care and education; and
- (j) consider the establishment of an administrative framework to promote the development of high quality early childhood care and education centres that are staffed by well-qualified professionals and are available in every community for all families.

10. (1) A person is qualified for appointment as Director of early childhood education if that person—

Qualifications for appointment.

- (a) is a citizen of Kenya;
- (b) holds a degree in education from a recognized university;
- (c) has knowledge and relevant experience in early childhood education or social work; and
- (d) meets the requirements of leadership and integrity set out in Chapter six of the Constitution.

(2) A person shall not be qualified for appointment as the Director of early childhood education under Section 8 if that person—

- (a) is a member of Parliament or the County Assembly;
- (b) is declared to be of unsound mind;
- (c) is an undischarged bankrupt; or
- (d) has been removed from office for contravening the provisions of the Constitution or any other written law.

11. (1) The County Public Service Board may

Other officers and staff of the Board.

appoint other officers, technical staff and other employees as may be necessary for the proper discharge of the functions of the Board under this Act, and upon such terms and conditions of service as the County Public Service Board may determine.

(2) The Board may have such consultants or experts as may be necessary for the discharge of its functions.

PART III — REGISTRATION AND LICENSING OF EARLY CHILDHOOD EDUCATION CENTERS

12. A person or entity shall not offer early childhood development and education services, or establish, or maintain an education centre unless it is registered in accordance with this Part.

Registration of
early childhood
education centres.

13. (1) An operator of a public or private education centre that undertakes or offers early childhood and development services shall submit an application for registration to the County Education Board in such Form as shall be prescribed by the Director of Early Childhood Education with the approval of the County Executive Committee Member.

Submission of
Application form.

(2) An applicant under subsection (1) shall submit together with the duly filled application form—

- (a) a copy or copies of National Identity Cards in case of an individual or individuals and in the case of a company, a copy of a certificate of incorporation and copies of the memorandum and articles of association of the company;
- (b) duly completed and signed application forms for the manager of the institution in the prescribed form;
- (c) a full Institution Inspection Report by the Sub-County Quality Assurance Committee;
- (d) a Public Health or Sanitation Inspection report;
- (e) the Title Deed, allotment letter or a valid Lease agreement covering a period not less than five years;
- (f) certified copies of professional and academic

certificates of all teachers and managers.

- (g) certified copies of registration certificates of the teachers with the Board; and
- (h) registration fees as set by the Board payable to the County Executive Committee Member.

14. An education centre shall not be registered unless it is situate in a piece of land which is 0.5 acres in the case of a centre in an urban area or 1 acre in the case of a centre in a rural area.

Conditions for registration.

15. (1) A private education centre shall not offer or provide early childhood education services unless it is registered under this Act.

Registration of private education centres.

(2) The operator of a private education centre who intends to offer or render early childhood education services shall fill and submit an application Form structured in terms of Section 12.

(3) The Board shall, where the applicant meets the criteria for registration, provisionally register the school in respect of which an application is made under subsection (2) as a school of the description or descriptions concerned if it is satisfied that the school or proposed school meets or is likely to meet the criteria for registration as a private school.

(4) Provisional registration of a school or proposed school shall be for a period of twelve months, unless earlier revoked or such other period as the Board may specify.

(5) The Board may renew the provisional registration of a school only once, for such period as it may specify, if it is satisfied that—

- (a) exceptional circumstances exist in relation to the education centre; and
- (b) the education centre is likely to meet the criteria for registration as a private education centre in that period.

(6) The Board may undertake a further review of the education centre that has its provisional registration renewed under subsection (5).

(7) The Board shall fully register an education centre

as a private education centre if it is satisfied, having considered any report under section 13 in relation to a review under sub-section 6 or as the case may be, that a provisionally registered education centre meets the criteria for registration as a private education centre.

16. The Board shall not register an education centre as a private education centre under section 15, unless such centre —

Criteria for registration as a private education centre.

- (a) has premises that are suitable, as described in section 17;
- (b) usually cares and provides early childhood education to at least nine students who are at least two years and not more than six years of age;
- (c) has staffing that is suitable to the age range and level of its students, the curriculum taught at the education centre, and the size of the school;
- (d) has equipment that is suitable for the curriculum being delivered or to be delivered at the education centre;
- (e) has a curriculum for teaching, learning, and assessment and makes details of the curriculum and its programme for delivery available for parents;
- (f) meets the education standards prescribed under section 23; and
- (g) has managers who are fit and proper persons to be managers of a private education centre.

17.(1) In determining whether the premises of an education centre are suitable in relation to a private school, the Board shall take into account the number of children at the early childhood education centre and the curriculum that is to be delivered to children by the centre.

Suitable premises.

(2) Subsection (1) shall apply to all premises used by the education centre for the regular delivery of childcare facilities, whether or not the managers of the centre own or lease the premises for the centre.

18. (1) The managers of a centre registered under section 15 shall notify the Board of any change in the

Change of premises.

location of the education centre including -

- (a) the acquisition of premises that are in addition to its current premises; or
- (b) the relocation of the education centre to a different premises from that currently occupied by the centre.

(2) The managers of an education centre under subsection (1) shall not change the location of the centre nor acquire additional premises unless it has notified the Board and obtained its approval.

(3) In determining whether to grant approval of premises under subsection (1), the Board shall take into account the criteria specified under section 16.

19. (1) As soon as practicable after provisionally registering an education centre under section 15, the Board shall inform the Director of early childhood education within the County of the provisional registration.

