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**MANDERA COUNTY GAZETTE  
SUPPLEMENT**

**BILLS, 2014**

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**THE MANDERA COUNTY PRE-PRIMARY AND  
EARLY CHILDHOOD EDUCATION BILL, 2014**

**A Bill for**

**AN ACT of the County Assembly of Mandera to give effect to paragraph 9 of part 2 of the Fourth Schedule of the Constitution, to provide for pre-primary and early Childhood Education and for other connected purposes**

**ENACTED** by Mandera County Assembly of as follows—

**PART I—PRELIMINARY**

1. This Act may be cited as the Mandera County Pre-primary and Early Childhood Education Act, 2014.

Citation.

2. In this Bill, unless the context otherwise requires—

Interpretation

“early childhood” means the age between zero to eight years of a child;

“County Education Board” means the County Education Board established under the Basic Education Act, 2013;

No. 14 of 2013.

“Department” means the Department of Pre-primary and Early Childhood Education established under section (5);

“inspector” means inspector of schools appointed under the Basic Education Act, 2013;

“Pre-primary” means the period of age between four and six years before the child joins level one in a primary school.

“Quality assurance officer” means quality assurance under the Education Act, 2013;

“Executive Member” means County Executive Committee member responsible for education.

**PART II—RESPONSIBILITIES RELATING TO PRE-PRIMARY AND EARLY CHILDHOOD EDUCATION**

3. (1) The governor shall promote the establishment of pre-primary and early childhood schools, centres and institutions in the county to ensure pre-primary education and development for all children below the age of six years before they proceed to the compulsory basic primary education.

Responsibilities of the Governor.

(2) The governor shall organize the pre-primary and early childhood education system in the county and be responsible for the general progress, development and co-ordination of the system and its activities in accordance with the Basic Education Act, 2013.

No. 14 of 2013.

4. The county executive committee shall, in consultation with the County Education Board established under the Basic Education Act—

Executive committee to issue guidelines on minimum standards.

- (a) provide the curriculum, guidelines on minimum standards for school buildings, equipment and other relevant facilities for pre- primary and early childhood schools, centres and institutions;
- (b) provide the curriculum for the training of pre-primary and early childhood teachers and ensure that the teachers who teach in the schools, centres and institutions have the necessary qualifications; and
- (c) ensure that all pre-primary and early childhood schools, centres and institutions are licensed, registered and regularly inspected by government education inspectors.

5.(1) There shall be a Pre-primary and Early Childhood Education Department within the Directorate responsible for education in the public service.

Department of Pre-primary and Early Childhood Education.

(2) The principal functions of the Department of Pre-primary and Early Childhood Education shall be to—

- (a) advise the Governor and the Executive Committee on all matters relating to pre-primary and early childhood education;
- (b) facilitate the raising and obtaining of funds for the promotion and development of pre-primary and early childhood education;
- (c) initiate guidelines on the establishment of pre-primary and early childhood schools centres and institutions for approval by the Executive Committee;
- (d) register pre-primary and early childhood schools, centres and institutions;
- (e) carry out any other function for the effective provision of pre-primary and early childhood education.

**6.**(1) The Department of Pre-primary and Early Childhood Education shall be headed by a public officer competitively appointed by the County Public Service Board.

Head of Department of pre-primary education.

(2) A person is qualified for appointment as head of Department of Pre-primary and Early Childhood Education if that person—

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

(3) A person shall not be qualified for appointment as the head of Department of Pre-primary and Early Childhood Education under subsection (2) if that person—

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

**7.**(1) The County Public Service Board may appoint other officers, technical staff and other employees as may be necessary for the proper discharge of the functions of the Department under this Bill, and upon such terms and conditions of service as the County Public Service Board may determine.

Other officers and staff of the Department.

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

**8.**(1) The Department shall prepare and submit an annual report to the governor and the County Education Board including the number of schools, centers or institutions established and registered in that year and the general status of the pre-primary and early childhood education system in the county.

Annual and other reports.

(2) Notwithstanding subsection (1), the governor or County Education Board may at any time, require a report from the Department on any particular matter under the responsibility of the Department.

(3) A report submitted under subsection (1) or (2) shall be tabled in the County Assembly.

### **PART III—REGISTRATION OF SCHOOLS, CENTRES AND INSTITUTIONS**

**9.** (1) A person shall not operate a pre-primary or early childhood school, centre or institution unless it is registered under this Bill. School, centre or institution to be registered.

(2) A person shall not use any premises or facility to provide pre-primary or early childhood education unless the premises or facility of the school, centre or institution has undergone a quality review and approved in accordance with the guidelines and standards issued under section 4 of this Bill.

(3) Any person who operates a pre-primary or early childhood school, centre or institution which is not registered under this Bill commits an offence and is liable, on conviction, to a fine not exceeding one hundred thousand Shilling.

**10.** (1) An application for registration of a school, centre of institution under this Bill shall be in a form prescribed by the executive committee member responsible for education. Application registration. for

(2) An application for registration of a school, centre of institution under this Bill shall be submitted to the Department.

(3) Within seven working days after receipt of an application under subsection (1), the Department shall forward a copy of the application to the County Education Board.

(4) The County Education Board shall, within fifteen working days after receiving the application under subsection (3)—

- (a) visit and conduct an inspection of the proposed premises for the school, centre or institution; and
- (b) conduct an interview with the applicant to assess the suitability of the equipment and the persons

proposed to be employed in the school, centre or institution.

(5) The County Education Board shall within a reasonable period after the inspection and interview forward its recommendation to the Department for the registration of the school, centre or institution or to take such other action as the Department may deem fit.

