

SPECIAL ISSUE

Kenya Gazette Supplement No. 2A (Kirinyaga County Acts No. 2A)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

KIRINYAGA COUNTY ACTS, 2015

NAIROBI, 5th December, 2023

CONTENT

Act—	PAGE
The Kirinyaga County Education Act, 2015	1

THE KIRINYAGA COUNTY EDUCATION ACT, 2015

No. 2A of 2015

Date of Assent: 16th October, 2015

Date of Commencement: 5th December, 2023

ARRANGEMENT OF SECTIONS

Section

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.

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

- 3—Early childhood development and education centres.
- 4—Public and private centres.
- 5—Classification of early childhood development and education centres.
- 6—Establishment of child day-care centres.
- 7—Prohibition.
- 8—Licensing Regulations.
- 9—Directorate of Early Childhood Development and Education.
- 10—Early childhood development and education officers.
- 11—Centre Management Committees.
- 12—Centre Administrator.
- 13—Funding.

PART III—COUNTY POLYTECHNICS

- 14—Establishment of County polytechnics.
- 15—Functions and powers of County polytechnics.
- 16—Designation of County polytechnics.
- 17—Directorate of Vocational Education and Training.
- 18—Boards of Management of County polytechnics.
- 19—Vocational Education and Training officers.

20—Funding.

21—County polytechnic enterprise services.

PART IV—HOME-CRAFT CENTRES

22—Establishment of home craft centres.

23—Regulation of home craft centres.

24—Funding and support.

25—Home-craft centre enterprise services.

PART V—MISCELLANEOUS

26—Miscellaneous.

SCHEDULES

FIRST SCHEDULE —RE-DESIGNATION OF EXISTING POLYTECHNICS

SECOND SCHEDULE —RE-DESIGNATION OF EARLY CHILDHOOD DEVELOPMENT AND EDUCATION CENTRES

THE KIRINYAGA COUNTY EDUCATION ACT, 2015

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 connected purposes.

ENACTED by the County Assembly of Kirinyaga, as follows—

PART I—PRELIMINARY**Short title**

1. This Act may be cited as the Kirinyaga County Education Act, 2015.

Interpretation

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

“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 disorder and 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;

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

“integrated 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

Early childhood development and education centres

3. (1) Early childhood development and education centres established in the county shall provide education to children below the age of six years.

(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.

Public and private centres

4. (1) Early childhood development and education centres in Section 5 may either be—

- (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.

Classification of early childhood development and education centre

5. Subject to section 3, early childhood development and education centres may be classified as—

- (a) integrated early childhood development and education centres;
- (b) model early childhood development and education centres; or
- (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 non-academic children's programmes.

(2) Child day-care centres established in sub-section (1) above may 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 organisation
- (b) a private benefit organisation
- (c) an individual or group of individuals; or
- (d) a body corporate.

Prohibition

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 license or certificate.

Licensing regulations

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; or
- (c) regulating the management, operation and control of centres licensed in paragraphs (a) and (b) above.

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

- (a) prescribe standards relating to premises, facilities, programs 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 licenses;

- (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; or
 - (e) prescribe the records to be kept by early childhood development and education centres and child day-care centres.
- (3) Regulations made under sub-section (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 and classifications; and
 - (c) in respect of different kinds of licenses.

Directorate of Early Childhood Development and Education

9. (1) There shall be a 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.

Early Childhood Development and Education Officers

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.

(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) co-ordinate capacity building and co curriculum activities in early childhood development and education centres and county child day-care centres;
- (e) co-ordinate the County staff in early childhood development and education centres and County child day-care centres; and
- (f) perform any other duties as may be from time to time assigned by the Director of Early Childhood Development and Education.

Centre Management Committees

11. (1) There shall be a Centre Management Committee for every early childhood development and education centre.

(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.

Centre Administrator

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

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

(3) Centre Administrators 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.

Funding

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

- (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 sub-section (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 care givers to County early childhood development and education centres and County child day-care centres.

(3) The Executive Committee Member may with the approval of the County Assembly extend grants or provide resources to private early childhood development and education centres.

(4) 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

Establishment of County polytechnics

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

(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; and
- (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; and
- (d) performing all other acts necessary for the proper performance of its functions and as may be assigned by Executive Committee Member.

Functions of County polytechnics

15. A county polytechnic established under this Act shall—

- (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; and
- (l) do all such things as may be necessary, or incidental to the achievement of any of the above functions.