Review of
registration.

(2) The Director shall review any education centre that is provisionally registered under section 15 either—

- (a) between six and twelve months after the provisional registration of the school or proposed school; or
- (b) earlier, by agreement with its managers.

(3) The Director shall conduct a further review of the education centre that has had its provisional registration renewed under section 5 (5), when the further review is requested by the Board under section 5 (6).

(4) The Director shall, upon conducting a review under subsection 5 (6) prepare a written report in relation to the review and submit a copy to the Board and to the manager of the education centre.

(5) The Director shall ensure that a school, while registered under section 15, is reviewed in accordance with subsection (6) thereof.

(6) A written report submitted under subsection (4) on a review under this section shall include—

- (a) information as to whether the school meets the criteria for registration as a private education

centre; and

- (b) information as to the areas in which improvement is required, if it does not meet the criteria.

20. (1) The Board may take any action specified under subsection (2) with regard to a private education centre where—

Revocation of
registration.

- (a) it considers that the education centre has not met any or all of the criteria for registration as a private education centre;
- (b) a review conducted under section 19 indicates that the education centre does not, or is not likely to, meet all or any of the criteria for registration as a private education centre ; or
- (c) the managers of the education centre have breached or are breaching their statutory duties in relation to the education centre under this or any other enactment; or
- (d) it has reasonable grounds to believe that serious criminal activity is occurring in the education centre.

(2) Where the Board is satisfied that any ground specified under subsection (1) exists in relation to an education centre registered under section 15, it may take one or more of the following actions —

- (a) issue the education centre 's managers with a notice to comply;
- (b) require the managers of the education centre to inform parents of the children at the centre that the centre is not meeting the criteria for registration as a private education centre;
- (c) impose conditions on the education centre's registration; or
- (d) take any action specified under paragraphs (a) to (c), and suspend the education centre's registration;
- (e) cancel the education centre's registration under section 22.

(3) Any action taken by the Board under subsection

(2) —

- (a) shall be proportionate to the seriousness of the action or inaction by the education centre; and
- (b) shall be in addition to any fine incurred or other penalty imposed under any written law.

21. (1) The Board may at any time suspend the registration of an education centre registered under section 15 if it has reasonable grounds to believe that the welfare of the students at the education centre is at risk, and—

Suspension of registration where welfare of students is at risk.

- (a) that it is unlikely that the risk can be managed by any practicable means other than by suspension of the registration; or
 - (b) that, although the risk could be managed by means other than by suspension of the registration, the amount of time necessary to do so is likely, in the opinion of the Board, to be excessive.
- (2) An education centre shall remain suspended under subsection (1) until the Board—
- (a) is satisfied that the managers of the centre have complied with all requirements imposed by it under section 16; or
 - (b) is satisfied that the welfare of the students at the school is no longer at risk; or
 - (c) cancels the school's registration under section 22.

22. (1) The Board may cancel the registration of an education centre if,

Cancellation of registration.

- (a) the education centre—
 - (i) does not improve sufficiently to meet the criteria for registration under section 15; and
 - (ii) is not likely to do so, in the opinion of the Board, within a further reasonable time;
- (b) the managers of the education centre are continuing in breach of their statutory duties in relation to the centre;
- (c) serious criminal activity continues to occur in the education centre .

(2) Before cancelling an education centre's registration under subsection (1), the Board shall—

- (a) take reasonable steps to obtain and consider any relevant information, including any report by a review officer;
- (b) give written notice to the managers of the school that it is considering cancelling the school's registration, and give reasons; and
- (c) give the managers of the school a reasonable opportunity to respond to the notice.

23. (1) Tuition of a suitable standard at a school registered under Section 15 must include giving children childcare facilities of a standard no lower than that of the tuition given to children enrolled at public schools of the same level.

Standards of education in a private education centre.

(2) In assessing the standard of tuition, the mode of curriculum delivery and the regularity of instruction must be considered.

24. (1) An education centre that offers boarding facilities shall not require to be registered under this Act.

Boarding education centres.

(2) Notwithstanding subsection (1), an education centre that offers boarding facilities and is a children's home or offers early childhood education shall be registered under this Act.

PART IV — MANAGEMENT OF EDUCATION CENTRES

25. There is established in every public and private early childhood education centre, a Management Board.

Early Childhood Education Management Board.
Composition of the Management Board.

26. (1) The Management Board shall consist of —

- (a) two persons, a male and a female, elected from amongst the parents from different levels within the centre to represent parents of children in the centre;
- (b) the Chief Officer in charge of education in the county who shall be the secretary to the Management Board;
- (c) one person with knowledge and experience in matters relating to early childhood development

education within the county appointed by the County Executive Committee Member;

- (d) one person with knowledge and experience in matters related to children with special needs nominated by the County Governor on the recommendations of the County Education Board;
- (e) two providers of early childhood development and education, at least one of whom shall represent a privately owned provider, nominated by the County Governor on the recommendations of the County Education Board; and
- (f) one representative of the County Department responsible for health and mental health care issues.

(2) The persons nominated under subsection (1) (c), (d) and (e) shall be appointed by the County Executive Committee Member by notice in the gazette.

(3) The members of the Management Committee shall appoint from amongst themselves, a person who shall be the chairperson of the Management Board.

(4) In the case of a public school sponsored by faith-based organizations, the chairperson of the Management Committee shall be appointed by the County Education Board in consultation with the sponsor.

