

SPECIAL ISSUE

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REPUBLIC OF KENYA

**KIRINYAGA COUNTY GAZETTE
SUPPLEMENT**

BILLS, 2014

NAIROBI, 30th August, 2014

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COUNTY ASSEMBLIES FORUM (CAF)
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KIRINYAGA COUNTY EDUCATION BILL, 2014

ARRANGEMENT OF SECTION

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- 2—Interpretation.

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SCHEDULES

KIRINYAGA COUNTY EDUCATION BILL, 2014

A Bill for

AN ACT of the County Assembly of Kirinyaga to provide for early childhood development education centres, child day-care centres, child day-care services, county polytechnics, home-craft centres and for matters incidental thereto

ENACTED by the County Assembly of Kirinyaga, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Kirinyaga County Education Act, 2014. Short title.

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

“child day-care centre” means any premises in which child care services are offered during daytime to more than three children at any given time;

“child day-care services”, means the temporary care and supervision of children below the age of three years during the day by a person or persons other than the children’s legal guardians or members of their immediate family;

“child with special needs”, means a child who has been diagnosed as having one or more of the following conditions to such a degree that it adversely affects the child’s ability to function normally:

- (a) visual impairment;
- (b) deafness or other hearing impairment;
- (c) orthopaedic impairment;
- (d) mental retardation;
- (e) learning disability;
- (f) speech impairment;
- (g) health impairment;
- (h) autism; or
- (i) multiple handicaps.

“County”, means Kirinyaga County;

“County Early Childhood Development and Education Centre” means an early childhood development and education centre established and maintained out of County funds;

“early childhood development and education centre”, means premises used regularly for the education of three or more children by the day or part of a day to—

- (a) children under the age of six but not below the age of three years;
- (b) not for any continuous period of more than seven days.

“early childhood development and education”, means all activities and educational programmes that are intended to effect developmental changes to children prior to their entry to primary school;

“enterprise services”, means any income generating activities and includes the sale of goods and services;

“*Gazette*”, means the *Kenya Gazette* or the *County Gazette*;

“executive committee member”, means the county executive committee member responsible for matters relating to education;

“intergrated early childhood development and education centre”, means an early childhood and education centre located within a primary school and sharing facilities with the primary school;

“model early childhood development and education centre” means an autonomous early childhood development and education centre;

“special early childhood development and education centre”, means an early childhood centre established for children with special needs.

PART II—EARLY CHILDHOOD DEVELOPMENT AND EDUCATION CENTRES AND CHILD DAY-CARE CENTRES

3. (1) Early childhood development and education

Early Childhood
Development

centres established in the county shall provide education to children below the age of six years.

Education Centres.

(2) Early childhood development and education shall be offered in the following progressive classes—

- (a) Baby Class, for children not below three years of age;
- (b) Nursery, for children not below four years of age;
- (c) Pre-Unit, for children of five years and above.

4. Early childhood development and education centres established in Section 5 shall either be—

Public and Private Centres.

- (a) Public Early Childhood Development Education centres; or
- (b) Private Early Childhood Development Education Centres.

(2) A Public Early Childhood Development and Education Centre is—

- (a) a centre established and run by the county government; or
- (b) a centre established within a public primary school or any other public institution.

(3) A private early childhood development and education centre is a centre established and run by —

- (a) a religious organisation;
- (b) a public benefit organisation;
- (c) an individual or group of individuals; or
- (d) a body corporate.

5. (1) Subject to Section 3, early childhood development and education centres shall be classified as—

Classification of Early Childhood Development and Education Centres.

- (a) Integrated Early Childhood Development and Education Centres;
- (b) Model Early Childhood Development and Education Centres; and
- (c) Special Early Childhood Development Education Centres.

Establishment of
Child Day Care
Centres.

6. (1) Child Day-Care Centres established under this Act shall provide temporary care and supervision of children during the day and may also include the provision of children's programmes.

(2) Child Day-Care centres established in subsection (1) above shall either be—

- (a) County Child Day-Care Centres; or
- (b) Private Child Day-care Centres.