Designations of County polytechnics

16. (1) County polytechnics established under this Act may be designated as follows—

- (a) County Institute of Capacity Building and Technology Dissemination;
- (b) County Polytechnic;
- (c) Vocational Training Institute.

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

(3) County Polytechnics will offer trade tests, artisan certificates, craft certificates, diploma programmes and certified business courses.

(4) Vocational Training Institutes will offer trade tests, artisan certificates and craft certificates.

Directorate Vocational Education and Training

17. (1) There shall be a 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; and
- (f) performing any other functions necessary for the better implementation of this Act.

Boards of Management of County Polytechnic

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

(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 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; and
 - (b) regulate the operations of the Boards of Management.

Vocational education and training officers

19. (1) There shall be Vocational Educational and Training Officers.
- (2) The officers deployed as such shall be responsible to the Director of Vocational Education and Training for—
- (a) enforcing the prescribed licensing conditions;
 - (b) implementing 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 examinations in County Polytechnics in cooperation with national bodies;
 - (e) co-coordinating co-curriculum and community responsibility activities in County Polytechnics.

Funding

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

- (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 sub-section (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.

County Polytechnic Enterprise Services

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

(2) The Executive Committee Member shall promote County polytechnic enterprise services.

(3) The Executive Committee Member may make regulations on the management and utilization of funds from County polytechnic enterprise services.

PART IV—HOMECRAFT CENTRES**Establishment of home craft centres**

22. (1) The Executive Committee Member shall establish County home craft centres.

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

- (a) religious organizations;
- (b) public benefit organisations; or
- (c) an individual or group of individuals.

(3) Home craft centres established in the county may—

- (a) provide home craft skills;

- (b) promote, protect and propagate indigenous; and
 - (c) promote home craft entrepreneurship.
- (4) A home craft centre established under this Act shall not be used in furtherance of any unlawful activity.

Regulation of home craft centres

23. (1) The Executive Committee Member may make regulations on the establishment and proper running of home craft centers.

(2) Regulations made under sub-section (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.

Funding and support

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

- (a) provide necessary training resources and facilities;
- (b) provide required facilities and infrastructure;
- (c) provide funds to cater for centre operation costs.

Home craft centre enterprise services

25. (1) County home craft centers established under this Act may engage in enterprise services for the generation of income.

(2) The Executive Committee Member shall promote home craft center enterprise services.

(3) The Executive Committee Member may make regulations on the management and utilization of funds from County home craft center enterprise services.

PART V—MISCELLANEOUS

Miscellaneous

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.

(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 County home-craft centers are adaptable to persons with disability.

Regulation of home craft centres

23. (1) The Executive Committee Member may make regulations on the establishment and proper running of home craft centres.

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

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

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

(c) provide for licensing and registration.

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

(a) provide necessary training resources and facilities;

(b) provide repaired facilities and infrastructure;

(c) provide funds to cover for centre operation costs.

Home craft centre enterprise services

25. (1) County home craft centres established under this Act may engage in enterprise services for the generation of income.

(2) The Executive Committee Member shall promote home craft centre enterprise services.

(3) The Executive Committee Member may make regulations on the management and utilization of funds from County home craft centre enterprise services.

PART V—MISCELLANEOUS

Miscellaneous

28. (1) Early Childhood Development and Education Centres and Polytechnics existing in the county before the coming into force of this Act shall be re-designated in accordance to sections 2 and section 18 respectively.

FIRST SCHEDULE*(s.26 and 16)***RE-DESIGNATION OF EXISTING POLYTECHNICS****1. Institutes of Capacity Building and Technology dissemination**

- (a) Kamiigua Youth Polytechnic

2. County polytechnics

- (a) Mucii wa urata Youth Polytechnic

3. Vocational Training Institutes

- (b) Kimweas Youth Polytechnic
- (c) Kiamuthambi Youth Polytechnic
- (d) Kibingoti Youth Polytechnic
- (e) Nyangati Youth Polytechnic
- (f) Kiamikuyu Youth Polytechnic
- (g) Thome Polytechnic
- (h) Ndiriti Polytechnic
- (i) Mutithi Polytechnic
- (j) Thanjuu Polytechnic
- (k) Gathigiriri Polytechnic
- (l) Ngucui Polytechnic
- (m) Mutitu Youth Polytechnic

SECOND SCHEDULE*(s.26 and 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	NDOROME ECDE