(5) The Management Committee may co-opt such persons not exceeding two in number to sit in their meetings, whose knowledge and skills are found necessary for the performance of the functions of the Management Board.

(6) The conduct and regulation of the business and affairs of the Management Boardss shall be as set out in the Second Schedule.

27. The functions of the Management Board shall be to —

Functions of the
Management
Board.

- (a) identify the needs of early childhood education and development services within their local communities and develop viable strategies for meeting those needs;

- (b) mobilize the parents and local communities to initiate, sustain and support early childhood education programs;
- (c) manage the early childhood education program in the centre in ensuring the provision of quality early childhood education;
- (d) recruit the support staff within the early childhood education centre;
- (e) identify the local resources to equip to the education centre and identify sources for, and undertake fundraising activities to raise funds for the education centre;
- (f) ensure that the facilities within the education centre are well maintained;
- (g) carry out advocacy in relation to the needs and the rights of child in relation to early childhood education; and
- (h) perform such other functions as may be necessary for the implementation of this Act within the education centre.

28. (1) The Management Board of an institution of early childhood education may establish such committees as it may consider appropriate to perform such functions and discharge such responsibilities as the Management Board may deem necessary.

Committees of the Management Board.

(2) Without prejudice to the provisions of subsection (1), the Management Board may establish the following committees-

- (a) finance, procurement and general purposes committee;
- (b) academic standards, quality and environment committee;
- (c) discipline, ethics and integrity committee;
- (d) audit committee; and
- (e) human rights and children's welfare committee.

29. The Management Board of an early childhood education center shall keep, and make available to the

Record keeping requirements.

County Education Board on request,—

- (a) a register of the children who attend or have attended the center, specifying the date of birth of each; and
- (b) a record of the attendance of children at the center; and
- (c) a record of all fees and other charges paid in respect of children's attendance at the center; and
- (d) evidence that parents of children attending the center have regularly examined the attendance record; and
- (e) any other records that are necessary to enable the center's performance to be monitored adequately.

30. (1) The County Executive Committee Member in consultation with the Board may prescribe a curriculum framework for all licensed early childhood education centers:

Framework of
curriculum.

(2) The County Executive Committee Member shall not prescribe a curriculum framework or amend any prescribed curriculum framework, unless he or she has consulted with those organizations that appear to him or her to be representative of persons likely to be substantially affected by the curriculum framework or the amendment, as the case may be.

(3) As soon as practicable after prescribing or amending a curriculum framework, the County Executive Committee Member shall publish by notice in the Gazette

-
- (a) the curriculum framework that has been prescribed or, as the case may be, amended; and
 - (b) the curriculum framework or the amendment to the curriculum framework in its entirety, or a notice as to the manner in which a copy of the curriculum framework or the amendment to the curriculum framework can be obtained by members of the public.
- (4) Without limiting the generality of subsection (1), a notice under subsection (3) may—

- (a) specify different commencement dates for different provisions of the curriculum framework or for different purposes; and
- (b) specify a transitional period during which service providers may elect to comply with another specified curriculum requirement and specify a date on which service providers must comply with the curriculum framework.

(5) If a curriculum framework is prescribed under this section, every service provider for a licensed early childhood education center and to whom that curriculum framework applies, shall implement that curriculum framework in accordance with any requirements prescribed in regulations made under this Act.

31. (1) An education centre shall not employ an early childhood education teacher or care giver unless such person —

Teaching staff.

- (a) is at least eighteen years of age;
- (b) holds at least a certificate in early childhood development and education from an institution recognized in Kenya;
- (c) is registered as a teacher or caregiver by the County Education Board;
- (d) meets such other requirements as the County Executive Committee Member may prescribe.

(2) An early childhood education centre shall not employ a person as a head teacher in an early childhood education centre unless such person —

- (a) holds at least a diploma in early childhood education and development;
- (b) is registered teacher by the County Education Board;
- (c) meets such other requirements as the County Executive Committee Member may prescribe.

32. (1) All children shall be eligible for admission to an early childhood education centre upon attaining the age of two years.

Age of admission.

(2) For purposes of subsection (1), the principal of an

early childhood education centre may, in determining the age of a child, use the immunization card or birth certificate of the child.

(3) Entry into an early education centre may be determined using the County Assessment Tools prescribed by the County Education Board.

33. An education centre under this Act shall not administer examinations for the purpose of determining admission into the school.

Prohibition of
administration of
exams.

34. The children shall, upon admission into an education centre under this Act, be grouped according to age, interest and ability for learning purposes which shall be based on activities and not the administration of subjects, and through play.

Grouping of
children on
admission.

35. (1) In administering early childhood education, an education centre shall —

Education centre
programs.

- (a) provide appropriate and adequate learning and play materials; and
- (b) emphasize and carry out activities aimed at enhancing creativity amongst the children and use of learning materials;
- (c) emphasize the need for the child centered approach in individual learning for the development of each individual child.

(2) An education centre may offer any of the following programs during a weekday-

- (a) a half day programme which commences at 8.00 a.m. and ends at 12 noon; or
- (b) a full day programme which commences as 8.00 a.m and ends at 3 p.m.

(3) Where an education centre offers the program specified under subsection (2) (b), the children shall be afforded an opportunity to rest during the lunch hour period commencing at 12:00 noon and ending at 1.00 p.m.

(4) An education centre shall not, in offering the programs specified under subsection (2), exceed the time period specified therein.

36. An early childhood education center shall not

Prohibition of
holiday tuition.

offer tuition during school holidays or on a day declared to be a public holiday under the Constitution or the Public Holidays Act.