(3) A Private Child-Day Care Centre is a centre established and run by —

- (a) a religious organization;
- (b) a public benefit organization;
- (c) an individual or group of individuals; or
- (d) a body corporate.

7. No person shall establish or run an Early Childhood Development and Education Centre, a Child Day-Care Centre or Child Day-Care services without a valid prescribed license or certificate.

Prohibition.

8. (1) The Executive Committee Member may make regulations providing for —

- (a) the licensing of early childhood development and education centres;
- (b) the licensing of child day-care centres;
- (c) regulating the management, operation and control of centres licensed in sub-clauses (a) and (b) above.

(2) Regulations made under sub-section (1) may—

- (a) prescribe standards relating to premises, facilities, programmes of education, practices in relation to children's learning and development, staffing, parental or guardian participation, adult to child ratios, health and safety, nutrition, and implementation of the curriculum framework;
- (b) provide for the grant, duration, expiry, renewal, suspension, transfer, re-classification, and cancellation of licences;

- (c) prescribe the conditions subject to which such licenses may be granted, renewed or transferred and the fees payable in respect of the grant, renewal and transfer of such licenses.
 - (d) prescribe conditions that may be imposed on service providers to early childhood development education centres and child day-care centres;
 - (e) prescribe the records to be kept by early childhood development and education centres and child day-care centres;
- (3) Regulations made under subsection (1) may prescribe standards and other requirements —
- (a) for Early Childhood Development and Education Centres of different categories and classifications;
 - (b) for Child Day-Care Services of different types or descriptions; and
 - (c) in respect of different kinds of licenses.
- (4) Regulations made under this section shall be published in the *Gazette*.

9. (1) There shall be a Directorate of Early Childhood Development and Education.

Directorate of Early
Childhood
Development and
Education.

- (2) The Directorate shall be responsible for—
- (a) coordination of early childhood development and education programmes;
 - (b) coordination of Child Day-Care programmes;
 - (c) development and establishment of County Early Childhood Development and Education Centres;
 - (d) development and establishment of County Child Day-Care centres;
 - (e) ensure conformity with the set county and national policies ;
 - (f) provide adequate and appropriate infrastructure, facilities and learning

environment in early childhood development and education centres;

- (g) provide adequate and appropriate infrastructure, facilities in County Child Day-Care Centres;
- (h) monitor quality standards in collaboration with the Education Standards and Quality Assurance Council established in Section 64 of the national Basic Education Act.
- (i) advise the County Government on financing and funding of Early Childhood Development and Education and Child Day-Care services.

(3) The Directorate shall be headed by a Director to be known as the Director of Early Childhood Development and Education who shall be appointed by the County Public Service Board.

10. (1) There shall be Early Childhood Development and Education Officers who shall be appointed by the County Public Service Board and responsible to the Director of Early Childhood Development and Education.

Early Childhood
Development and
Education Officers.

(2) The Early Childhood Development and Education Officers shall —

- (a) enforce the prescribed licensing conditions;
- (b) implement directives, guidelines and regulations from the Directorate;
- (c) supervise and oversee curriculum implementation and delivery in Early Childhood Development and Education centres;
- (d) coordinate capacity building and co-curriculum activities in early childhood development and education and child day-care centres;
- (e) coordinate the county staff in Early Childhood Development and Education centres and County Child Day-care centres;
- (f) perform any other duties as may be from time to time assigned by the Director of Early Childhood Development and Education.

11. (1) There shall be a Centre Management Committee for Early Childhood Development and Education Centres.

Centre Management
Committees.

(2) The Executive Committee Member shall make regulations prescribing the composition and functions of Centre management committees.

(3) The Executive Committee Member shall make regulations prescribing the management of County Child Day-care centres.

12. (1) There shall be a Centre Administrator who shall be the lead educator and/or Administrator in the early childhood development and education centres and child day-care centres;

Centre
Administrator.