11. Any person making an application for registration of a pre-primary or early childhood school, centre or institution shall pay the prescribed fees to the Department.

Applicant to pay prescribed fee.

12. (1) The department shall register a pre-primary or early childhood school, centre or institution if the department is satisfied, based upon the written report of the County Education Board, that—

Registration of a school, centre or institution.

- (a) the applicant is an adult and a fit and proper person to operate the school centre or institution;
- (b) the applicant has not been convicted of an offence relating to or connected with, unlawful activities involving narcotic drugs and psychotropic substances, or the Children's Act, or an offence involving fraud, dishonesty or moral turpitude;
- (c) where the applicant is a company, firm or other organization, none of its directors or members, has been convicted of an offence mentioned in paragraph (b);
- (d) none of the persons to be employed by the applicant in the operation of the institution has been convicted of an offence mentioned in paragraph (b).
- (e) the applicant or a person to be employed by the applicant in the operation of the institution is not, by reason of any infirmity of mind or body or otherwise, incapable of operating or being employed in the institution.

No. 8 of 2001.

(2) Any person aggrieved by the decision of the Department under this section may, within thirty days of being notified of the decision, appeal against the decision to the Education Appeals Tribunal established under the Basic Education Act.

**13.** (1) The Department may, upon recommendation by the County Education Board, issue to the applicant for registration of a school, centre or institution, a permit to operate pending the fulfilment of the conditions required by the Board for the determination of the application.

Permit to operate prior to registration.

(2) A permit under subsection (1) shall cease to operate upon—

- (a) the delivery of a certificate of registration to the applicant; or
- (b) the expiry of twenty-four hours after receipt of the notice of refusal of registration or such longer period as the Department may specify in the notice.

(3) As a condition of the grant of a permit under this section, the Department may prescribe a period within which the applicant must fulfill the conditions required by the Board for the improvements of the operation or the premises of the school, centre or institution.

(4) A permit issued under this section shall be in the form prescribed by the executive committee member responsible for education.

(5) The holder of a permit under this section shall allow an inspector to enter the premises of the school, centre or institution, at all reasonable hours, for the purpose of carrying out any inspection to ascertain whether or not the school, centre or institution is in compliance with the conditions of the permit.

**14.** (1) The Department shall, on registration of a pre-primary or early childhood school, centre or institution, issue a registration certificate to the applicant.

Registration certificate.

(2) A registration certificate shall be valid for a period of five years from the date of issue and may be renewed on application by the operator of the pre-primary or early childhood school, centre or institution, in accordance with this Bill.

**15.** The registration certificate issued under section 13 shall be displayed, by the operator, in a conspicuous place on the premises of the pre-primary or early childhood school, centre or institution.

Registration certificate to be displayed.



**16.** The Department shall keep a register of all pre-primary and early childhood schools, centres and institutions operating in the county and shall include in the register name of the schools, centres or institution and such other particulars as the executive committee member responsible for education may be prescribed.

Register of schools to be Kept.

#### **PART IV—MISCELLANEOUS PROVISIONS**

**17.** The annual estimates of the Directorate of Education in the county government shall, in accordance with the Public Finance management Act, 2012, make provision for the administrative and technical costs of the Department.

Administrative and technical costs.

No. 18 of 2012.

**18.** (1) A person may make a complaint in writing to the Department if that person has reason to believe that—

Public may institute complaint.

- (a) a pre-primary or early childhood school, centre or institution is operating illegally or is contravening any provision of this Bill; or
- (b) a child at any pre-primary or early childhood school, centre or institution has been abused or has suffered injury or harm as a result of the act or negligence of the operator, a person acting as an agent, or any person employed in the school, centre or institution.

(2) Upon receiving a complaint under subsection (1), the Department shall refer the complaint to Executive Member and notify the County Education Board of the complaint.

(3) The Executive Member shall, subject to subsection (4), make such inquiries as may be appropriate and may conduct discussions with the complaining party, the operator of the school, centre or institution and any employee involved in the complaint.

(4) The Executive Member shall submit to the department a report containing the following information—

- (a) the grounds of the complaint, noting any facts in dispute between the relevant parties;
- (b) whether, in the opinion of the Executive Member, the matter can be remedied;
- (c) if the Executive Member is of the opinion that the matter can be remedied, the measures

recommended by the Executive Member to effect the remedy; and

(d) the time period that the Executive Member considers to be reasonably sufficient to effect the remedy.

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

(a) give notice in writing to the 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.

(7) After consideration of the report, the committee shall submit its recommendation to the head of the Department 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;

(c) inform the County Education Board of the decision made.

(8) Any person aggrieved by the decision of the Head of Department under this section may, within thirty days of being notified of the decision, appeal against the decision to the Education Appeals Tribunal established under the Basic Education Act.

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

**19.** The Department shall cause any matter of concern to the community in the county relating to pre-primary and early childhood schools, centres and institutions to be published—

Publication of matters of concern to the community.

- (a) by fixing a copy of the document comprising the matter 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 customary published in the area.

**20.** The executive committee member responsible for <sup>Regulations.</sup> education may make regulations generally for the better carrying out of the purposes and provisions of this Bill.

**MEMORANDUM OF OBJECTS AND REASONS**

A Bill for an Act of Mandera County Assembly to give effect to paragraph 9 of part 2 of the Fourth Schedule of the Constitution, to provide for pre-primary and early Childhood Education and for other connected purposes.

ABDULLAHI MAALIM HASSAN,  
*Chairman, Education and Social Services Committee.*