37. The Committee Executive Member may, in consultation with the Board, carry out feeding programmes in relation to early education centres under this Act in such areas whose residents are affected by malnutrition or have special nutritional needs and shall —

Feeding
programmes.

- (a) issue guidelines and support efforts for the feeding programs; and
- (b) ensure that the feeding programs provide adequate and nutritious foods based on the physiological and regional demands.

PART V — QUALITY ASSURANCE AND STANDARDS OF EDUCATION

38. (1) Subject to the provisions of section 39, any person holding an authorization under subsection (3) may, at any reasonable time —

Power of entry
and inspection.

- (a) enter and inspect any registered early childhood education centre;
- (b) inspect, photocopy, print out, or copy onto disk any documents, whether held in electronic or paper form, that the person believes on reasonable grounds to be those of the management board of the early childhood education centre; or
- (c) remove any document specified in paragraph (b), whether in its original form or as an electronic or paper copy.

(2) Where any original documents are removed from an education centre under subsection (1)(c), the person who removes the documents shall —

- (a) leave at the education centre a list of the documents removed; and
- (b) return the documents, or a copy of them, to the centre as soon as practicable unless to do so would prejudice any investigation being or to be carried out by the county department.

(3) The County Education Board may authorize in writing a Quality Assurance Officer to exercise the powers specified under subsection (1).

(4) Every written authorization under subsection (3) shall contain—

- (a) a reference to this section; and
- (b) the full name of the person authorized; and
- (c) a statement of the powers conferred on that person by this section.

(5) Every person exercising any power under subsection (1) shall possess the appropriate written authorization, and evidence of identity, and shall produce them to the person in charge of the premises concerned or, as the case may be, the person having possession or control of the books, records, or accounts concerned—

- (a) on first entering the premises; and
- (b) whenever subsequently reasonably required to do so by the person in charge.

(6) For the purposes of this section, inspection, in relation to any school, includes—

- (a) access to the written and recorded work of students enrolled there; and
- (b) meeting and talking with students enrolled there.

39. (1) A Quality Assurance Officer under section 38 shall not enter or exercise any of the powers specified under section 38(1) in relation to a private education centre unless he has applied for, and obtained a warrant to enter and inspect the premises from the Chief Magistrate's Court.

Power of entry
and inspection to
a private
education centre.

(2) A warrant may be issued on an application under subsection (1) if the Court issuing it is satisfied that there is reasonable cause to believe that the premises are being used as a private education centre in contravention of section 15.

(3) A warrant issued under subsection (2) shall contain—

- (a) the full name of the person authorized;
- (b) a description of the premises concerned;
- (c) the purpose of the warrant and any limitations,

if any, in relation to the inspection; and

- (d) the date on which it was issued and the date on which it expires.

(4) A person acting under a warrant under subsection (3) shall retain the warrant and shall show it, along with evidence of identity, to the occupier of the premises concerned—

- (a) on first entering the premises; and
- (b) whenever subsequently reasonably required to do so by that occupier.

40. (1) There is established a committee known as the County quality assurance committee which shall consist of —

Quality
Assurance
Committee.

- (a) two persons, not being public officers, appointed by the Governor by notice in the County Gazette and who have knowledge and at least ten years experience in matters relating to early childhood education or education quality assurance.
- (b) two persons, being public officers in the County Education Board, nominated by the County Executive Committee Member; and
- (c) one person who shall be a Quality Assurance Officer nominated by the County Education Board.

(2) The quality assurance committee shall —

- (a) prepare standards and guidelines on quality assurance in education centres in the County;
- (b) ensure that the standards and quality of early childhood education offered in education centres under this Act are adhered to and maintained;
- (c) review, and where necessary, update the standards and guidelines on quality assurance in the county; and
- (d) in consultation with the Education Standards and Quality Assurance Council, ensure —
 - (i) the implementation of the policies formulated by the Council; and

(ii) monitor the implementation of the standards

41. (1) Each Sub County shall appoint a committee consisting of such persons not exceeding three in number, as the quality assurance committee shall, in consultation with the County Education Board consider necessary to ensure the implementation of the standards and quality assurance guidelines at the sub-county.

Sub-county
quality assurance
committees.

(2) The sub county committees shall be responsible to the County quality assurance committee for the performance of their functions under this Act.

(3) The sub county committees shall submit quarterly reports and such other reports to the County quality assurance committee and the County Education Board as the County quality assurance committee may consider necessary.

42. (1) Each early childhood education center under this Act shall —

Safety equipment.

- (a) maintain premises that meet the requirements of the occupational health, safety regulations and building standards;
- (b) ensure the welfare and safety of the children, teachers, non-teaching staff and other persons within the institution;
- (c) put in place fire fighting equipment, first aid and other emergency equipment and non-prescription medicine as the County Executive Committee Member may prescribe.

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

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

(4) The County Executive Committee Member shall prescribe minimum standards for the health and safety of pupils and for a satisfactory environment for education.

PART VI — OFFENCES AND PENALTIES

43. (1) No principal or instructor in an education institution shall administer corporal punishment.

Prohibition
of
corporal
punishment.

(2) A child in an education centre shall not be subjected to emotional or psychological abuse.

44. (1) A person shall not act in a manner which-

(a) is incompatible with or affects the enjoyment of the right to early childhood education under this Act; or

Prohibition
against
the
infringement
of
the right to early
childhood
education.