(2) The Centre Administrator shall be a qualified early childhood development and education professional;

(3) The Centre Administrator for County Early Childhood Development and Education Centres and County Child Day-Care Centres shall be deployed by the Director of Early Childhood Development and Education.

13. (1) Funds of the Directorate of Early Childhood Development and Education shall comprise—

Funding.

- (a) such sums as may be appropriated by the County Assembly; and
- (b) all monies from any other source provided for or donated to the Directorate;

(2) Out of the funds from the Directorate as provided in subsection (1), the Directorate shall—

- (a) provide teaching and learning resources, capacity building, and infrastructure development to County Early Childhood Development and Education and County Child Day-care Centres;
- (b) pay monies to cater for centre operation costs in County Early Childhood Development and Education and County Child Day-care Centres;
- (c) provide teaching staff and/ or care givers to County Early Childhood Development and Education and County Child Day-Care

Centres.

- (3) (a) The Executive Committee Member may extend grants or provide resources to private Early Childhood Development and Education centres;
- (b) the Executive Committee Member shall publish guidelines for the issuance of funds and resources to Private Early Childhood Development and Education Centres.

PART III—COUNTY POLYTECHNICS

14. (1) The Executive Committee Member may by Order in the *Gazette* establish a County Polytechnic.

Establishment of
County
Polytechnics.

(2) The Order made under sub-section (1) may specify—

- (a) the duties, powers, and functions of County Polytechnics;
- (b) the manner in which county polytechnics are to be governed;
- (c) such other matters with respect to the conduct and management of county polytechnics as the Executive Committee Member may deem necessary.

(3) A County Polytechnic established under this Act shall be a body corporate with perpetual succession and a common seal and shall in its corporate name be capable of—

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of both movable and immovable property with the approval of the Executive Committee Member;
- (c) entering into contracts;
- (d) doing or performing all other acts necessary for the proper performance of its functions and as may be assigned by Executive Committee Member.

15. (1) A county polytechnic established under this Act

Functions and

shall—

powers of County
Polytechnics.

- (a) provide full time or part time training aimed at equipping students with relevant occupational trade skills;
- (b) promote the exchange of knowledge, and skills for the enhancement of business and industry in the county;
- (c) enhance science, technology, innovation and research;
- (d) enhance the development, transfer and dissemination of technology in the county;
- (e) award diplomas and certificates in accordance with the required accreditation;
- (f) provide such facilities for its students as are necessary;
- (g) establish and appoint persons in academic and other posts and offices as it considers necessary with the approval of the Director of Vocational Education and Training;
- (h) fix, demand and receive fees and other charges with the approval of the Executive Committee Member;
- (i) provide such facilities for its students as are necessary;
- (j) provide technical and consultancy services to business, industry and government;
- (k) solicit and receive donations and contributions from any source or raise funds by all lawful means;
- (l) do all such things as may be necessary, or incidental to the achievement of any of the above functions and powers.

16. (1) County Polytechnics established under this Act shall be designated as follows—

Designations of
County
Polytechnics.

- (a) County Institutes of Capacity Building and Technology Dissemination.
- (b) County Vocational Education & Training

Institutes.

(c) County Youth Polytechnics.

(2) County Institutes of Capacity Building may offer certificates and diploma programmes and specialised capacity building courses, as well as initiate county based innovation and research.

(3) County Vocational Education and Training Institutes will offer craft certificates and diploma programmes.

(4) County youth polytechnics will offer trade tests, artisan certificate and craft certificates.

17. (1) There shall be a Directorate of Vocational Education and Training.

Directorate of
Vocational
Education and
Training.

(2) The Directorate shall be responsible for—

- (a) regulating and coordinating capacity building and training;
- (b) liaising with relevant county and national entities on licensing, registration, standards, and quality assurance;
- (c) Promoting development, utilization and dissemination of science, and technology;
- (d) coordinating County Polytechnic Boards;
- (e) facilitating the establishment of necessary industry linkages for county polytechnics established under this Act;
- (f) Perform any other functions necessary for the better implementation of this Act.