(b) would impede the implementation of activities carried out for the implementation of the objectives of this Act.

(2) A person who contravenes the provisions of sub section (1) commits an offence and shall be liable on conviction, to imprisonment for a term not exceeding three years or to a fine not exceeding one million shillings or to both.

45. A person shall not discriminate another person in the provision of early childhood education as well as to means and rights to its access, on the basis of race, ethnic origin, colour, sex, language, age, religion, public opinion or other social status, aimed at annulling or obstructing equality in the enjoyment or exercise of the right to early childhood education.

Prohibition
against
discrimination

PART VII — GENERAL PROVISIONS

46. (1) Subject to Article 24 of the Constitution, the right to early childhood education may be limited for the purpose of safeguarding overriding legitimate interests of the public and is compatible with the nature of the right to early childhood education.

Limitation of the
right to early
childhood
education

(2) Limitation of the right to early childhood education shall be to the extent that it is done-

(a) in the interest of national security, public safety, public order or public health;

(b) in the interest of promoting the general welfare of the society.

47. The Director of education in the County shall, in accordance with the provisions of the Public Finance Management Act make estimates for the administrative and technical costs of the early childhood development

Administrative
and
technical
costs.

department to the Board for consideration.

48. (1) A person or entity may make a complaint in writing to the County Education Board through the Director if that person or entity has reason to believe that-

Public
institute
complaint. may

- (a) an early childhood education center is operating illegally or is contravening any provision of this Act; or
- (b) a child at any early childhood education center has been abused or has suffered injury or harm as a result of an act of negligence by the operator, a person acting as an agent, or an employee of the education center.

(2) Upon receiving a complaint under subsection (1), the County Education Board shall assess the nature of the complaints and report all complaints of a criminal nature to the police inspector of the area.

(3) The police inspector shall make such inquiries as may be appropriate and take the necessary action.

(4) For complaints that are not of a criminal nature, the Director shall, with the assistance of the other staff of the department, carry out its own investigation and submit a report to the Chief Officer in charge of education.

(5) Upon receiving a report under subsection (4), the Chief Officer shall constitute a committee to consider the report and shall-

- (a) give notice in writing to the center's operator, the complaining party and any other party referred to in the report, of the constitution of a committee to consider the report;
- (b) specify the date, being not less than seven days from the date on which the parties receive the notice, when the parties may attend before the committee to make representations on the complaint.

(6) After consideration of the report, the committee shall submit its recommendation to the Chief Officer in charge of education who, taking the recommendation into consideration, may —

- (a) dismiss the complaint; or
- (b) direct the implementation of the recommendations in the report, subject to such variations as he or she may deem appropriate.

(7) Any person aggrieved by the decision of the committee under this section may, within thirty days of being notified of the decision, appeal against the decision to the County Executive Committee Member in charge of education.

(8) This section is without prejudice to any other proceedings that may be lawfully instituted against the operator, employee or other relevant party.

49. The County Education Board shall cause any matter of concern to any community in the County relating to early childhood education centers to be published-

Publication of
matters of
concern to the
public

- (a) by fixing a copy of the document comprising the matter in question in a conspicuous place on or near the outer door of its offices;
- (b) by including the document comprising the matter as a supplement to an official local publication, if any; or
- (c) in any other manner as is customarily published in the area.

PART VIII — TRANSITIONAL PROVISIONS

50. (1) Subject to subsections (2), (3) and (6), every early childhood education center that, immediately before the commencement of this Act, was registered as an early childhood education center shall be deemed to be registered as an early childhood education center under this Act, and continues to be so licenced for the relevant period of registration subject to such conditions of registration as may be imposed under this Act.

Existing
education centers

(2) Despite subsection (1), the County Education Board may give written notice to the operator of an early childhood education center registered under subsection (1), requiring the operator to apply for registration under regulations made under Part IX within three months of the date of that notice, and-

- (a) if that operator fails to make such an application

within the specified period, the center ceases to be licensed under subsection (1) at the end of that period; or

- (b) if that operator makes such an application within the required period, the center continues to be licensed under subsection (1) until that application has been determined.

(3) Despite subsection (1), if subsection (4) applies, Director may, by written notice to the operator of an early childhood education center that is deemed to be licensed under subsection (1), declare that the center is no longer licensed under subsection (1) and the notice has effect accordingly.

(4) The Director may give a notice under subsection (3) only if he or she is satisfied that the operator of the center-

- (a) fails to comply with the regulations made under Part IX; or
- (b) fails to comply with any conditions for registration.

(5) Every notice under subsection (3) shall set out the reasons for the action taken.

(6) Subsections (1) to (4) shall not limit any powers to cancel, suspend or reclassify an education center in the manner prescribed by the County Executive Committee Member.

PART IX — REGULATIONS

51. (1) The County Executive Committee Member may, in consultation with the Board, make regulations generally for the better carrying out of the provisions of this Act.

Regulations

(2) Without prejudice to the generality of subsection (1), the County Executive Committee Member may make regulations to-

- (a) prescribe minimum standards relating to premises, facilities, programs of education, practices in relation to children's learning and development, staffing and parental or caregiver participation, health and safety, implementation of the curriculum framework, communication and

consultation with parents, the operation or administration of those services, or any of them, to be complied with to ensure the health, comfort, care, education and safety of children attending licensed early childhood education centers;

- (b) prescribe the form of application for registration referred to under Section 13 and 15.
- (c) limit or regulate the numbers of children who may attend a registered early childhood education center;
- (d) provide for the grant, duration, expiry, renewal, suspension, transfer, reclassification and cancellation of registration certificates of more specified kinds for operators for each kind of early childhood education center;
- (e) prescribe the conditions subject to which such registration certificates may be granted, renewed or transferred and the fees payable in respect of the grant, renewal and transfer of such certificates;
- (f) prescribe conditions governing, or that may be imposed in respect of, registered early childhood education centers and the duties of their operators;
- (g) prescribe the records to be kept by early childhood education centers in respect of children attending registered centers; and
- (h) regulate the qualifications to be held by persons managing, teaching or offering any care services in an early childhood education center.