18. (1) There shall be a Board of Management for every County Polytechnic.

Boards of
Management of
County
Polytechnics.

(2) The Board shall be responsible for—

- (a) promoting quality education and training for all trainees in accordance with the standards set under this Act or any other written law;
- (b) ensuring the provision of proper and adequate infrastructure for the institution;
- (c) manage the institution's affairs in accordance

with the rules and regulations that may be provided for by the Executive Committee Member;

- (d) determining cases of trainees' and trainers' discipline and make reports to the Director Vocational Education Training;
- (e) preparing comprehensive quarterly reports on all areas of its mandate for submission to the Directorate;
- (f) providing for the welfare and safety of the trainees, instructors and non-teaching staff in the institution;
- (g) administering and managing the resources of the institution;
- (h) receiving, collecting and accounting for any funds accruing to the institution;
- (i) employing such number of non-teaching staff as may be required by the institution in accordance with laid down regulations; and
- (j) performing any other function necessary to facilitate the implementation of its functions under this Act or any other written law.

(3) The Executive Committee Member in consultation with relevant regulatory and administrative bodies shall:—

- (a) establish, and determine the composition the Boards of Management.
- (b) regulate the operations of the Boards of Management.

19. (1) There shall be Vocational Educational and Training Officers.

Vocational
Education and
Training Officer.

(2) The officers deployed as such shall be responsible to the Director of Vocational Education and Training for—

- (a) enforce the prescribed licensing conditions;
- (b) implement directives, guidelines and regulations from the Directorate;
- (c) supervising and overseeing curriculum implementation and delivery in liaison with

national entities;

- (d) monitoring the conduct of assessments and examination in the County Polytechnics in cooperation with national bodies;
- (e) Co-ordination of co-curriculum and community responsibility activities in County Polytechnics.

20. (1) Funds of the Directorate of Vocational Education and Training shall comprise— Funding.

- (a) such sums as may be appropriated by the County Assembly;
- (b) all monies from any other source provided for or donated to the Directorate;

(2) Out of the funds from the Directorate as provided in subsection (1), the Director shall—

- (a) provide teaching and learning resources, capacity building, and infrastructure development;
- (b) pay to the County Polytechnics monies to cater for approved operation costs.

21. (1) County Polytechnics established under this Act may engage in enterprise services for the generation of income;

County Polytechnic
Enterprise Services.

(2) The Executive Committee Member shall promote the Home Craft Centre Enterprise Services;

(3) The Executive Committee Member shall make regulations on the management and utilization of funds from public county polytechnics' enterprise services.

PART III—HOMECRAFT CENTRES

22. (1) The Executive Committee Member shall establish County Home-Craft Centres.

Establishment of
Home-Craft
Centres.

(2) The Executive Committee Member shall promote the establishment of Home Craft Centers by—

- (a) religious organizations;
- (b) public benefit organisations;

(c) an Individual or group of individuals;

(3) Home-Craft Centres established in the County shall—

(a) provide hand craft skills;

(b) promote and propagate indigenous technologies;

(c) promote Home-Craft entrepreneurship.

(4) A Home-Craft Center established under this Act shall not be used in furtherance of any unlawful activity.

23. (1) The Executive Committee Member may make regulations on the establishment and proper running of Home Craft Centres.

Regulation of
Home-Craft
Centres.

(2) Regulations made under Subsection (1) may—

(a) prescribe standards relating to premises, facilities and programmes;

(b) provide for the administration and management of community home craft centres;

(c) provide for licensing and registration.

24. (1) The Executive Committee Member out of money appropriated to the Directorate of Vocational Education and Training shall—

Funding and
Support.

(a) provide necessary training resources;

(b) provide required facilities and infrastructure;
and

(c) provide funds to cater for centres operation costs.

(2) The Executive Committee Member may extend grants or provide resources to private Home-Craft Centers.

25. (1) County Home-Craft centres established under this Act may engage in enterprise for the generation of income;

Home-Craft Centres
Enterprise Services.