52. Regulations made under this Part may prescribe different standards and other requirements-

Other
requirements.

- (a) for early childhood services of different types or descriptions; or
- (b) in respect of different kinds of registrations.

SCHEDULE ONE — Conduct of business and affairs of the County Education Board.

SCHEDULE TWO — Conduct of Business and Affairs of the Management Boards.

SCHEDULE ONE (S. 6)

CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNTY EDUCATION BOARDS

Vacation of office.

1. The office of a member of the County Education Board shall become vacant if the member-

- (a) is absent without the permission of the Chairperson from three or more consecutive meetings of the County Education Board;
- (b) resigns the office in writing under his or her hand delivered to the Chairperson of the County Education Board;
- (c) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (d) is found guilty of an offence which in the opinion of the County Education Board renders him or her unsuitable to continue to hold office;
- (e) becomes for any reason including infirmity of body or mind, incompetent or incapable of performing the functions of the office; or
- (f) is otherwise unable to discharge the functions of his or her office.

Meetings of the Board

2. (1) The County Education Board shall hold such number of meetings at such places and at such times as the County Education Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding sub-section (1) the County Education Board shall meet not less than three times in each financial year.

(3) At least fourteen days notice shall be given prior to any meeting of the County Education Board.

Special meetings

3. Notwithstanding the provisions of section 2, the Chairperson or any three members may call a special meeting whenever it is expedient for the transaction of the business of the County Education Board by giving not less than seven days notice to the members

Presiding at meetings

4. (1) The chairperson shall preside at all meetings of the County Education Board.

(2) In the absence of the chairperson at a meeting, the vice-chairperson shall preside at that meeting of the County Education Board.

(3) In the absence of the chairperson and the vice-chairperson at a meeting, the members present shall elect a member to preside at that meeting of the County Education Board.

Quorum at meetings

5. The quorum for the conduct of business at a meeting of the County Education Board shall be more than half of the members of the County Education Board.

Voting.

6. (1) A decision on any matter before the County Education Board shall be by a majority of votes of the members present.

(2) In the case of an equality of votes the Chairperson or the person presiding shall have a casting vote.

Procedure at meetings

7. Subject to the provisions of this Act the County Education Board may determine its own procedure.

Vacancies and defects in appointment.

8. Subject to sections 2 and 5, proceedings of the County Education Board shall not be invalid by reason only of a vacancy in the membership of the County Education Board or by reason of a defect in the appointment of a member.

Disclosure of interest.

9. (1) If a member of the County Education Board is directly or indirectly interested in a contract, proposed contract or other matter before the County Education Board and is present at a meeting of the County Education Board at which the contract, proposed contract or other matter is the subject of consideration, that member shall disclose the fact as soon as is practicable after the commencement of that meeting.

(2) A member to whom subsection (1) applies shall not participate in the consideration, discussion or voting on the matter in which the member has disclosed an interest.

Board Records.

10. The Secretary to the Board shall keep a record of all proceedings and meetings of the County Education

SCHEDULE TWO — (S. 26)

CONDUCT OF BUSINESS AND AFFAIRS OF THE MANAGEMENT BOARDS

Incorporation of the Management Board

1. The Management Board of an Early Childhood Education Center shall be a body corporate with perpetual succession and a common seal, and shall in their corporate names, be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing, lending and granting money;
- (d) entering into contracts; and
- (e) doing or performing all other acts or things for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate.

Tenure.

2. (1) Unless the appointment of the chairperson or a member of Management Board is earlier terminated under this Act, a person appointed as chairperson or as a member shall hold office for a term of three years from the date of appointment and shall be eligible for re-appointment for one further term of a period not exceeding three years

(2) In reappointing members of the Management Board the County Executive Committee Member shall maintain a proportion of new membership that ensures continuity in the affairs of the Management Board.

(3) Notwithstanding the foregoing, a person who has served as a member of a Management Board for one term at the date of the commencement of this Act may be re-appointed for a second and final term of three years.

Resignation from the Management Board.

3. (1) A member of a Management Board may at any time resign by giving notice in writing to the County Education Board.

(2) A person giving notice under subsection (1) shall cease to be a member of the Management Board from the date specified in the notice or, if no date is specified, from the date of the receipt by the County Education Board of the notice.

Revocation of appointment and vacation of office.

4. (1) The appointment of a member to a Management Board shall be revoked and the member shall vacate office if the member —

- (a) resigns in accordance with paragraph 2 of this schedule;
- (b) is sentenced by a court of law to imprisonment for a term of six months or more;
- (c) is incapacitated by physical or mental illness;
- (d) has been absent from three consecutive meetings of the Management Board without leave;
- (e) has his appointment revoked by the nominating body; or
- (f) is otherwise unable or unfit to discharge his functions as a member of the Management Board on account of any matter in this Act.

(2) Where the office of a member of a Management Board becomes vacant by reason other than the expiry of the period of that office, the County Education Board, or the proprietor or sponsor may, in accordance with the provisions of this Act appoint another person to replace the member.

Frequency of meetings of the Management Board.

5. (1) A Management Board shall meet at least once every three months.

(2) Every meeting of the Management Board shall be convened by giving at least fourteen days' notice in writing to every member unless three quarters of the total members of a Management Board otherwise agree.

(3) Notwithstanding the provisions of subsection (1), the chairperson of a Board of Management may, on his own motion or upon requisition in writing by at least five members of the Board, convene a special meeting of the Board of Management or at any time for the transaction of specific business.

Quorum of the meeting.

6. (1) The quorum for the conduct of business at a meeting of a Management Board shall be two-thirds of the total number of members of the Management Board.

(2) Subject to the provisions of subparagraph (1) no proceedings of a Management Board shall be invalid by reason only of a vacancy among the members thereof.

Chairperson to preside over meetings.

7. (1) The Chairperson shall preside at every meeting of the Management Board at which the chairperson is present and in his absence, the deputy chairperson shall preside.

(2) In the absence of both the chairperson and the deputy chairperson at any meeting, the members present shall elect one of their number to preside, who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.

Decision of the Management Board.

8. Unless a unanimous decision is reached, a decision on any matter before a Management Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the chairman or the person presiding shall have a casting vote.

Disclosure of interest.

9. (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before a Management Board and is present at a meeting of the Management Board at which the contract, proposed contract or other matter is the subject of consideration, he shall, at the meeting and as soon as reasonably practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during consideration of the matter.

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

(3) A member of the Management Board who contravenes subparagraph (1) shall commit an offence and be liable to a fine of fifty thousand shillings, or to imprisonment for a term of six months, or to both.

Common seal.

10. (1) Subject to this Act, the common seal of a registered center of early childhood education for which a Management Board is responsible

shall be kept in a safe in the registered office of the center and shall not be used except in the manner authorized by the Management Board.

(2) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the center—

- (a) where they are required to be under seal, if sealed with the common seal of the center and authenticated by the chairperson and the secretary of the Management Board;
- (b) where they are not required to be under seal, if executed in that behalf by a member authorized by the Management Board for that purpose.

(3) A deed, instrument, contract or other documents executed in accordance with sub-paragraph (2) shall be effective in law to bind the center and its successors and may be varied or discharged in the same manner as that in which it was executed.

Liability of an institution for damages.

11. An early childhood education center shall not be relieved of liability to pay compensation or damages to any person for an injury to him, his property or any of his interests caused by the exercise of the powers conferred on the center or its Management Board by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

Annual estimates.

12. (1) A Management Board of a public early childhood education center shall prepare annual estimates of revenue and expenditure for the center under its charge, in such form and at such times as the County Executive Committee Member may prescribe.

(2) The Management Board may incur expenditure for the purpose of the center in accordance with estimates approved by the County Executive Committee Member, and any approved expenditure under any head of the estimates may not be exceeded without the prior written approval of the County Executive Committee Member.

(3) A Management Board for a public early childhood education center shall receive all grants made out of public funds, whether for capital or revenue purposes, and any subscriptions, donations or bequests made to the center.

(4) Nothing in this Act shall affect the terms and conditions upon which any grant may be made to an early childhood education center or a Management Board in aid of a center out of public funds.

(5) A Management Board may, with the approval of the County Executive Committee Member and subject to any restriction imposed by law, appeal to the general public for subscriptions, donations or bequests to an institution of basic education.

(7) A Management Board of a public early childhood education center may, with the approval of the County Education Board and upon consultation with the County Executive Committee Member pay all expenses connected with the center including the salaries of staff.

Unexpended monies.

13. (1) Any unexpended balance of grant may be carried forward in the accounts of a public early childhood education center from one year to the next and be committed as the Management Board may determine, or be put into the account of the institution.

(2) The Management Board shall not authorize any withdrawal from the account without express approval of the County Education Board or the responsible Accounting Officer.

Securing of loans by the Management Board.

14. The Management Board shall be responsible for making arrangements to raise any loan which they may, at the request of the center, authorize the Management Board to secure for the purpose of the center and shall ensure that proper provision is made for the repayment thereof and payment of all interest and other charges thereon in accordance with any order made by the County Executive Committee Member in the matter, or in accordance with the terms and conditions of the loan.

Vesting of property.

15. All such immovable property, shares, funds and securities as may from time to time become the property of a public early childhood education center shall be in the name of the center and shall be dealt with in such manner as the Management Board of the institution may from time to time determine, subject to the conditions upon which any grants are made from public funds for capital or recurrent purposes and the conditions upon which any endowment, bequest or donation is made for any purpose connected with the center: Provided that the Management Board may only dispose of any property with the consent of the County Education Board or on the authority of appropriate written law and regulations.

Investment of funds.

16. (1) A Management Board of a public early childhood education center may invest any of the funds of the center in securities in which for the time being trustees may by law invest in trust funds, or in any other securities which the Treasury may, from time to time, approve for that purpose.

(2) The Management Board may, subject to the guidelines and regulations issued by Treasury, place on deposit with such bank or banks as the Management Board may determine, any monies not immediately required for the purposes of the center.

Financial year.

17. The financial year of a public early childhood education center shall be the financial year of the government.

Funds of a public early childhood education center.