(2) The Executive Committee Member shall promote the Home-Craft Centre Enterprise Services;

(3) The Executive Committee Member shall make regulations on the management and utilization of funds

from County Home-Craft Centres Enterprise Services.

26. (1) Early Childhood Development and Education Centers and Polytechnics existing in the County before the coming into force of this Act shall be re-designated in accordance to Section 5 and Section 16 respectively.

Miscellaneous.

(2) The Executive Committee Member shall ensure that infrastructure in all the Early Childhood Developments and Education Centers, Child Day-Care centres, County Polytechnics, and Home-Craft Centres are adaptable to persons with disability.

FIRST SCHEDULE

(s.26 & 16)

RE-DESIGNATION OF EXISTING POLYTECHNICS

1. Institutes of Capacity Building and Technology Dissemination

- (a) Kamigwa Youth Polytechnic.

2. County Vocational Education and Training Institutes

- (a) Mucii wa urata Youth Polytechnic.
- (b) Gacharu Youth Polytechnic.
- (c) Kaitheri Youth Polytechnic.
- (d) Kiambatha Youth Polytechnic.

3. County Polytechnics

- (a) Kimweas Youth Polytechnic.
- (b) Kianuthabi Youth Polytechnic.
- (c) Kiambwe Youth Polytechnic.
- (d) Kibigoti Youth Polytechnic.
- (e) Nyangati Youth Polytechnic.
- (f) Kiamikuyu Youth Polytechnic.

SECOND SCHEDULE*(s.26 & 5)***RE-DESIGNATION OF EARLY CHILDHOOD DEVELOPMENT
AND EDUCATION CENTRES****1. Model Early Childhood Development and Education Centres.**

S/No	WARD	SCHOOL
1.	WAMUMU	KIANDEGWA ECDE
2.	BARAGWI	KIAMWATHI ECDE
3.	KANYEKIINI	KIRIMUNGE ECDE
4.	KERUGOYA	GAKOIGO ECDE
5.	NYANGATI	KUTUS ECDE
6.	MUTIRA	KIAMAINA ECDE
7.	THIBA	NGUKA ECDE
8.	KANGAI	NDABA ECDE
9.	NJUKIINI	KANJUU ECDE
10.	KABARE	KIANGUENYI ECDE
11.	KARITI	SAGANA MUSLIM
12.	KARUMANDI	THUIYA ECDE

13.	MURINDUKO	TOGONYE ECDE
14.	TEBERE	NGURUBANI ECDE
15.	GATHIGIRIRI	GATHIGIRIRI ECDE
16.	KIINI	KIANGAI ECDE
17.	MUTITHI	WAKANIU ECDE
18.	MUKURE	LOWER BARICHO ECDE
19.	NGARIAMA	NGARIAMA ECDE
20.	INOI	KARAINI ECDE

2. Integrated Early Childhood Development and Education Centres

All other existing Early Childhood Development and Education Centres in the County, in existence before the coming into force of this Act, and not included in the list in Section 1 above, shall be categorized as Integrated Early Childhood Development and Education Centres.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and the Reasons for the Bill

The principal object of this Bill is to provide a legal framework for: the establishment and regulation of early childhood development and education centres, the establishment and regulation of child-day care centres, the regulation of child-day care services, the establishment of county polytechnics and the establishment and regulation of home craft centers.

Statement on the Delegation of, Legislative Powers and Limitation of Fundamental Rights and Freedoms

The Bill delegates legislative powers to the Executive Committee Member to the extent of making certain Regulations. The bill does it limit fundamental rights and freedoms.

Statement on How the Bill Concerns the County Government

The Bill concerns the county government to the extent that the objects thereof fall within the functions and powers of the county in Section 9 of Part 2 of the Fourth Schedule to the Constitution of Kenya.

Statement on Financial Implications

The enactment of this Bill will occasion additional expenditure of public funds which shall be provided for through the estimates.

Dated the 9th July, 2014.

HON. JACKSON KIBANYA,
Chairman of the Education Committee.

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