18. (1) The funds of a public early childhood education center shall comprise of—

(a) such sums as may be granted to the center by the County Executive Committee Member;

(b) such monies or assets as may accrue to or vest in the center in the course of the exercise of its powers or the performance of its functions under this Act or under any other written law; and

(c) all monies from any other source provided for or donated or lent to the center.

(2) There shall be made to the center, out of monies provided by the County Government for that purpose, grants towards the expenditure incurred by the center in the exercise of its powers or the performance of its functions under this Act.

Accounts and audit.

19. (1) A Management Board of a public early childhood education center shall cause to be kept all proper books and records of accounts of the income, expenditure and assets of the center.

(2) Within a period of four months from the end of each financial year of the government, a Management Board shall submit to the County Education Board or to an Officer appointed under this section, the accounts of the center together with—

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

- (b) a balance sheet of the center on the last day of that year.
- (3) The accounts of the center shall be audited and reported upon in accordance with the Public Audit Act, 2003.
- (4) A Management Board of a public early childhood education center shall furnish the County Executive Committee Member with a certified copy of the audited annual statement of accounts and such other information about the revenue, expenditure, assets and liabilities of the center as he may require.

Governance and Oversight

20. For purposes of governance and oversight in the education sector in the County, the National Education Board shall advise the County Executive Committee Member on all matters concerning education in the County.

MEMORANDUM OF OBJECTS AND REASONS

This Bill, as envisaged in its long title, seeks to give effect to paragraph 9 of Part 2 of the Fourth Schedule of the Constitution of Kenya, 2010, to provide a legal framework for the establishment of administration systems for early childhood education centers and child care facilities within the County, and for connected purposes.

The main objects and purposes of the Bill are to—

- (a) Establish a comprehensive early childhood development and education system through public and private programs;
- (b) Provide for the establishment of infrastructure necessary to support the provision of quality education in the early childhood education system;
- (c) Establish measures that encourage early intervention in childcare and early childhood special education and family support;
- (d) Promote the delivery of quality early childhood education and provide a framework that enhances the quality and efficiency of early childhood special education and;
- (e) Provide a framework for the establishment of—
 - (i) A developmentally, culturally and linguistically appropriate early childhood care and education system including the implementation of program models, standards and curriculum based on research and best practices;
 - (ii) A partnership between the Government and County and private individuals or institutions and other relevant stakeholders with an interest or expertise in early childhood care and education.

PART I stipulates preliminary provisions of the Bill including the interpretation clause and the Guiding principles of the Act.

PART II of the Bill provides for the Institutional framework that will ensure that the Bill is implemented to the later. Specifically, section 6 thereof establishes a County Education Board which shall be a department responsible for education in the County. This body is also formed pursuant to Section 17 of the Basic Education Act, which is an Act of the National Assembly. To expound on the same, the County Education Board is meant to serve as an agent of the National Education Board to advise on matters education relating to the County.

The Board is to be chaired by the Chief Officer who is the head of the Department of Education in the County. The Board serves the needs and objectives of all forms of education as envisaged at paragraph 9 of Part II

of the Fourth Schedule in the Constitution. For purposes of early childhood education, the Board has in its composition a Director appointed under Section 8 of the Bill who is solely the member of the Board in charge of the affairs of early childhood education. The Bill also gives provision for creation of other offices within the Board which shall be offices in the County Public Service to assist with the proper implementation of this Act. This Part clearly enumerates the functions of each office and the composition thereof.

PART III makes provision for mandatory registration and licencing of early childhood education centers, that is inter alia the conditions for registration and criteria for registration of private education centres. The First schedule by extension gives the format of the application forms to be filled by those who wish to register early childhood education centers.

PART IV makes provisions for management of early childhood education centers. Inter alia it provides for early childhood education management Boards outlining their composition and functions. The third schedule enumerates the Conduct of affairs of the Schools' Management Boards.

PART V makes provisions for ensuring the quality of centers which provide early childhood education services. It also provides for instances when inspectors known as Quality Assurance Officers may enter into a school's premises for inspection purposes and also instances when an inspector will require warrants for such activity.

PART VI provides provisions relating to offenses and penalties arising out of breach of the provisions of the Act. It provides inter alia following offences; prohibition of corporal punishment, prohibition against the infringement of the rights to early childhood education and prohibition against discrimination. It also provides the forms of penalties and penalties for committal of offences under this Act.

PART VII makes general provisions regarding the Bill including the administrative and technical costs, mode of institution of a complaint by a private person or an entity and publication of matters that are of concern to the public.

PART VIII stipulates transitional provisions which guide the conduct of early childhood education centers which were in existence prior to the enactment of this Act. Part IX on the other hand provides for regulations to be made by the County Executive Committee Member to ensure the implementation of the objects of the Act.

Pursuant to Standing Order No. 114 of the Busia County Assembly Interim Standing Orders, it is provided at Section 51 of the Bill that the County Executive Committee Member is given delegatory powers of

legislation but with proper consultation and recommendations from the relevant bodies.

The Bill at Section 46 limits some fundamental rights and freedom as envisaged at Article 24 of the Constitution but only to the extent put forth at section 46 of the Bill.

This Bill concerns the County Government and is under the ambit of County Government functions as earlier stated at paragraph 1 hereof.

The enactment of this Bill shall occasion expenditure of public funds in terms of ensuring the implementation of this Act and especially the implementation of Article 53 of the Constitution of Kenya which expenditure must be factored in the County Government's budget estimates.

HON. OMONDI JULIUS OCHOU,
*Chairman of the Committee on Early Childhood Education and
Vocational Training.*